MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, July 21, 2011, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 7:18 p.m.

2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay. Councilmember Judy Johnson attended by phone.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Special Town Attorney Fred Rosenfeld, Police Chief Terry McDonald, Programs Projects & Grant Manager Mark Hannah, Town Engineer Grant Anderson, Finance Officer Jackie Hoffman, and Town Clerk/Treasurer Letty Goldberg.

3. Pledge of Allegiance and Invocation Pledge led by Councilmember MacKay. Invocation offered by Pastor Charles Ring.

4. Communications:
   A. Communications from Council
   Mayor LeVault
   - Flyers are available for the S.A.F.E. Run in conjunction with the G.A.I.N. event on October 8, 2011. Our goal is to have 1,000 runners. Starting line will be at David C. Uribe Park at 8 a.m. and end at Greer Park. Past G.A.I.N. events have been in the late afternoon. This year it will be a morning event.
   - Luke Air Force Base continues to need our support if it is to be selected for the F-35 training mission. Luke has a huge economic impact on not only the Valley but on the whole state.
   - The Arizona Independent Redistricting Commission (AIRC) will be holding a public meeting in the Glendale Council Chambers on August 3 at 6 p.m.
   - Ginny and George Eccles send us a Thank You note for acknowledging the years they have been in business in Youngtown.
   - Maricopa Association of Governments (MAG) is where the action is when resources get allocated in Maricopa County. I am privileged to be appointed to a second one year term of the newly formed MAG Economic Development Committee.

   Councilmember Mello
   - I want to thank the Police Department for responding to the call about a dog (Pit bull mix) that had been running loose in Agua Fria Ranch for three days.

   Councilmember Chittenden
   - My neighbor received in the mail a document from American Water Resources that for a monthly fee the company would repair water lines in her yard. This notice is a scam. It is not from our water company, Arizona American Water. These offers should be reported to the Arizona Attorney General's fraud hot line.

   B. Communications from Staff
   Town Manager's Report, Fire Department Report, Police Department Report

   Town Manager Robinson
   - Mark Hannah and I will be interviewing two candidates for an Economic Development Consulting Contract (Phase 1). The consultant will be an independent contractor, not a Town employee. There will be three more phases at a total cost not to exceed $40,000 for all four phases.
   - I have four goals on a priority list for the Town for Fiscal Year 2011-2012: 1) Economic Development, 2) Funding to cover the $583,103 General Fund savings gap, 3) Council-approved projects and programs (authored by Visionaries), and 4) consolidation of Police Services with cities of Surprise and El Mirage. My underlying concern is how to finance the Town's future.
   - Public Works Manager Jim Fox is advertising for a Public Works Tech 1 with applications closing on August 17, 2011.

   Programs, Projects, Grants Manager Hannah
   - Fire flow Phase 1 is proceeding nicely. Once fire hydrants are tested they will be tapping the main line at 111th Avenue.

   Town Engineer Grant Anderson
   - Bids for Fire Flow Phase 1 were really favorable so there was funding available for dealing with some of the previously unknown construction issues.

Town Manager Robinson

- Regional Public Transportation Authority (RPTA) is running out of funds and is talking about closing bus route 106, the only bus line that services Youngtown. If this happens it would reduce transit opportunities for Youngtown residents.

Town Clerk Goldberg

- A reminder to Council that Council will not hold regular Council Meetings on August 4 or 18, and September 1, 2012. August is the Council's traditional recess. At the time that we set the year's schedule we did not know that the annual Arizona League of Cities and Town's conference would be in Tucson on the September 1 meeting date. The next regular meeting will be September 15, 2012. If it is necessary to call a Special Meeting it will be posted on the Town bulletin boards and on the Town website.

5. Consent Agenda:

A. Consideration and Action on Meeting Minutes: Minutes of July 7, 2011 Special Meeting, Board of Adjustment Hearing, and Regular Meeting.

Motion to approve Consent Agenda – Councilmember Mello
Second – Councilmember Oglesby
Motion passed unanimously on a voice vote.

6. Business

B. Discussion and/or Action Re: Approval of Resolution 11-25 Intent to Form the North Youngtown Street Lighting Improvement District (NYT SLID). (ROBINSON/ANDERSON)

Frederick H. Rosenfeld, Special Town Attorney

- The purpose for creating a Street Lighting Improvement Dist6rict (SLID) is to spread out the energy costs over the area serviced by the SLID. The Town will publish the Resolution of Intention and post Notice of Proposed Improvements. Residents will have an opportunity to protest or object to the formation of the District. A protest to the District is based on frontage. Protesting property owners having a majority of frontage would stop the District formation from going forward. There is no discrimination of commercial or residential properties. The southern part of Town already has a SLID. The District does not include parcels not currently served. These could be added to the District later. The District is a vehicle to pay some or all of the energy costs and costs of formation of the District the first year. The District can establish a budget based on energy costs, operations and maintenance (O&M), and fees associated with forming the District.
- The Resolution of Intention will be published two times. The Notice of Proposed Improvements will be posted every 300 feet on the boundaries of the District. There is a 15-day protest period that starts with the completion of posting or the publication of the Resolution, whichever is later.
- The Council will pass a resolution prior to November 1, 2011 to notify the Arizona Department of Revenue of the formation of the District. The first levy would be for FY 2012-2013 which would be billed by the County Treasurer in October 2012.

Town Engineer Anderson

- It costs $71,000 to energize the streetlights in the north part of Town. It is estimated that the cost will be approximately $50 per year per parcel. There are 1600 parcels in the District - commercial and residential. There will be 200 signs posted. Hopefully they will remain in place.

Mayor LeVault

- Agua Fria Ranch SLID pays about the same. I think I paid $48 last year. Town is looking for a way to cover an expense. We don't know how long the economic downturn will be. But the Town will "run out of road" in about three years. We will be using about one-third of the Town's savings this year. If the SLID doesn't go, somewhere down the road, we may have to ask Council to turn the streetlights off. A choice will have to be made. Surprise and Buckeye recently formed SLIDS. Surprise set a date for turning off the street lights.

Councilmember Johnson

- We're telling it like it is. This is important. The rope is getting short. It would be a tough call turning out the lights.

Motion to approve Resolution 11-25 Intent to Form the North Youngtown Street Lighting Improvement District (NYT SLID – Councilmember MacKay).
Second – Councilmember Oglesby
Motion passed unanimously on a roll call vote.

A. Discussion and Presentation by Amanda Wright of Mario E Diaz and Associates Re: Redistricting.

Mayor LeVault

- In Illinois and 41 other states, their Legislatures do the redistricting for Legislative and Congressional districts. In Arizona voters approved Prop 106 establishing an Independent Redistricting Commission. (IRC) Arizona is one of four or five states that the United States Department of Justice looks over the shoulder at redistricting and has to approve the IRC plan.

Amanda Wright

- Redrawing of Congressional and Legislative lines occurs follow the decennial census which shows population changes. Some districts are too large and some districts are too small (underrepresented). Redistricting is important because in the next 10 years there will be three presidential elections and 10 legislative/congressional elections. In most states, the party in power draws the lines.
- In 2000 a citizen initiative took redistricting away from the Legislature to an Independent Redistricting Committee. Eleven years later there are critics of the Commission. Due to legal appears the district map following the 2000 Census was not approved until 2009.
- The IRC consists of four Commissioners appointed by the Speaker of the House, the House Minority Leader, the President of the Senate, and the Senate Minority Leader. The Chair of the Commission is selected by the four appointment Commissioners from a list from the judiciary comprised of Independents or third parties or other groups.
- Communities that want to stay together are called Communities of Interest (C of I)) and can register with the IRC to have input on the redistricting process. Youngtown would qualify as a C of I. A C of I is defined as having a specific geography, similar qualities, school district, or homeowners association. A C of I doesn't have to have a particular shape, but must be clearly described so that it can be kept together. Examples would be South Mountain and Arcadia. Other communities, Flagstaff for example, want to be split. They believe that being in two districts will give them more representation.
- A charge to the IRC is to create competitive districts. Don't make a minority have difficulty getting elected. Districts need to have majority/minority competitiveness. This is only the second time that Arizona has had an IRC. The IRC is behind on the public hearing schedule and has yet to produce a draft map. Voters can go on line at www.azredistricting.com and make comments/proposals for redistricting their communities.
- A public hearing is being held August 3, 2011 at 6 p.m. in the Glendale City Council Chambers.
- County districts are set by the County Board of Supervisors.

State Representative Rick Gray

- Due to population shifts, Arizona will be getting another Congressional District. It is hard to keep politics out of politics. Citizens are concerned when things seem to be happening behind closed doors and not transparent.

C. Public Hearing, Discussion and/or Action: Approval of Ordinance 11-10, an ordinance of the Mayor and Common Council of the Town of Youngtown, Arizona, amending the code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.60 Parking and Loading, by amending Section 17.60.010 Parking in Rural District, Section 17.60.020 Parking in R-3 District, 17.60.030 Parking in R-2 District, and Section 17.60.040 Parking in R-1 District all related to prohibiting parking of commercial motor vehicles having a gross vehicle weight rating in excess of ten thousand pounds or exceeding a one-ton chassis rating in residential zoning districts; providing for severability; and providing for penalties. (MCDONALD)

1. Staff Report.

Chief McDonald

- I feel like a bit of a rookie. This is a topic that Council requested research on concerning an ordinance that commercially registered vehicles not be parked in residential districts. This ordinance is narrow in scope and doesn't impact RVs. The concern was the language. The ordinance calls for parking restrictions on vehicles that are commercially registered and have a gross vehicle weight (GVW) in excess of 10,000 pounds or a Chassis Rating in excess of one ton. The attorney has reviewed the ordinance. Code Enforcement Officers have observed vehicles that meet this definition in seven locations within the Town that this ordinance would apply to. If this ordinance is adopted, I would send a letter, certified and regular mail, notifying the owners of the change in Town Code and when it takes effect. If they had questions they could call Code Enforcement.

Vice Mayor Duran

- Does this mean they can't park a truck cab?

Chief McDonald

- Yes. Truck cabs would exceed the weight limitations.

Councilmember Chittenden

- Have there been any complaints?
- We should provide a place to park their trucks. This is the way they make their living.

Chief McDonald

- I haven't received any personally, but there was little we could do.

Councilmember Johnson

- Listening to Councilmember Chittenden I understand her feelings, but these trucks are unsightly. Other neighbors have to make arrangements. The Agua Fria Ranch Homeowners Association doesn't allow the parking of these vehicles. They are unsightly and affect property values.

Councilmember Mello

- Every municipality has regulations prohibiting parking of these vehicles. Drivers make arrangements. We need to keep our residential neighborhoods safe. They shouldn't have to deal with commercial vehicles. Another Garage has some free parking spaces as well as rentals. These drivers have been under the radar. They should count their blessings.

Councilmember MacKay

- Another Garage has parking spaces available and not just for Agua Fria Ranch.
- We have had multiple meetings and hearings over the past three years and no public comments. I don't want to wait for an accident. With any large vehicle someone might not be seen.

Mayor LeVault

- A neighbor started parking a Bobcat. This vehicle has no business being in a residential neighbor. It is dangerous and unsightly. Another Garage rents space for vehicle parking. There have been several complaints over the years. These vehicles do not belong in residential neighborhoods.

Councilmember Oglesby

- I wouldn't like a large commercial vehicle in front of my house.

2. Zoning Hearing Officer Recommendations.
   Hearing Officer Ray Jacobs approved Ordinance as presented.

3. Open Public Hearing.
   Mayor LeVault opened the public hearing.

4. Close Public Hearing.
   Mayor LeVault closed the public hearing.

Motion to approve Ordinance 11-10, an ordinance of the Mayor and Common Council of the Town of Youngtown, Arizona, amending the code of Youngtown, Arizona, Title 17 Zoning, Chapter 17.60 Parking and Loading, by amending Section 17.60.010 Parking in Rural District, Section 17.60.020 Parking in R-3 District, 17.60.030 Parking in R-2 District, and Section 17.60.040 Parking in R-1 District all related to prohibiting parking of commercial motor vehicles having a gross vehicle weight rating in excess of ten thousand pounds or exceeding a one-ton chassis rating in residential zoning districts – Councilmember Johnson
Second – Councilmember MacKay
Motion passed 6 to 1 on a roll call vote. Dissenting vote – Councilmember Chittenden.

D. Discussion and/or Action Re: Approval of Ordinance 11-11, an ordinance of the Mayor and Common Council of the Town of Youngtown, Arizona, amending the code of Youngtown, Arizona, Title 10 Vehicles and Traffic, Chapter 10.16 Parking, by amending Section 10.16.070 Stopping, Standing and Parking, Paragraph F and adding new paragraph G, all related to restrictions on loading, unloading and parking vehicles on public streets within the commercial and residential districts within the Town; providing for repeal of conflicting ordinances; providing for severability; and providing for penalties. (SWANN)
Town Attorney Swann

- The ordinance amending Title 17 concerned regulating parking on private property in residential districts. This ordinance would regulate parking on public streets in residential districts and restricting commercial vehicle parking to loading and unloading only. We don't want a commercial vehicle owner when informed he can't park on his property backs his vehicle out and parks in front on the street.

Motion to approve Ordinance 11-11, an ordinance of the Mayor and Common Council of the Town of Youngtown, Arizona, amending the code of Youngtown, Arizona, Title 10 Vehicles and Traffic, Chapter 10.16 Parking, by amending Section 10.16.070 Stopping, Standing and Parking, Paragraph F and adding new paragraph G, all related to restrictions on loading, unloading and parking vehicles on public streets within the commercial and residential districts within the Town – Councilmember Mello
Second – Vice Mayor Duran
Motion passed unanimously on a roll call vote.

7. Call for Executive Session
   None needed.

8. Citizens Comments/Appearances from the floor:
   No public comments.

9. Future Agenda & Meetings:
   A. Councilmember Mello requested that the Community Garden Plan be placed on the September 15 meeting. Councilmember Chittenden requested that the Dog Recreation Area be placed on the October 6 meeting agenda.
   B. Announcement: No Council Meetings on August 4 and 18, and September 1, 2011
   C. Announcement of next Regular Meeting: Thursday, September 15, 2011 at 6:00 p.m.

10. Response to Call to the Community
    A. None.

Adjournment.
Motion to adjourn – Vice Mayor Duran
Second – Councilmember Oglesby
Meeting adjourned at 9:10 p.m.

Michael LeVault, Mayor

Attest:

Letty Goldberg, Town Clerk

Minutes approved at the September 15, 2011 Regular Meeting.