



MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, January 3, 2013, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 7:00 p.m.

Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jack Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Susan MacKay and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorneys Kelly Schwab and Trish Stuhan, Finance Officer Jackie Hoffman, Economic Development Manager Gayle Cooper, Library Manager Heidi Speed, Public Works Manager/Building Official Jim Fox, Town Clerk/Treasurer Diane Cordova.

Pledge of Allegiance and Invocation: Councilmember Johnson led the Pledge of Allegiance and Councilmember Mello offered the Invocation.

Communications: Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.

6. Business

A. Discussion and/or Action Re: Accept the Financial Audit for the Town for Fiscal Year Ended June 30, 2012

Finance Officer Hoffman

- There is a copy of the annual financial report FY 2012 in your council packets. Sandy Cronstrom, CPA from CliftonLarsonAllen LLP is present to answer any Council question.

Auditor Cronstrom

- On page 32, 33 you will notice the general funds spent; it is well under budget.

Mayor LeVault

- In November 2012, the voters passed Permanent Based Adjustment (PBA), how is that going to be calculated and/or is it just a matter of calculating differently?

Auditor Cronstrom

- That is correct, it will be calculated differently.

Mayor LeVault

- This is just a general question, I've heard about other cities having problems with using funds inappropriately. When auditors do their audits, do auditors look for that?

Auditor Cronstrom

- Yes, as auditors, we walk through the transactions; look and analyze the detail ledger against the invoices and the budget codes.

Finance Officer Hoffman

- There was a duplicate reversing double entry I found after I sent the trial balance to the auditors. I called Auditor Dennis Maschke and advised him of the error.

Auditor Cronstrom

- We found that accounts payable was not reconciling. We took a look at the detail and found that there had been a reversing entry made twice. There was another difference of \$2,661 that could not be reconciled.

Finance Officer Hoffman

- This goes back more than ten years ago, there was \$2,661 sitting in accounts payable liability account with nothing to support it, so the auditors made an adjusting entry to reconcile accounts payable. The entry was not detected in prior audits because it was material.

Mayor LeVault

- What about the deferred revenues in our court?

Finance Officer

- The audit performed did not include a full audit of our courts. After reviewing entries in our court funds, an entry was not accrued. This was a timing issue. The entry was posted to July 2012 instead of June 2012.

Mayor LeVault

- It was just a matter of making an accrual entry.

Councilmember Chittenden

- On page 4 of the financial report, what are the rules of the unrestricted funds in the amount of \$3 million? Is it left as an ongoing balance? Also the increase shown on page 5, paragraph 4 at the bottom of report, what is that from?

Auditor Cronstrom

- The unrestricted funds may be used to meet the government's ongoing obligations to citizens and creditors. The restricted funds are HURF – Highway Users Revenue Funds that are strictly for streets.

Motion to approve the Financial Audit for the Town for Fiscal Year Ended June 30, 2012 - Councilmember Mello

Second Vice Mayor Duran

Motion passed on a voice vote

- C. Discussion and/or Action re: Establishment of Special Committee, AFR-Street Parking, to study the Town's street parking concerns in the Agua Fria Ranch Subdivision and make recommendations to the Council no later than March 7, 2013.

Town Manager Robinson

- A map has been provided to show the area of concern. When Agua Fria Ranch subdivision was built, there was no consideration for parking, the streets are very narrow. At the north end of AFR, if you drive west from Peoria Avenue, south into Nof and Fooks Drive, vehicles are parked on both sides of the street, which does not allow space for vehicles to drive through. This has been an ongoing safety concern. Staff is recommending to council to establish a special task force committee to study the parking concerns. Staff is recommending that certain persons/representative be part of this committee: Mayor LeVault, HOA President Kathryn French, HOA Management (Ogden) Jackie Monty, a representative from MCSO and the SCFD; Public Works Manager Fox, Public Safety Manager Kessler, Engineer Grant Anderson and for recording purposes and public notices Town Clerk Cordova and/or the Deputy Clerk Stacy Anderson.

Mayor LeVault

- I can remember when the HOA – Home Owners Association had many discussions about speed bumps on the streets; which are known as calming devices. We went door to door notifying residents. We got the fire & police departments involved. The issue on hand is a safety concern. I would invite and encourage public input in this process; send out letters to residents; conduct public hearings and perhaps a no parking ordinance.

Town Manager Robinson

- Once this task force committee is in place, they will be looking at the entire Agua Fria Ranch subdivision. The Covenants, Conditions and Restrictions (CCR) bylaws for the Agua Fria Ranch Home Owners Association (HOA) do not allow for parking along the streets. The conflict however is that the streets are owned by the town.

Councilmember Mello

- I have experience working with other cities regarding this same issue. Throughout the whole valley, from a builder standpoint, their emphasis is to build more homes not streets. The streets belong to the cities. Only when a community is a gated community, their bylaws are then enforced, no parking allowed. I would caution this committee, if you start posting no parking signs, the residents will challenge you. You do not want to end up in court. Also you cannot only have no parking rules for Agua Fria Ranch residents and not have the same for the rest of the town. I would like to get our town attorney involved. This will get challenged. Deem some areas as a safety hazard in order to enforce a no parking zone. As a solution the City of Phoenix issues parking permits.

Mayor LeVault

- The norm is you cannot park in front of mailboxes, street corners and no parking within 30 feet from stop signs. The CCR's for Agua Fria Ranch states allowable parking on garage driveway first and then a parking pad. If we are going to come up with something, it must be bullet proof and enforceable.

Councilmember Mello

- The problem is that the streets belong to the city/town. The CCR's are not enforceable; the HOA does not have the authority. We need protection from a lawsuit; attorneys will need to get involved; other cities are being challenged.

Town Attorney Schwab

- It is state law, an HOA cannot prohibit parking in public streets; the town has the authority over the streets.

Councilmember Johnson

- There has been lot of rentals moving in and out of Agua Fria Ranch. Are the owners of these houses when they are being rented, giving out copies of the Agua Fria's Ranch HOA CCR's?

Councilmember MacKay

- Yes, copies of the CCR's are being mailed out.

Mayor LeVault

- Renters also have access to the AFR HOA website for the CCR's.

Councilmember MacKay

- Parking in that particular area, around Fooks, Nof and Peoria Avenues has been at issue for over 5 years. People park in the wrong direction. This evening as I was driving to get here, there was a child out in the street; I had to surge over a bit to miss the child. If a vehicle had been parked there, I would have hit the vehicle in trying to miss hitting the child. We will need to inform residents, go door to door and caution them about enforcing no parking.

Vice Mayor Duran

- When a vehicle is parked in the wrong direction, I stop and knock on their door and let them know they need to turn their vehicle around to the right direction.

Councilmember Chittenden

- I agree with forming a task force. I agree with getting citizens involved. We will need to go door to door and hold public hearings. Can't MCSO give out tickets for wrong directional parking? I have the same problems with the street I live on, Jersey Avenue; what will it take, a child to get hit before something is done.

Town Attorney Schwab

- I will work with Town Manager Robinson and the task force.

Motion to establish Special Committee, AFR-Street Parking, to study the Town's street parking concerns in the Agua Fria Ranch Subdivision and make recommendations to the Council no later than March 7, 2013 and to be flexible to recommend other individuals, residents from the community on this special task force. – Councilmember Johnson Second – Councilmember MacKay

Motion passed on a voice vote.

B. Presentation: New zoning concept to create a Village Overlay District for Youngtown Excluding Agua Fria Ranch. Economic Development Manager Cooper

- The community has lost its luster; the housing is aging. We are looking for a change in the look of the community. This proposal is presented as an "overlay district" to permit and encourage redevelopment throughout the town. Using an overlay approach will allow us to redevelop over a period of time, throughout the community, wherever and whenever opportunity presents itself. This plan has been included into the 2025 General Plan. In order to move the community ahead, we must do more. Youngtown is small enough to create a Village Overlay District that will be unique. We are "Uniquely Youngtown." We are setting the stage; we would like to enable the people to gradually change as we gradually change town code. We met with Ray Jacobs, Planning and Zoning Hearing Officer and he found no issues with allowing us to create an overlay district.

Mayor LeVault

- Yes, I can recall the previous Sun City Fire Marshal Ken Rice discussing an idea about an overlay district, similar to the City of Glendale.

Public Works Manager/Building Official Fox

- Our current building code will not allow for this type of concept; however we will be adopting the 2012 International Property Maintenance Building Code which will allow us to move forward.

Councilmember Mello

- This type of concept is well accepted on the east coast. Here in Phoenix, the Roosevelt District was trying to get this same type of concept off the ground. I believe due to the area, homelessness on Roosevelt, it has not really taken off. This is a new concept for Arizona; it will take a while for the people to buy into; this will be a process.

Councilmember Johnson

- This is a great idea; this concept is well accepted back east.
- How would parking be handled on 111th avenue?

Economic Development Manager Cooper

- Every 6th house could be made into a parking lot; this then creates a walking business district.

Councilmember MacKay left meeting at 7:46 p.m.

Councilmember Chittenden

- The Verrado Community, in Buckeye built this type of concept.

Motion to accept staff to move forward with the concept to create a Village Overlay District for Youngtown excluding Agua Fria Ranch.

A. Communications from Council

Councilmember Chittenden

- I participated on a ride along with MCSO. I rode with a female officer who was a former Youngtown Police Officer, Officer Posey, known now as Officer Miller. I realized that we could never have afforded all the technology equipment in police vehicles as MCSO has for the Youngtown Police Department. The dispatcher comes on the screen, they have GPS, computers; we as council made a difficult but correct decision on letting go of our police department.
- I see from the flyer that the Valley Metro NW Valley Dial-a-ride is conducting fares for ADA certified.

Councilmember Mello

- The CDAC – Community Development Advisory Committee is focusing on economic development.
- I am going to be a grandmother twice, my son in Germany is having twins as I speak.

B. Communications from Staff: Maricopa County Sheriff’s Office (MCSO) Police Report.

MCSO report was not presented at this council meeting.

Town Manager Robinson

- We had a meeting with the representative of CDAC – Community Development Advisory Committee regarding grant applications. The focus is on economic development. We presented to them an economic development “commerce project” for \$1 million dollars. After discussion with staff, we don’t have enough time to submit a grant application for the commerce project. We will be submitting a grant application for a redevelopment on a business district.
- On behalf of the Town Clerk Cordova, Council your financial disclosure forms are due January 31, 2013.
- We have received only one employment application for the Finance Officer position.

Public Works Manager/Building Officer Fox

- I have met with the new owners of the property on 111th and Alabama Avenues, the strip mall just east of us. Pastor Julie of the RCCG Jubilee Parish will be relocating here to Youngtown. They want to do things correctly with the property.
- The library remodeling is on schedule. We did find that the underneath flooring was not a concrete flooring but a sand gravel flooring. The public works crew rented a jack hammer to remove and we will be replacing with concrete.

5. Consent Agenda:

A. Consideration and Action on Meeting Minutes: Regular Meeting Minutes of December 20, 2012.

Motion to approve Consent Agenda – Councilmember Mello

Second – Councilmember Gustafson

Motion passed on a voice vote

7. Call for Executive Session

None

8. Citizens Comments/Appearances from the floor:

None

9. Future Agenda & Meetings:

A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

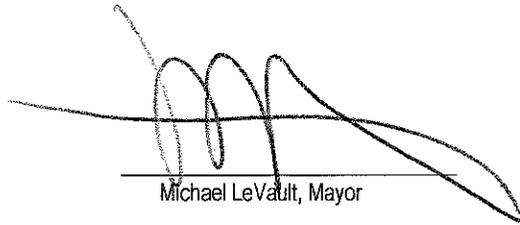
B. Announcement of next Regular Meeting: Thursday, January 17, 2013 at 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello

Second – Councilmember Gustafson

Meeting Adjourned at 8:09 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk/Treasurer

Minutes approved at January 17, 2013 regular meeting.