



**MINUTES OF THE REGULAR MEETING
COMMON COUNCIL OF YOUNGTOWN, AZ
12033 N. CLUBHOUSE SQUARE, TOWN COUNCIL CHAMBERS
THURSDAY, AUGUST 1, 2019 – 5:30 P.M.**

1. **Call to Order:** Mayor LeVault called the meeting to order at 5:30 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Chuck Vickers, Council Members Margaret Chittenden, June Miller, Jack Duran, Susan Hout and Karen Haney Duncan.

Mayor LeVault noted that a quorum is established for transacting business.

Staff present: Town Manager Jeanne Blackman, Town Attorney Susan Goodwin, Town Clerk Mary Reynolds, Community Development Coordinator Nicole Smart, Community Development Manager Gregory Arrington, and Public Works Manager Marty Mosbrucker

3. **Pledge of Allegiance and Invocation:** Councilmember Haney Duncan led the Pledge and Councilmember Duran gave the Invocation.

4. **Summary of Current Events:**

- A. Summary of Current Events from Mayor and Council.

Mayor LeVault requested that the Town Manager look into the insurance coverage the Town might have for ransomware.

Parking issue remedies are moving forward after receiving recommendations from the Town Engineer. The changes will be coming back to Council in the fall, to include public hearings.

The community homeless concerns, and Town actions to assist in problems that result, was updated. The Town has removed encampments from the Agua Fria river bottom on the Youngtown side, and the City of El Mirage has been asked to accomplish similar tasks; at this time no actions have been taken by the City of El Mirage but the Town will continue to work toward lessening the impact on the community.

Councilmember Miller discussed a television program she watched last week and thanked Public Works for taking the flag down during monsoon season.

Councilmember Chittenden thanked staff and Public Works for the additional light at the Citizens' Dog Park.

Councilmember Haney Duncan advised the Council of a program that is being offered at the Lutheran church in Sun City that would aid the homeless.

B. Summary of Current Events from Town Manager.

Town Manager Blackman reviewed the staff report. Highlights included staff actions to assist with remediating the homeless concerns, a new administrative assistant will be starting next week, the barrier arm installation has been completed, retention clean up and staff training.

Attorney Goodwin will be attending the International Municipal Lawyers Association Annual Conference in Atlanta next month where she will be recognized with an award for Outstanding Attorney for Private Practice and Local Government Lawyers.

5. Staff Reports:

- A. Library:** No formal report was given.
- B. Public Works:** No formal report was given.
- C. Community Development:** No formal report was given.
- D. Finance:** No formal report was given.
- E. Town Clerk:** No formal report was given.
- F. Municipal Court:** No formal report was given.

6. Response to Call to the Community: No response to Call to the Community.

7. Citizens Comments/Appearances from the Floor:

Tim Ayres addressed the Council regarding businesses discarding items that are of value to the homeless residents and the actions are making the problems worse. Mr. Ayres also likes the signs that are posted to discourage panhandling.

Denita Manning addressed the Council representing the Youngtown Community Coalition. A backpack drive was held this past weekend in the Town Clubhouse and serviced 84 children in Town with backpacks and school supplies. Ms. Manning offered the services of the Youngtown Community Coalition for any worthwhile causes.

8. Consent

A. Approval of Minutes:

- i. Special meeting minutes of **May 21, 2019**
- ii. Regular meeting minutes of **June 20, 2019**
- iii. Special meeting minutes of **July 22, 2019 – CONTINUED**

Motion to approve the minutes of May 21, 2019 and June 20, 2019 – Councilmember Chittenden.

Second – Councilmember Duran.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

9. Business

- A. Public Hearing, Discussion and/or Action Re: Zoning Case Z19-04 – Request for Rezoning for the Enclave off Olive**

i. Staff Report including review of Planning and Zoning Hearing Officer Recommendations

Community Development Manager Arrington reviewed the proposal. This proposal consists of a request by Mr. Richard Meese of Arizona Developers, LLC, the property owner, for a review and approval of the rezoning.

The Enclave off Olive is a proposed single-family residential community. The development is located west of the intersection of N. Agua Fria Ranch Rd. and W. Green Drive, and north of W. Olive Avenue.

The proposed development is approximately 4.92 acres in size. The applicant is proposing thirty-one, (31), 45 wide x 86 long lots; the density is approximately 6.3 du/ac dwelling units per acre. The development will be a conventional subdivision with private streets that are 37 feet wide and access from N. Agua Fria Ranch Rd.

The request is to amend the Youngtown Zoning map by changing the land use classification on approximately 4.92 acres from PAD-Commercial District Two (C-2) and Single-Family Dwelling (R-1) to PAD-Single Family Dwelling Unit (R-3).

Community Development Manager Arrington reviewed the Conditions of Approval from the Planning & Zoning Hearing Officer and outlined as follows in the Ordinance presented this evening:

- a. At the written request of Youngtown, Developer shall dedicate all necessary easements for the required improvements, including easements for drainage and retention. Failure to dedicate said easements within thirty (30) days after the date of Youngtown's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- b. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all private streets, common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for private streets, common areas and open space areas shall be specified on the approved site plan or final plat.
- c. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- d. The internal streets of the Project shall be private streets maintained by the Developer or the HOA. Such obligation shall be noted on the final plat. The speed limits, vehicle weight restrictions, and parking restrictions of the Town of Youngtown shall apply to the private roads and may be enforced by the Town's law enforcement agency in a similar manner as public streets in the Town. By signing below, Developer has consented to this requirement. The Developer shall pay the cost of any required signage in the Development related to the enforcement of speed limits, vehicle weight restrictions, and parking restrictions.

When the HOA assumes control of the Development, the HOA shall be responsible to pay the cost of any such signage.

- e. Developer shall record easements for public access to the development to ensure the public and first responders, including the Town's law enforcement provider and the Sun City Fire and Medical District, have unrestricted access to the development. The easements shall be noted in the final plat.
- f. Developer shall obtain a traffic impact study for the Project. The Town Engineer may require modifications to the development plan to mitigate traffic impacts based on the findings and recommendations of the study. Approval of the final plat is subject to the Town Engineer's approval of the study and any traffic mitigation plan that the Engineer may require as a result of the study.
- g. Developer shall purchase and install streetlights in compliance with the requirements of the Town Engineer.
- h. Any improvements required to be constructed as set forth in the development plan shall be on property owned by the Developer or on property that the Developer has a legal right to access and use, as evidenced by a signed, recordable document, submitted by the Developer to the Town for review and approval.
- i. If any of the required access to the Project is located on property other than the Property, Developer shall provide to Town evidence satisfactory to the Town Engineer of conveyance to Developer for the benefit of the Project an easement for ingress and egress to the Project and for construction of required improvements. Developer or the HOA shall be responsible for maintenance of the easement area.
- j. Air conditioning units shall be located in the backyard of properties to mitigate noise and visual impacts on neighboring properties.
- k. Covered porches shall not be located in any public utility easements.
- l. The Project shall be developed in conformance with Youngtown's zoning requirements for the zoning districts and all development shall comply with the Town of Youngtown Code, except as modified by the following:
 - 1. Section 17.24.030 of the Town Code requires a minimum of 6,000 square feet lots and a width of not less than 60 feet: This section is modified to reduce the minimum lot size to 3,870 square feet and decrease the minimum width to 45'-0" feet.
 - 2. Section 17.24.040 of the Town Code requires a front yard with a minimum depth of not less than 25 feet. This section is modified to reduce the minimum front yard to 18 feet for garages only.
 - 3. Section 17.24.050 of the Town Code requires side yards of not less than seven feet or fifteen (15) percent of the width of the lot, whichever

amount is smaller. This section is modified to reduce the minimum side yards to 5 feet and 3 feet, with a minimum of 8 feet between dwelling units.

4. Section 17.24.070 of the Town Code requires that building shall not exceed one story or 15 feet in height. This section is modified to provide that buildings may not exceed two stories of 30 feet in height.
5. Section 17.24.060 of the Town Code requires rear yards of not less than 35 feet or 20% of the lot, whichever is smaller. This section is modified to reduce the minimum rear yard to 15 feet for one-story buildings and 20 feet for two story buildings.

The Fire Department is in agreement with the project now that access concerns have been addressed.

ii. Applicant Presentation.

Mr. Richard Meese thanked the Council for the extension granted at the last meeting to allow additional meetings to take place and satisfy all concerns. Mr. Meese submitted a narrative for the Council. This narrative explains that the preliminary site plan was modified to address the safety issue surrounding the fire and emergency vehicles having access to the development. The modification reduced the number of lots from 34 to 31 and gave extra land to widen the roadways by four (4) feet, for a total of 37 feet in width. The curb at the entry to the subdivision and the inside curb at the west end will be painted red and marked "No Parking At Any Time" and will eliminate the need to post for no overnight parking throughout the development.

The request for a three (3) foot wall located adjacent to the back of the sidewalk has been added.

Additional items discussed included the need for a joint approval document between the Town and Arizona Developers LLC for conduct of routine police patrols, as well as renderings of the type of homes the developer intends to build.

Mayor LeVault inquired about the ability to enforce Code and Maricopa County Sheriff's Office and Attorney Goodwin explained the language has been added.

Fire Marshall Jim Fox commented the concerns of the Fire Department have been addressed.

- iii. Open Public Hearing and take testimony from the public related to this Rezoning request.

Mayor LeVault opened the public hearing at 6:05 p.m.

iv. Close Public Hearing.

With no members of the public wishing to speak, Mayor LeVault closed the public hearing at 6:06 p.m.

- v. Action to approve, deny, or approve with modifications Proposed Ordinance 19-07, Amending the Zoning Map of the Town of Youngtown, Arizona, by Amending Ordinance No. 02-09 (as amended by Ordinance N0. 09-11) pertaining to the Agua Fria Ranch Planned area development (PAD) by rezoning approximately 4.92 acres of property located at the northwest corner of Olive Avenue and Agua Fria Ranch road, (A portion of Tract AAA) of Agua Fria Ranch subdivision from planned area development with the underlying zoning district of commercial district two (C-2) and single family dwelling (R-1) to planned area development with the underlying zoning district of family dwelling unit (R-3); providing for repeal of conflicting ordinances; providing for severability; and providing for penalties.

Mayor LeVault commented the process for this project has been long, and although the ideal use of the property would be for commercial use but it has not been forthcoming. The developer has done everything the Town has asked and has been willing to work through the public safety concerns expressed.

Councilmember Chittenden expressed her appreciation to the developer. The air conditioner placement in the rear of the homes was reviewed as well as the median and starter home price in the area.

Councilmember Duran inquired about the out parcel indicated on the site plan and Mr. Meese explained it was a piece of property that is owned by Arizona Developers, LLC and intended for commercial use later.

*Motion to approve ordinance 19-07 as presented – Vice Mayor Vickers.
Second – Councilmember Haney Duncan.
Motion passed unanimously on a roll call vote.*

John Romack, a partner in Arizona Developers, LLC and Councilmember in Litchfield Park, thanked the Town staff and Council for all of the work and effort that has gone into this project.

- B. Presentation, Discussion and/or Action Re:** Proposed Ordinance 19-06 amending Title 8 Health and Safety, Chapter 8.16 Noise, by adding Section 8.16.050 Sound Level Limits, to define acceptable sound-level limits in the Town for residential and commercial areas.

Community Development Manager Arrington reviewed the proposal. The Town's demographics have changed over the years, and staff has received requests for live/recorded, outdoor music for events sponsored by residents, business owners and the Town. These events could be private or public, with a music element as an added feature to the activities. The proposed amendment, by defining acceptable sound level limits, will protect the life or health of any individual and regulate the disturbance of the public peace and welfare of Town residents by minimizing the impacts of outdoor events that provide live or recorded music as a part of their venue.

Council had requested an instrument that would demonstrate the sound decibels, but staff was unable to locate a tool that would satisfy this request. A chart is available to demonstrate the impacts if the Council would like to review it.

It was discussed that the readings would be taken from the source of the noise, and the levels are common and standard with other communities. MCSO is aware of the issues as well, and they are equipped with a decibel meter to be able to monitor a complaint. It was also explained to call the non-emergency dispatch line if someone has a complaint of noise, including fireworks and music. Additional discussion included the subjective nature of noise and the need to discuss events with neighbors when an event is being held.

*Motion to approve Ordinance 19-06 as presented – Councilmember Miller.
Second – Councilmember Duran.*

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

C. Presentation, Discussion and/or Action Re: Request to waive Town Code Section 3.16.010 and approval of a contract with LandCare Unlimited, LLC for installation of sod at the Citizens' Dog Park in the amount of \$29,310

Public Works Manager Mosbrucker reviewed the request. The primary reason to install sod is to have healthy turf without the infestation of burr weeds that attach to dog hair. Also, the ground is quite unlevel and will be leveled.

Two bids were obtained:

- TCGS: \$42,585.00.
- LandCare Unlimited, LLC: \$ 29,310.00
- Attempts for a third bid were made from three companies: Georges Landscaping, Advant-Edge Landscaping and Arizona Rainfall.

In compliance with section 3.16.010(e) of the Town Code, staff is requesting Council waive the Town Code's standard bidding requirements because a formal bidding process was conducted in September, 2018 and no bids were received. Quotations for the work have been obtained from not less than two (2) vendors, with an attempt to obtain from a third vendor as indicated, and the low quotation from LandCare Unlimited, LLC has been verified in writing to be in compliance with the Town Code.

Councilmember Miller inquired into the cost of leveling and the possible lack of need, and Public Works Manager Mosbrucker explained it was a safety concern for people walking.

Councilmember Chittenden reviewed the previous uses of the parcel, and she feels this project has been long coming. The quality of the sod was also discussed.

Mayor LeVault commented that the Town's demographics have changed and the new demographics are trending younger and it is expected to have amenities, such as dog parks, and he is in favor of anything to expand the recreational opportunities for the community.

Councilmember Hout thanked Public Works Manager Mosbrucker for coming in under budget on this project.

Councilmember Haney Duncan asked if this sod is netted and what can be done to stop weeds from coming up. Public Works Manager Mosbrucker explained that netting is not present and weed abatement is part of the project.

Councilmember Hout asked how long the project will take and it was expressed that it will take about two (2) weeks and the park will need to be closed.

Councilmember Chittenden noted that people appreciate the dog park and thanked the Mayor for his support.

A public comment form was submitted from Tim Ayres for this agenda item. Mr. Ayres is a member of the Citizens' Dog Park Committee and he thanked the Town for all of the efforts for this project. The weeds are a problem, as well as the uneven ground, and it is a nice gathering place in the community.

Motion waive Town Code 3.16.010 and approve the contract with LandCare Unlimited, LLC for installation of sod at the Citizens' Dog Park in the amount of \$29,310 – Councilmember Chittenden.

Second – Councilmember Duran.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

- D. Presentation, Discussion and/or Action Re:** Request to waive Town Code Section 3.16.010 and approval of a contract with Jim Heath Incorporated, dba Interstate Systems, for the installation of a video surveillance system for all of the Town Square buildings and the Public Works building

Public Works Manager Mosbrucker reviewed the proposal which would include Community Development, Town Hall, MCSO/Court, Food Pantry, Clubhouse, Library, Code Enforcement and the Public Works Buildings receiving video surveillance installation. This project will increase the safety for the Town campus employees, users of the facilities and provide protection of Town assets.

Quotations for the work have been obtained from not less than three (3) vendors and the low quotation from Jim Heath Incorporated, dba Interstate Systems, has been verified in writing to be in compliance with the Town Code.

Forty-six (46) dome cameras would be installed on the exterior, and some interior locations, and will be hard wired with 45-60 days of storage on the camera connected to a DVR system. The central monitoring system will be in the MCSO building, with each building having a DVR system, with the exception of Public Works which will have a stand-alone system. The system will not be monitored continually but there is a way to monitor for motion.

Jim Heath reviewed the hardware that is being used for this project, as well as the standard method of downloading the video when needed. There will be two (2) television systems to monitor all of the cameras, and a computer in an office can monitor another building. The system can also be set up to trigger motion at buildings that require it for specified times. The actual camera was presented as a visual aid.

Vice Mayor Vickers inquired about warranty and future cost. The warranty was reviewed, which includes a three (3) year service warranty as well as replacement warranty for three

(3) years. After the three (3) year warranty has been exhausted, the average service charge is dependent on the service and ranges from \$45.00 to \$75.00. The systems do not require a lot of maintenance and the quality is very highly rated.

Councilmember Chittenden asked how the cameras stand up against the weather. It was explained that they are installed where they are protected from the sun. The installation points have been identified to ensure the cameras are protected.

Motion to waive Town Code 3.16.010 and approve the contract with Jim Heath Incorporated, dba Interstate Systems, for installation of a video surveillance system in the amount of \$32,644.23 – Vice Mayor Vickers.

Second – Councilmember Haney Duncan.

Motion passed unanimously in a voice vote with all Councilmembers in attendance voting.

E. Discussion and/or Action Re: Approval of a contract with West Coast Arborists, Inc. for tree removal in the Agua Fria river bottom in the amount of \$75,000

Public Works Manager Mosbrucker reviewed the proposal. The Town recently conducted a homeless encampment removal project in the Agua Fria River bottom. This project involved various agencies over a several month time frame, which included a large investment of Town resources and personnel time. Additionally, the Town endured a monetary expense to complete the project. Tree removal in the Agua Fria river bottom will prevent the construction and subsequent occupancy of homeless encampments and negate the need to conduct another homeless encampment project. The Maricopa County Sheriff's Office has requested the Town expedite tree removal to deter future encampments. Tree removal in the Agua Fria river bottom will prevent the construction and subsequent occupancy of homeless encampments under shaded tree canopies.

Council approved the procurement of West Coast Arborists for this project at the meeting held on July 22, 2019. The project is slated to begin September 1st to avoid monsoon season.

Motion to approve the contract with West Coast Arborists, Inc for tree removal in the Agua Fria river bottom in the amount of \$75,000 – Vice Mayor Vickers.

Second – Councilmember Haney Duncan.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

F. Public Hearing and Presentation Re: Review of the Town's Storm Water Management Plan (SWMP) for 2018/2019

i. Staff Presentation

Public Works Manager Mosbrucker explained the Town's SWMP states: "The Town will also evaluate the implementation status of the SWMP components, as well as, the effectiveness of each component or combination of components. The Town will determine how the SWMP needs to be revised, if at all." The Town Manager, Community Development Manager, Town Clerk and Public Works Manager reviewed the SWMP and have determined that, at this time, the SWMP is not in need of revision; however, a public hearing is required to allow for public comment on the SWMP.

Car washing was discussed and it was reiterated that car washing is acceptable.

ii. Open Public Hearing

Mayor LeVault opened the public hearing at 7:07 p.m.

Tim Ayres asked if pressure washing run off is acceptable and it was explained there are best practices in place and in the event there is a concern, it is addressed with a contractor or business.

iii. Close Public Hearing

Mayor LeVault closed the public hearing at 7:10 p.m.

Councilmember Chittenden thanked Public Works Manager Mosbrucker for not waiting until the last minute to present this Council.

10. Call to Executive Session

None

11. 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.

Councilmember Miller would like to see the non-feeding of pigeons to come back before the Council in the near future.

- B. The next Regular Council Meeting will be held on **Thursday, August 15, 2019** at 5:30 p.m.

Adjournment

Motion to Adjourn – Councilmember Duran.

Seconded – Councilmember Chittenden.

Meeting Adjourned 7:11 p.m.



Michael LeVault, Mayor

Attest:



Mary Reynolds, Town Clerk

Minutes approved at the August 15, 2019 regular meeting