



**MINUTES OF THE REGULAR MEETING  
COMMON COUNCIL OF YOUNGTOWN, AZ  
12033 N. CLUBHOUSE SQUARE, TOWN COUNCIL CHAMBERS  
THURSDAY, DECEMBER 7, 2023**

1. **Call to Order:** Mayor LeVault called the meeting to order at 5:31 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Chuck Vickers, Councilmembers Margaret Chittenden, Mike Francis, Karen Haney Duncan, and Jim Starke. Councilmember Susan Hout called in telephonically.

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

Staff present: Town Manager Jeanne Blackman, Town Clerk Nicole Smart, Administrative Assistant Ashley Redman, Town Attorney Trish Stuhan, and Community Development Manager Arrington.

3. **Pledge of Allegiance and Invocation:** Vice Mayor Vickers led the Pledge and Town Manager Blackman gave the Invocation.
4. **Summary of Current Events:**

Mayor LeVault mentioned the ground rules, and if anyone would like to speak tonight there are public comment forms on the back table, please fill them out and return them to the Town Clerk, and everyone will have a chance to speak tonight. Mayor LeVault stated at some point tonight Council will vote on some action items. Please treat each other with respect.

Mayor LeVault mentioned to remember today, the day Japanese forces attacked the American military base at Pearl Harbor in Hawaii, and Franklin Roosevelt addressed Congress and asked for a Declaration of War with Japan in 1941.

Mayor LeVault mentioned Youngtown is one of the smaller municipalities in Maricopa County. This valley is going through a transformation and in five or ten years, we are not going to recognize this valley. The West Valley itself is projected to see a doubling in population in 20 to 25 years. Maricopa County is the fastest growing county in the country.

Councilmember Chittenden mentioned the AARP is having their dinner tomorrow night, if you're able to come, dinner starts at 5:00 p.m.

**Summary of Current Events from Town Manager**

Town Manager Blackman attended the Citizens' Dog Park meeting to provide an update on the Town.

Town Manager Blackman met with Ed Zuercher from MAG along with Mayor LeVault to discuss transportation projects and potential funding opportunities.

Town Manager Blackman attended the Arizona Metropolitan Trust board meeting.

Town Manager Blackman attended the final planning for the Winter Miracle event.

Town Manager Blackman coordinated and attended Coffee with a Cop along with assistance from Town Clerk Nicole Smart and Administrative Assistant Ashley Redman.

Town Manager Blackman attended the Ulysses Salt River Flats open house with Town Clerk Nicole Smart.

Community Development Manager Gregory Arrington and Town Manager Blackman finalized the application for additional funding. Application was submitted by the deadline by Town Clerk Nicole Smart.

Town Manager Blackman reviewed Ulysses Development Agreement with the Mayor, Staff and the Town Attorney Trish Stuhan.

5. **Staff Reports:** Staff may provide reports to Council on the following subjects which may include discussion with Council. Council will not take legal action.
  - A. **Library:** The Library Manager may report to Council on library operations, monthly activities, book club events, and upcoming author visits.
  - B. **Public Works:** The Public Works Manager may report to Council regarding maintenance of Town facilities, recreational facilities, streets, parks, and schedules for work in the Town.
  - C. **Community Development:** The Community Development Manager and/or Community Development Coordinator may report to Council regarding business outreach, economic development projects, and code enforcement operations and activity reports.
  - D. **Finance:** The Finance Manager may report to Council regarding the Town's budget and monthly expenditures.
  - E. **Town Clerk:** The Town Clerk may report to Council regarding Town events, activities, meetings, and promotion of the Town on its website and social media sites.
  - F. **Municipal Court:** The Court Administrator may report to Council regarding activities of the Municipal Court, citations, hearings, and schedules.
6. **Response to Call to the Community:** No response from the Community.
7. **Citizens Comments/Appearances from the Floor:** No response from the Floor.
8. **Consent**
  - A. **Approval of the following minutes:**
    - **Council Meeting of November 16, 2023.**
    - **Coffee with a Cop and Common Council Meeting on December 2, 2023.**

Approval of the Regular Council minutes of November 16, 2023 with correction, and Coffee with a Cop and Common Council Meeting on December 2, 2023.

*Councilmember Chittenden*

*Second Councilmember Haney Duncan*

***Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Councilmember Susan Hout's telephonic voice vote was noted as a yes on***

## **9. Business**

Mayor LeVault mentioned there are three items here that are interrelated. Item A, is approval of a resolution on a development agreement with Ulysses Development, LLC and, Item B is resolution to approve the Major General Plan Amendment, and Item C is the ordinance to change the zoning to the property. All three of these items pertain to the same project, so we are going to approve all at the same time. We have a few people that will do a presentation, and then Mayor LeVault will go through all of the public comments and let the people speak.

Mayor LeVault stated there are a lot of people out there that may have never seen or talked about this project before. He is sure people have seen a lot of misinformation that is being distributed in the community.

Connor Larr Partner of Ulysses Development Group presented. Ulysses Development Group is a mission driven development group developing workforce housing nationwide, based in Denver. They were founded in 2021, and they focus on the preservation of existing affordable housing and workforce or income restricted housing and the development of new workforce housing. That means they purchase existing affordable housing communities that are at risk of losing their affordable housing restrictions. They capitalize them, rehabilitate them or they purchase existing affordable housing communities that have lacked investment. Typically, prior ownership, enhance them extend affordability and they also build new income restricted, long term income restricted communities around the country.

Connor Larr mentioned they have two communities under construction in the State of Arizona. First, we have the Salt River Flats, 192 units and it's in South Phoenix. *It's targeted for individuals or any families earning at or below 60% of the area median income and is financed with the low-income housing tax credit and that is an expansive partnership in Maricopa County and the Arizona Department of Housing.* They are under construction in Nevada. It's a 10-acre site. It's 195 units with similar financing partnerships, and with the State of Nevada. Dahlia Village broke ground in Phoenix on Thursday of last week, with 126 units also targeted to families and individuals earning 60% and below the area median income which represents families and individuals sharing between \$40 and \$70,000 a year.

Benjamin Graff, partner of Quarles & Brady presented. The site is located North of the intersection of West Peoria Avenue and Nofs Drive. The site total is approximately 29 acres and is currently zoned for Rural District. They have applied for a full Planned Area Development Rezoning and General Plan Amendment that will allow for multi-family development. They have 15 acres for the development and 14 acres of open space in connection with the planned regional park.

The site plan reflects 312 total units across 13 garden-style residential buildings with amenities including a clubhouse, pool, fitness center, business center, children's play area, and surface parking. Additionally, Ulysses has been working closely with Town staff to undergo site access and roadway improvements.

Connor Larr mentioned workforce affordable housing is not section eight, and he has been talking about section 42, which is the section of the IRS Code that established the Low-income housing tax credit. This is for income restricted rental developments that can range up to 80% of AMI, as long as the local projects income averages to 60% of the area median income.

They received funding through the tax credits, and receives funding from cities and counties, and that money all comes with restriction timelines, and land use restrictions. There is an initial 15-year compliance period, and at the end of 15-years, they will syndicate those tax credits to do a substantial improvement to the property and remain in the ownership structure for another 15-years.

Mayor LeVault mentioned some Councilmembers and a few staff went to the Salt River Flats for a tour to see what the units looks like, and the amenities they provided.

Amy St. Peter, Deputy Executive Director of the Maricopa Association of Governments was present to offer the regional concepts about the need for the affordable rental market, affordable rents and mortgages throughout the region. As our housing costs have increased, our supply of homes that people can afford has decreased significantly when we look at the data and it's really important to ground this conversation in data since just 2011. We have lost 75% of homes available for purchase under \$300,000. We've lost 86% of rents available under \$1,000. So, we're literally pricing people out of the market.

For example, older adults, we hear more and more are choosing between do I pay for my rent or do I pay for my medication. We hear more and more that parents are working two or more jobs just to be able to afford their rent or their mortgage and that leaves very little time for children who really need them. So, this is creating a strain on people throughout the entire region, throughout the country. When we develop the pathways home plan we heard from many local and tribal governments and communities that depend on a diverse array of housing options in their community. That means everything from starter homes or entry level rents all the way up to larger homes and more expensive homes because as people live out their lives, they might start in that very new kind of small home, lower mortgage, but then they have kids and get better jobs. But then when they retire, they want to be able to stay in their community and they're downsizing you're living on a fixed income. They can no longer afford that larger home and that bigger rent, and so they're downsizing and they're trying to find something that's more affordable. So, when we're pricing people out of the market, it means that people have to leave their neighborhoods and it's the neighborhoods where they raised their children.

So, people are facing these really hard choices. And it's not just about the family or the individual, it's about the businesses as well. A thriving economy depends on that array of housing options, because when businesses come into a community, they want to know that their employees can find housing. And for example, if you look at one high paying job, often there's a number of support positions who are assisting that higher wage earner, but those lower wage earners often cannot find anywhere to live near that job. It means that they have to travel farther and farther just to try and find housing that they can afford. This is a really important issue for economic development as well. So, communities across the region and across the country are taking on more and more proactive options to ensure this diversity of housing options exist. So, at MAG we're working very closely with local and tribal governments in a variety of ways to address this housing crisis. We're providing data that communities need to make sound policy choices. We're offering training to help communities build and preserve more affordable housing. We've also launched a public education campaign to help people have more constructive conversations about housing.

Unfortunately, the term affordable housing, we found through experience and through research, has a very negative connotation. People often associate it with very poor-quality housing, but you've just seen from the pictures both from what's existing and what's planned, that it is a very high quality and that creates a high-quality community as well. So, when we're talking about who will live in this, in this housing community, we're talking about our neighbors who are here right now and maybe they are struggling with housing. We're talking about employees of our local

businesses. We're talking about people who go to the same faith community that we go to; we're talking about our friends who will be able to access to housing they can afford for the long term. When we look at the data, many people who are staying in affordable housing communities are older adults and older children. The data also demonstrates that when people have stable housing, they can maintain a stable job and they can pay taxes, they can be a positive element within their community. It also means that they can remain healthy physically, emotionally and financially and not become a string through social services. Communities are stronger when the residents have stable housing.

Councilmember Hout was wondering how many projects in town are building homes that are affordable for purchase for these people?

Mayor LeVault mentioned that is almost an impossible goal right now with the increase in the value of the homes and the increase in mortgage rates. I can tell you that the rents that Ulysses is proposing charging for this development are higher than my mortgage payment.

Flynn Janisse from Rainbow Housing Assistance Corporation mentioned she would like to ensure that her comments really reach the residents of Youngtown, and the sustainability of Youngtown and provide a quality of life for the residents. Without growth, you won't have any business or the capacity to reopen the businesses that have closed. One of the things Amy St. Peters mentioned was the term affordable housing. She would like to caution all of us in the industry to say that, that project is housing that is affordable, so this is quite a different term.

When you switch that around, the provision of housing that is affordable should be supported by all and the reason for that is because of the fact that these essentially will be the same people sitting in the room here tonight. They will be the same people that work, live and thrive in the community of Youngtown. They will be the police officers, the fire department, the health care providers. This will be the same or similar population that will come to live in the housing that is being provided.

There are individuals placing fear in the community. This housing will serve those individuals going to work every day, those individuals who have served our country and retire, and those individuals who have retired and worked a lifetime to have that. It would be inappropriate for anyone to deny housing to be affordable for all with respect to that.

There's much fear that comes from again the term of affordable housing. And there is also some misguided understanding of what section eight housing is. Individuals qualify for different programs.

We need to ensure that those particular measures are met and that those people are screened in the community to ensure the safety and the comfort of the residents of Youngtown. Ulysses does not have an option to not comply. They must abide by the criteria that is set forth by the LIHTC program. They must abide by the criteria that is set forth. They cannot navigate or deviate from it and they should not.

Chief Rob Schmidt from Sun City Fire Department mentioned a few years ago, our Chairman of our Board passed a stipend that if any of our firefighters live in our fire district, we give them a \$5,000 stipend. We have zero of our first responders that live in Youngtown or Sun City, and he knows specifically for the younger folks that are coming on, they still live at home because they can't afford to live anywhere. He could see some of our firefighters, most definitely some of the younger fireman that are just getting on the job, would want to live in this development. So, he understands the need for affordable housing, especially for the younger people.

Rob Schmidt mentioned Sun City Fire Department covers Sun City, Youngtown and Citrus Point. You do not pay property tax to Youngtown, you do pay a secondary property tax to Sun City Fire Department and we rely on the taxes collected on real property inside the district to pay for fire stations, equipment, and our ladder trucks.

Mayor LeVault mentioned zoning and general plan amendments happen every day in cities and towns across the county. It's part of growing and if you think you're going to stop the growth, you're not, it's coming. The best thing we can do is plan it in a way that it is going to enhance quality of life and not cause a deterioration. Mayor LeVault mentioned he will open it up for public comments.

Town Attorney Stuhan mentioned there are three items on the agenda. We're talking about them, the staff report and Mayor and Council comments all together. We will discuss the size of the setbacks, they're paying for the road, they're giving the property for the park, so we have an agreement. If it's approved, we also then have that general plan we need to make sure it's residential high density to allow for a multifamily project. And then finally zoning, and that's the real specific, here are the codes that are going to govern this development. Town Attorney Stuhan mentioned she wants to remind Council we can all comment on obviously in all three and in particular B and C we have public hearings, and go through each agenda item A, B, and C do all of your comments on each one open and close your public hearings on each one. And then any final deliberation action when we're all done.

Discussion followed, including security on the property, amenities, and affordable housing.

Mayor LeVault read agenda item A, B, and C.

- A. Presentation, Discussion, and/or Action Re:** Approval of Resolution 2023-20 approving a Development Agreement, pursuant to A.R.S § 9-500.05, between Ulysses Acquisition LLC and the Town of Youngtown, related to the Ulysses multi-family housing development, the construction of public infrastructure improvements for the development, and general development of the property.
- B. Presentation, Discussion and/or Action Re:** Approval of Resolution 2023-19 Adoption Case **GP2023-02:** Request for Major General Plan Amendment to change the land use classification of approximately 29.5 acres of real property generally located 2,706.2 feet West of North 111<sup>th</sup> Avenue, North Side of West Peoria Avenue for Parcel Number 501-45-001M from the current Medium Density Residential land use classification to High-Density Residential land use classification. The request contemplates approximately 14.5 acres of the 29.5 acres for proposed development with the remaining 15 acres to remain open space. The effect of this amendment will be to change the plan of development for the property to allow multi-family development.
- C. Presentation, Discussion and/or Action Re:** Approval of Ordinance 2023-05 Adoption Case **Z2023-06** Request to rezone approximately 29.5 acres of real property generally located at the Town's boundary on real property generally located 2,706.2 feet West of North 111<sup>th</sup> Avenue, North Side of West Peoria Avenue for Parcel Number 501-45-001M from Rural District zoning to R-1 Multiple-Family Dwelling District zoning with a Planned Area Development to modify standards for increased residential density. The request contemplates approximately 14.5 acres of the 29.5 acres for proposed development with the remaining 15 acres to remain open space; approximately 312 rental dwelling units; and

a gross density of 10.6 dwelling units per acre and net density of 21.6 dwellings per acre, as further provided in the Preliminary Development Plan on file with the Town Clerk.

Public comment was received from:

Barbara Bright discussed her concerns in regards to the project because of the increase in traffic for the Agua Fria Ranch community, and the project being built in the flood zone.

Barbara mentioned last Saturday, they had Coffee with a Cop and the Captain mentioned that Youngtown, because of all the security measures they have implemented to keep the people safe, have had a significant impact to the Town. The captain said that this was one of the safest places to live in the West Valley.

Mayor LeVault mentioned there will be two roundabouts, and the Peoria Wrap. The project will be built in the flood way and not the flood zone.

Adam Fluharty has been a resident in Agua Fria Ranch as of 2016, and asked are there any other options or are we taking the person giving us the most money, and what about the impact to the Maricopa County Sheriff's Office, and the Fire Department.

Vice Mayor Vickers mentioned the town does not own the land, LifeStream is the owner. These are the developers that are in the process of purchasing the land, and they have to go through the same process as if you were building a house.

Cathy Grow stated the property is owned by LifeStream and Grand Canyon University, which is a joint ownership. Cathy stated it is unfortunate that there are so many affordable housing projects going up. One thing is we are a small town, and she doesn't see why we can't stay a small town. She stated she is not against affordable housing, just not here in Youngtown.

Brian Starr has lived in Agua Fria Ranch for 17 years, and his questions is what is the project really going to look like. What is it going to look like once it's occupied. Who's going to be on the lease, how many people per apartment, and who is going to use the wrap around road.

Desiree Byrne discussed her concerns in regards to the Ulysses Development Project. Desiree believes that the Town has missed with the focus groups. What about the people that live here, what about their feelings and what are their concerns.? Youngtown has failed to effectively communicate this bill. Desiree handed 267 people that signed the petition that are opposed to this project. We love our Town, it's unique and Ulysses is not the sole solution for this town, please listen to the people and vote no.

Mayor LeVault mentioned the petition that you circulated, all it said was please show your opposition to this low-income housing project. Mayor LeVault mentioned that Desiree had nothing positive to say about that project when you're talking to these 267 residents.

Jim Byrne discussed his concerns about the project and believes the Mayor and Council has already made up their minds other project. However, this community will have this new project and will have to accept section eight housing. If the applicants meet all other requirements, we as a community do not have the infrastructure to support this high-density project that will include thirteen three story buildings. He encourages everyone to get involved with this, change is inevitable and it going to happen, and he is asking not this change, not this project.

Dr. Kathryn French, president of the Agua Fria Ranch HOA, which has 783 homes shared her thoughts.. Agua Fria Ranch is the largest HOA in the town of Youngstown. She has a responsibility to pay close attention to this development along with several others. She has seen other projects that were projected or brought forward initially for discussion with the council that the council has turned down because they felt they did not fit this town. Sometimes you need to say yes, because it's going to get you what you need, as well as enhance the Town. Dr. French mentioned she wants to hear what people have to say, she wants to hear what their input is. She doesn't want to think that you can curb the results of a petition or by the wording that you have given when you put in low income which to most people is equivalent to Section eight housing and people are going to say no to it because they believe they will have section eight neighbors. But if you put in workforce and explain what the income restrictions are and your neighbors are just like us. They have to have a working person in the home. So, she would encourage people to listen carefully and go back and read the notes from previous meetings. And you will find that you'll have a better understanding of what these guys are being asked to do. So, this is the best option that's been brought forward to Youngstown.

Bob who is a resident of Youngstown, is asking for Council to be objective and stated that our council lacks being critical thinkers, to critical questions. Bob is against the project, and stated Mayor and Council should be here serving the community.

Maor LeVault asked for Willam C. Mayer to come up and speak, however, he was not present.

George Graham mentioned he lived here for 63 years, and he is concerned about the view he will no longer have. They live up on the edge of the river and they have a beautiful view, and his concern is this will affect his view as these will be three story buildings. We have the best properties in town and you're going to devalue our properties. And that's why I'm against this.

Maor LeVault asked for Robert Von Dubash to come up and speak, however, he was not present.

Kristi Pullano is concerned about the wrap around road that will go behind her house.

Geo Gutierrez is concerned about having renters with troubled kids.

Helen Parks, she has been a resident of Youngstown for 10 years. She is familiar with multi-housing and very familiar with acquisitions. Her concerns are who is going to take care of building when they are not compliant and have code issues.

Mayor LeVault mentioned they have been assured that the developer is going to have a management company on site that is going to be hands on and security on site as well. If we see that becoming a problem, we have the ability to intercede and by the way, they're going to have to abide by the same code requirements that you abide by. So, if they're allowing the property to become dilapidated, we definitely have the power to step in and correct that.

Town Attorney Stuhan explained the Development Agreement and Resolution 2023-20, the Major General Plan Amendment and Resolution 2023-19, and the Rezoning and PAD and the Ordinance 2023-05

Mayor LeVault opened the public hearing for agenda Item A, B, and C. at 8:29 p.m.



Barbara Bright mentioned there could be other options we can put on that property instead of the apartment complex.

Marion Humphrey said she is trying to understand the zoning map.

Bob asked if everyone on Council read the developers agreement.

Mayor LeVault stated he did, and also, we have council review those documents.

Dr. Kathryn French stated she has done some research and she came to the conclusion that of those options that have been brought forward in the past, it's probably the best option. People have spent a lot of time and energy in our community to try and bring us something good. And just because you talk and somebody doesn't agree doesn't mean they didn't hear you. It means they don't agree with you for whatever reason. Just because somebody doesn't agree with you doesn't mean they didn't listen; doesn't mean they didn't understand you. Just means they don't agree with you.

Hazel mentioned her main concern is with the zoning because we are all surrounded by homeowners, who has invested in their property. This is our retirement. She doesn't know if that's necessarily the best thing for our community. Is there possibly another option?

Vice Mayor Vickers mentioned that the Town does not own the property.

Councilmembers appreciated everyone coming tonight.

Mayor LeVault closed the public hearing for agenda Item A, B, and C at 8:53 p.m.

Mayor LeVault asked for an approval of the following agenda items.

1. Ordinance #2023-05 approving a rezoning and PAD;
2. All relates to a new Resolution #2023-20 approving a Development Agreement;
3. Resolution #2023-19 approving a Major General Plan Amendment;
4. Ordinance #2023-05 approving a rezoning and PAD;

All relate to a new multi-family development for Ulysses/Acacia One and Two.

*Approval of Resolution #2023-20 approving a Development Agreement; Resolution #2023-19 approving a Major General Plan Amendment and Ordinance #2023-05 approving a rezoning and PAD. All relate to a new multi-family development for Ulysses/Acacia One and Two.*

*Councilmember Chittenden*

*Second Vice Mayor Vickers*

***Motion passed 5-2 on a roll call vote of seven (5) ayes, (0) abstained (2) nays. (Yay, Councilmembers Chittenden, Francis, Hayne Duncan, Vice Mayor Vickers, and Mayor LeVault. Councilmember Starke roll call vote was no, and Councilmember Hout's telephonic voice vote was noted as a no.***

**D. Presentation, Discussion and/or Action Re:** Approval of the Grant-in Aid between the Tohono O'odham Nation and the Town of Youngtown.

Town Manager Blackman present the agreement with Tohono O'odman. Chief Schmidt stated this is grant money they applied for. Since the fire district is not part of a town or city, they can't directly apply for these grants without the aid of Youngtown.

They applied for the Lucas devices that would aid our EMS crews to be able to give continuous compressions in the back of ambulances, even while it's moving at a good rate and a good depth. So, that was what we applied for, and with the backing of the town of Youngtown we were awarded that grant. It was for \$120,000. And we were successfully awarded that from the Tohono O'odham Nation.

Councilmember Chittenden ask how the device would work.

Chief Schmidt stated the device is attached to a gurney. This is an automated CPR machine. So, it frees up the hands of a first responder, especially for safety in the back of an ambulance when we're moving. We usually have one responder driving that ambulance, obviously and then one in the back. It's very hard to give good quality CPR when you're driving and moving over, you know, over the roads coming to stop signs getting into the hospital and then not being properly seat belted. It allows proper CPR to be given at a perfect depth, perfect timing, but it's a machine doing the work.

*Approval of the Grant-in Aid between the Tohono O'odham Nation and the Town of Youngtown.*

*Councilmember Starke*

*Second Councilmember Hout*

***Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Councilmember Hout's telephonic voice vote was noted as a yes.***

- E. Presentation, Discussion and/or Action Re:** Ongoing efforts to address criminal activity, nuisances, and homelessness in the Town.

Mayor LeVault mentioned the Town will continue doing what we are doing in regards to keeping the town safe.

**10. Call to Executive Session:** No Call to Executive Session.

**A. Future Agenda & Meetings**

- a.** Future Agenda Items – none

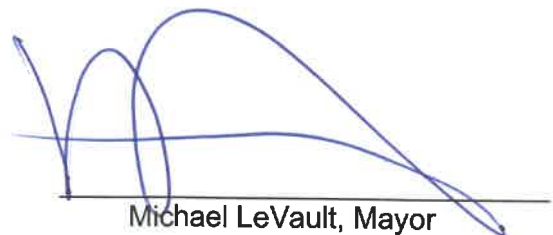
**Adjournment**

*Motion to Adjourn*

*Councilmember Starke*

*Second – Vice Mayor Vickers*

***Meeting Adjourned 9:09 p.m.***



Michael LeVault, Mayor

Attest:



Nicole Smart, Town Clerk

Minutes approved at the December 21, 2023 Council meeting.