



**PUBLIC NOTICE
REGULAR MEETING FOR THE COMMON COUNCIL OF
YOUNGTOWN, ARIZONA**

The Town of Youngtown provides notice that it will conduct its Town Council meeting on **February 2, 2023** through *in-person and technological* means. Council members may attend the Council meeting in-person or via video/telephone conference, as authorized by A.R.S. Section 38-431(4).

The in-person meeting will occur at 12033 N. Clubhouse Square, Youngtown AZ 85363, in the Town Council Chambers. The public may also listen to the Town Council meeting by calling in telephonically using the conference call and meeting identification number provided below. **Please state your name when you call in, then mute your telephone for the remainder of the call to ensure the Town Council can conduct its meeting without interference.**

If appearing remotely, you may provide comments by muting and unmuting your phone when recognized by the Mayor during public comment portions of the agenda. Chat is not available. You may also submit a public comment form to Town Clerk Nicole Smart, nsmart@youngtownaz.org, at least one hour before the meeting to submit a written comment. All comments must be submitted in writing before the meeting or verbally made during the meeting by either coming up to the podium to speak or unmuting your phone when recognized.

DATE: February 2, 2023 Immediately Following the Special Meeting and Executive Session at 4:30 p.m.
TIME: 5:30 p.m.
PLACE: 12033 N. Clubhouse Square

Join the Regular Meeting by phone: 1-346-248-7799

Meeting ID: 839 0682 8326

Password: 192754

Link to the zoom meeting:

<https://us02web.zoom.us/j/83906828326?pwd=Y1VHbTduUk5SdWg4WWhXMnRmNFdiZz09>

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance and Invocation**
4. **Summary of Current Events:** Brief Summary of Current Events pursuant to ARS § 38-431.02(K). Council may not propose, discuss, or take legal action on the current event updates.
 - A. Summary of Current Events from Mayor and Council.
 - B. Summary of Current Events from Town Manager.
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

- 7. Citizens Comments/Appearances from the Floor:** Please complete a speaker request form for the Town Clerk, listing the subject you would like to discuss. Each speaker is limited to five (5) minutes. Before you begin to speak, identify yourself clearly by stating for the record your name and address. Non-Agenda items: This is the time for citizens who would like to address the Town Council on any non-agenda item. The Council will listen to comments, and may take one of the following: 1) Respond to criticism; 2) Request that staff investigate and report on the matter; or 3) Request that the matter be scheduled on a future agenda.

8. Consent

A. Approval of Minutes:

Approval of the Regular Council Meeting Minutes from **January 19, 2023**.

9. Business

- A. Discussion and/or Action:** Approval of recommended allocation of improvement funds for the Façade Improvement Program (Arrington)
- B. Public Hearing Re:** Proposed Business Licenses and Regulations Fees for Short-Term Rentals and Vacation Rentals. (Stuhan)
 - i. Staff Review
 - ii. Open Public Hearing
 - iii. Close Public Hearing
 - iv. Adopt Notice of Intent to Hold 2nd Public Hearing and Adopt Fees at April 6, 2023 Council Meeting.
- C. Presentation, Discussion and/or Action Re:** Approval of an intergovernmental agreement with Maricopa County regarding Emergency Management and Disaster Services through 2034 (Arrington)
- D. Presentation, Discussion and/or Action Re:** Youngtown's Sidewalk Improvement Program - Approval of Construction Contractor (Arrington)
- E. Presentation and/or Discussion Re:** Presentation by the Ulysses project related to a multi-family development proposed near Peoria and Fooks (Arrington)
- F. Presentation, Discussion and/or Action Re:** Ongoing efforts to address criminal activity, nuisances, and homelessness in the Town (Mayor).

10. Call to Executive Session: Convene Executive Session pursuant to ARS § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding any above agenda items, as needed.

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.
- B.** Announcement of the next Regular Council Meeting:

Next Regular Council Meeting will be Thursday, February 16, 2023 at 5:30 p.m.

Adjournment

*NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Clerk's office at (623) 933-8286 or TDD (623) 974-3665 no later than 24 hours in advance of regular scheduled meeting times. Citizens may appear before the Council to present their views on any subject concerning Town Government. The Council, however, may not discuss, consider, or decide items NOT on the Agenda (ARS § 38-431.02 (H)) The Council will, if necessary, follow up at a later date. Due to limitation of time, citizens' comments are requested not to exceed five (5) minutes.

POSTING CERTIFICATION OF THIS NOTICE

The undersigned hereby certifies that a copy of the attached notice and agenda were duly posted by **5:00 p.m. on January 31, 2023** in the Town's designated posting locations pursuant to Resolution No. 06-04 and on the Town's website.



Nicole Smart, Town Clerk

AGENDA DATE: February 2, 2023

STAFF REPORT TO COUNCIL

DEPARTMENT: <i>General Government</i>	DEPARTMENT REPORT SUBMITTED BY: <i>Town Manager, Jeanne Blackman</i>
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REPORT:

- Met with Mayor LeVault, Affinium Security and MCSO to discuss community issues.
- Met with Marilyn Page from the Quality Inn, along with Mayor LeVault and MCSO Captain Stutsman to discuss issues at the Quality Inn
- Attended the West Valley Managers' meeting hosted by the City of Avondale
- Met with Mayor LeVault, Public Works Manager Marty Mosbrucker, Town Engineer Grant Anderson, and staff from Maricopa County Flood Control District to discuss flooding issues within the Town – report will be forthcoming for review by the Town



STAFF REPORT TO COUNCIL

DEPARTMENT: LIBRARY	DEPARTMENT REPORT SUBMITTED BY: MARY VASS
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Summer Reading planning has already begun with three performers scheduled for June and July. The performers are provided through the Maricopa County Library District.

Tax season has begun, and the Library is ready to provide federal and state tax forms and resources for our community. We provide the federal 1040 and 1040-SR, the state 140 and 140A, and various schedules. The first copy is free. Additional copies are available for \$.15 a side. We also have resources available for tax help if needed.

Storytime with Miss Mary continues weekly on Wednesday mornings with stories, songs, and rhymes. We had a record attendance last week with 8 families (3 of them new to storytime) and a total of 26 participants.

Upcoming events:

- 2/7 – Rather Be Reading Book Club at 10:00 a.m.*
- 2/8 – Valentine's Day Storytime with Miss Mary at 10:30 a.m.*
- 2/14 – Outreach Storytime at the Peoria Family Resource Center*
- 2/22 – Special Mo Willems Storytime with Miss Mary at 10:30 a.m.*

Services we offer:

- *FREE Wi-Fi: Mon-Thur from 10:00 a.m. – 4:00 p.m.*
- *FREE Public Access Computers*
- *FREE Fax Service (10-page limit)*
- *FREE Tax Forms*
- *Copies/Printing \$.15 a page*



STAFF REPORT TO COUNCIL

DEPARTMENT: Public Works	DEPARTMENT REPORT SUBMITTED BY: Marty Mosbrucker, Public Works Manager
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REPORT:

- Right of Way weeds sprayed.
- Obtained quotes for Town Hall flooring removal.
- Upgrading Town Square building fire alarm receivers.
- Reviewing the Town staff bloodborne pathogen document.



STAFF REPORT TO COUNCIL

DEPARTMENT: Community Development
Manager

DEPARTMENT REPORT SUBMITTED BY:
Gregory Arrington, Community Development
Manager

REPORT:

- MARICOPA ASSOCIATION OF GOVERNMENT
 - STANDARDS SPECIFICATIONS AND DETAIL COMMITTEE
- ARIZONA ASSOCIATION FOR ECONOMIC DEVELOPMENT
 - GOVERNMENT AFFAIRS COMMITTEE
- CODE ENFORCEMENT LEAGUE OF ARIZONA
 - ANNUAL BUSINESS RETREAT
- TOWN OF YOUNGTOWN
 - CODE ENFORCEMENT INTERVIEW



STAFF REPORT TO COUNCIL

DEPARTMENT: Town Clerk/Community Development Coordinator	DEPARTMENT REPORT SUBMITTED BY: Nicole Smart
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REPORT:

- Waiting on the approval to be a passport agent.
- Participated in the Code Enforcement interview.
- Updating Standard Operating Procedures manual for Town Hall.
- Reviewing the Policy and Administration Guidelines Manual.
- Reviewing the Town General Plan 2025 for updates, and will bring the draft forward to Council for approval.
- Working on retention files.
- Working on a map identifying the location of the local businesses and propriety owners.
- I would encourage all staff and Council to "like" the Town's page and submit pictures and stories. www.facebook.com/townofyoungtownaz.



STAFF REPORT TO COUNCIL

DEPARTMENT: Youngtown Municipal Court	DEPARTMENT REPORT SUBMITTED BY: <i>Court Clerk – Patricia Castro</i>
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REPORT:

No formal presentation will be given on the following items:

Citation Activity for JANUARY 2023:

Citations filed by MCSO: 13

Citations Filed by Code: 1

Long Forms Filed by Prosecutor: 0
(IPMC's for Code Enforcement)

22 walk-ins and arraignments

0 Orders to Show Cause

7 warrants issued for criminal failure to pay/failure to appear

6 plea agreements entered

9 In-Custody

1 continuance filed by the prosecutor

2 diversion/deferred prosecutions entered

0 cases transferred

0 vacated cases

The Youngtown Municipal Court daily operations include:

Handling general inquiries, payments in person and by phone, collection contact for past due cases, sentencing of cases and processing warrants for failure to appear/non-compliance on classes, jail or probation. Assisting citizens to refer to correct court for handling cases, providing contact information for law enforcement, animal control, directions to other Town services and local businesses.



**MINUTES OF THE REGULAR MEETING
COMMON COUNCIL OF YOUNGTOWN, AZ
12033 N. CLUBHOUSE SQUARE, TOWN COUNCIL CHAMBERS
THURSDAY, JANUARY 19, 2023 at 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: Vice Mayor Chuck Vickers, Council Members Margaret Chittenden, Mike Francis, Karen Haney Duncan, and Jim Starke. Mayor Michael LeVault and Councilmember Susan Hout called in telephonically.

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

Staff present: Town Manager Jeanne Blackman, Town Clerk Nicole Smart, Administrative Assistant Carla Pena-Fields, Town Attorney Trish Stuhan, and Community Development Manager Gregory Arrington.

3. **Pledge of Allegiance and Invocation:** Councilmember Starke led the Pledge and Town Manager Blackman gave the Invocation.
4. **Summary of Current Events:**

Mayor LeVault had no comments.

Councilmember Chittenden mentioned the Dog Park meeting will be held on Saturday, January 21, 2023 at 10:30 a.m., and if anyone is interested in joining the Dog Park Committee Board to let her know. Also, the CDAC meeting will be held on Wednesday, January 25, 2023 for the presentation of the applications for CDBG.

Summary of Current Events from Town Manager

Town Manager Blackman attended the West Valley Managers' meeting hosted by Litchfield Park.

Town Manager Blackman attend the MAG Management monthly meeting – virtually.

Town Manager Blackman worked with PNC Bank to complete semi-annual wire transfer for the Community Facilities District payment.

Town Manager Blackman is preparing for the annual audit.

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.

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6. Response to Call to the Community:

Youngtown Citizen Alicia Adams thanked Town Manager Blackman in calling her back in regards to some issues at Uribe Park. Alicia Adams brought some photos of Uribe Park where there are issues that need to be corrected.

The park was dedicated to Officer David Uribe, who passed away in the line of fire. The basketball court is very active and if possible, can the lights be kept on longer? The park is very active, and there are lots of people there at night.

The condition of the park needs some attention. Alicia Adams asked if there are any funds or resources to bring the park back in good condition, and fix the safety issues. She is asking council to look into this matter

Vice Mayor Vickers directed Town Manager Blackman to look into the matter.

7. Citizens Comments/Appearances from the Floor: No comments from the Floor

8. Consent

A. Approval of the Regular Meeting Minutes of December 15, 2023.

Motion to approve the following consent minutes.

Councilmember Francis

Second Councilmember Haney Duncan

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Mayor LeVault and Councilmember Hout's telephonic voice votes were noted as a yes.

9. Business

A. Presentation and/or Discussion Re: Sun City Fire and Medical District (SCFD) Report for December, which may include discussion of inspections, fire prevention, staffing levels, response times, community needs, and ambulance services.

Chief Rob Schmitz presented the Sun City Fire and Medical District September monthly report. Discussion followed including inspections, fire preventions, response times, burning trash, and no burn days.

Councilmember Chittenden asked if the Sun City Fire Medical District is still doing the free smoke alarms, as she still has some of the cards for the free smoke alarms.

Chief Schmitz mentioned they are still do the free smoke alarms.

- B. Presentation and/or Discussion Re:** Maricopa County Sheriff's Office (MCSO) Report, which may include discussion of crime statistics, specific crimes including traffic violations, thefts, violent crimes, trespass and issues with homelessness, crime prevention, MCSO staffing levels, community needs, and response times.

Captain Stutsman called in telephonically and reviewed the December report from District 3, which encompasses the Town of Youngtown. Discussion followed including review of crime statistics, crimes including traffic violations, thefts, violent crimes, trespass and issues with the homelessness, and the Flock Safety cameras, etc.

- C. Presentation, Discussion and/or Action Re:** Discussion and possible action on Ordinance 2023-01 regarding regulating short term rentals and vacation rentals.

Town Attorney Stuhan presented Ordinance 2023-01 to regulate short term rentals. We have seen cities and towns struggle with short-term rentals—some more, some less—but for example, Paradise Valley and Tempe. We have seen on the news concerns about affordable housing and short-term rentals taking away some of the housing stock.

For many years Cities and Towns just did not have a lot of ability to regulate them one way or the other. The new state statute says a municipality may not prohibit them and cannot restrict them in terms of use classification or occupancy.

So, for example, the town is not going to be able to say "we only want these in one zoning district that is not very desirable." Vacation rentals are generally going to be allowed to be in the city or town, in the residential areas, and they're going to be able to operate. What the town can do is focus on regulating public health/safety issues when it comes to vacation rentals.

One, the town can apply its current public health safety codes—we are talking fire codes, traffic control, or hazardous waste pollution. So, if the town determines and demonstrates that the primary purpose is to protect public health and safety, you can do that.

You are allowed to restrict loud parties, nuisances, trash, debris, that type of things. You are allowed to limit or prohibit the use of a vacation or short-term rental for the purpose of housing sex offenders. And the ordinance goes on to regulate selling illegal drugs, pornography, obscenity, and other adult oriented businesses. So, you cannot say no short-term rentals, but certain short-term rentals, if they are intended for certain specific uses, that may have deleterious side secondary side effects, council may regulate that. It is a policy decision whether you want to regulate that, and we will talk about options.

Also, you are allowed to have an emergency point of contact so that the owner must tell the city or town who to call if we have a complaint. Council can require that that be in place before offering these rentals. The town must provide 30 days' notice to the owner though before imposing any initial civil penalty. So, there is going to be time if the owners do not come right into compliance, but ultimately, they need to tell us who to call so we have someone to contact. The town is also allowed to require an owner to have a permit, but statute tells you exactly what you can ask for. So, name, address, phone number, email address of where this thing is located. For proof of compliance with a few parts of our statutes, an applicant must agree to comply with all laws. And ultimately, you could charge up to \$250 or less for the cost of permit.

Town Attorney Stuhan has taken one of the versions of a league ordinance and adopted it for the town. Town Attorney Stuhan stated she will get with the Town Clerk once the ordinance has been approved by Council, to put a procedure in place, and prepare the documents for the short-term rentals.

We will have to do a notice of intent for the fee of \$250.00, and then do an ordinance to approve the fee.

Discussions followed, including discussion on regulations, hours, fees, rental tax, liability insurance and emergency contract person.

Motion to approve Ordinance 2023-01 regarding relation to regulating short term rentals and vacation rentals.

Councilmember Francis

Second Councilmember Haney Duncan

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting. Mayor LeVault and Councilmember Hout's telephonic voice votes were noted as a yes.

D. Presentation, Discussion and/or Action Re: Approval of Ordinance 2023-02 of alleys closure times.

Town Attorney Stuhan presented Ordinance 2023-02. This ordinance is to allow for some alleyway restrictions above what we currently have. The Town Manager would be authorized to establish hours of operation for alleyways after consulting with law enforcement, fire, and public works. This is not pertaining to residential alleys; it is the commercial alley we are looking at.

To limit criminal activity such as graffiti and vandalism and to protect public health and safety, the town manager could work with law enforcement and fire and public works to determine if it is appropriate to restrict that alley during certain hours of operation. If the Town Manager determined that that was required hours would be agreed upon. For example, the Town could choose to limit access to the alleys between the hours of midnight and 4am. And then the public works director would post signs notifying the public of those hours of operation and time restrictions. Once it has been properly posted, it would be unlawful for any person to operate a motor vehicle, or otherwise enter and use the alley during those restricted hours.

There would be an exception for emergency services personnel who shall always maintain access, as well as for property owners and businesses who rely upon that alley to access their lot, for example. And for unique situations, such as if a business gets a 2 a.m. delivery, there would be an exemption process where that owner could come to the Community Development Director, fill out an application and get a permit to authorize late night or early morning access. So, the idea would be generally you take that commercial area, figure out what during what hours we are having a problem, post a restriction, and no one should be there during that timeframe. But if you are an owner with a unique situation, there's flexibility on an individual permit basis.

Discussion followed, including discussion regarding, which alleys, hours of closure, enforcement of the alleys, curfews, and waivers.

Town Attorney Stuhan stated we will bring this ordinance back to council, as it will give us time get feedback from our commercial businesses.

No action on this item, will bring the ordinance in the near future.

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

Mayor LeVault mentioned in regards to homelessness and petty crime and, and to a certain extent of the drug problem is working. Our statistics bear that out. And as you drive around town, and you look at what is happening on the street, you can verify empirically that, you know, once again, what we are doing is, is working. Mayor LeVault would like to thank all the neighborhood watch participants and the Captain and Deputies for doing a great job. That is an important part of what we are doing.

That coupled with the additional security and law enforcement, and then our LPR cameras, I think they are paying some big dividends for us. The Raven system, which is the audio triangulation for gunshots, is being erected. So, we are doing the right things here. We are going to keep doing the right things. We are always looking for additional tools for law enforcement.

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

11. Future Agenda & Meetings

- A.** Future Agenda Items – Councilmember Chittenden would like to have an update on the projects that are currently underway in Town.

Adjournment

*Motion to Adjourn Councilmember Francis
Second – Councilmember Chittenden
Meeting Adjourned 6:14 p.m.*

Michael LeVault, Mayor

Attest:

Nicole Smart, Town Clerk
Minutes approved at the February 2, 2023 Council meeting.



TOWN COUNCIL ACTION FORM

SUBJECT: Youngtown Façade Improvement Program	STAFF PRESENTER: Gregory Arrington, Community Development Manager
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RECOMMENDATION: *Discussion and/or action in regards to the recommended allocation (see attached) of improvement funds for the Façade Improvement Program.*

COMMUNITY BENEFIT: *The Facade Improvement Program provides grants to businesses or property owners to facilitate economic development in the Town by enhancing and restoring business storefronts along with addressing security concerns.*

This is the sixth consecutive year that the Town has offered this program to our local businesses.

DISCUSSION: *Permitting upward development of our business centers will create greater capacity for redevelopment, higher state-shared revenues due to an increase in our population, and increased sales and rental taxes.*

FISCAL IMPACT: *\$100,000.00 allocated through the 2022/23 Community Development / Economic Development budget*

REVIEWED BY:

PREPARED BY:

____ Per Email _____
Trish Stuhan, Town Attorney

____ Per Email _____
Jeanne Blackman, Town Manager

____ Per Email _____
Gregory Arrington, Community Development Manager

Youngtown Façade Improvement Program - 2023									
<u>Applicant</u>		<u>Address</u>		<u>Amount of Request</u>		<u>Proposed Use</u>		<u>Proposed Amount</u>	<u>Match</u>
RCCG Jubilee Parish		11122 W. Alabama Ave.		\$19,834.93		Pavement, Wall Sign & Pole Sign		\$10,000.00	\$9,834.93
Roger Cox AC & Heating		11125 W. Nevada Ave.		\$6,499.50		Asphalt Resurface & Sidewalk		5,000.00	1,499.50
LL & M Enterprises, LLC		11212 W. Michigan Ave.		\$34,265.08		Remove & replace exjsting Asphalt lot		\$20,000.00	14,265.08
Town of Youngtown		N.111th Ave		\$10,000.00		Right-of-Way Improvements		\$10,000.00	N/A
TOTAL				\$50,764.58				\$45,000.00	\$25,599.51
								\$45,936.64	
Total allocated by Council									

TOWN OF YOUNGTOWN PUBLIC NOTICE

NOTICE OF INTENT TO ESTABLISH NEW OR INCREASE FEES BUSINESS LICENSES AND REGULATIONS FEES FOR SHORT-TERM RENTALS AND VACATION RENTALS PURSUANT TO A.R.S. § 9-499.15

Pursuant to A.R.S. § 9-499.15, the Town of Youngtown, Arizona, hereby gives notice that it may adopt a resolution to impose new or increased fees and to post on the Town's website a copy of the report supporting the new or increased fees. The fees to be adopted and/or increased are Business Licenses and Regulations Fees for Short-Term Rentals and Vacation Rentals.

The Youngtown Town Council will consider approving these proposed fees after a Public Hearing to be held on April 6, 2023 in the Council Chambers, 12033 North Clubhouse Square, Youngtown, Arizona, as part of the Council Meeting scheduled to begin at 5:30 pm.

THE ABOVE FEES WILL BECOME EFFECTIVE (30) DAYS AFTER APPROVAL BY THE TOWN COUNCIL.

Copies of the fee schedule as well as the written report supporting these new or increased fees may be reviewed at the office of the Town Clerk of the Town of Youngtown, 12030 North Clubhouse Square, Youngtown, Arizona 85363 during normal office hours, Monday through Friday, 8:00 a.m. – 4:00 p.m. The development fee schedule and written report are also available on the Youngtown website at <https://www.youngtownaz.org/>. Persons wishing to comment on the proposed changes may do so, in writing, prior to the public hearing to be held on the date listed above, or may testify in person at the hearing. After the public hearing on April 6, 2023, the Town Council may approve, disapprove, or modify said resolution.

Dated this 2ND DAY OF FEBRUARY, 2023.

TOWN OF YOUNGTOWN

Nicole Smart, Town Clerk

DATE POSTED ON YOUNGTOWN'S WEBSITE: February 2, 2023

**INTERGOVERNMENTAL AGREEMENT FOR
REGIONAL EMERGENCY OPERATIONS MANAGEMENT AND DISASTER SERVICES
BETWEEN MARICOPA COUNTY, ARIZONA
AND THE TOWN OF YOUNGTOWN, ARIZONA**

This Regional Disaster and Emergency Management Services Agreement (“Agreement”) goes into effect on the 1st day of July 2023 (the “Effective Date”), by and between Maricopa County, a political subdivision of the State of Arizona (“County”), and the Town of Youngtown, a public agency of the State of Arizona (“Public Agency”).

STATUTORY AUTHORIZATION

County and Public Agency are empowered by A.R.S. sections 11-951 et seq. and A.R.S. section 26-308 (A) and (B) to enter into this Agreement.

BACKGROUND

WHEREAS, there is an existing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from natural, technological, national security or other causes; and,

WHEREAS, the parties mutually desire that preparation shall be adequate to provide for the common defense against disaster; and,

WHEREAS, the parties mutually desire to assure the coordinated preparation and execution of emergency management programs and plans for the preservation of life and property when disasters occur in accordance with the guidance set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121-5207; Post Katrina Emergency Management Reform Act of 2006, Public Law 109-295; applicable Federal Emergency Management Guides and Directives; and applicable State of Arizona Emergency Plans:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is hereby agreed by and between County and Public Agency as follows:

DEFINITIONS

1. For purposes of this Agreement, the term “public agency” shall have the same definition as that contained in A.R.S. §11-951.
2. “Participating Public Agencies” means those public agencies, which have active agreements for Disaster and Emergency Management Services with County.
3. “Total Budget” means the Maricopa County Department of Emergency Management’s General Fund and Grant Fund expenditure budgets as adopted by the Maricopa County Board of Supervisors, plus baseline internal/central service charges, for the Preceding Fiscal Year. Budgeted fund balance expenditures, annual maintenance cost for the comprehensive emergency management tool and capital items are not included in the “Total Budgeted” calculation.
4. “Local Budget” means the Total Budget less any contributions or reimbursements to that budget from the federal government.

5. "Preceding Fiscal Year" means the year immediately preceding the fiscal year for which a participating public agency's annual assessment is being determined. Annual Assessments are based on the proceeding year's Local Budget. For example, a public agency's annual assessment for FY2024 is based on the Maricopa County Department of Emergency Management's Local Budget for FY2023.
6. "Capital Items" means fixed assets such as furniture, computers, etc., which shall remain the property of the County. Capital items will physically remain with County, which shall bear the risk of damage thereto or loss thereof.
7. "Population" means the most recent U.S. census figure for each Participating Public Agency. This figure is normally calculated every 10 years, but if a supplementary census is conducted out of the 10 year cycle, the supplementary census numbers will be used, provided that all participating public agencies are included in the supplementary census.

TERMS OF AGREEMENT

1. County Obligations

County shall:

- a. Prepare and maintain a county Emergency Operations Plan or Plans ("EOP") with due consideration of hazards that affect all areas in the County.
- b. Advise and assist Public Agency in the development, review, update, publication, and distribution of an EOP developed by Public Agency.
- c. Advise and assist Public Agency in the development, review, update, publication, and distribution of Continuity of Operations Plans.
- d. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Multi-Hazard Mitigation Plan.
- e. Advise and assist Public Agency in the development, review, update, publication, and distribution of a Community Wildfire Protection Plan.
- f. Advise and assist Public Agency with the disaster and emergency management training of such employees as Public Agency shall designate.
- g. Provide and maintain a coordinated countywide emergency management program for extraordinary operational systems not provided for in normal governmental operations, including: Warning Systems, Communications System, comprehensive emergency management and planning, and an Emergency Operations Center.
- h. Provide and maintain and issue access to a comprehensive emergency management software tool to expedite the emergency operations center processes.
- i. Develop and maintain a countywide comprehensive electronic interactive resource database of government owned and other resources available for use in the event of a disaster.
- j. Provide assistance with local emergency declarations and obtaining Federal and / or State funds available to Public Agency for emergency management and disaster purposes.

- k. Advise and assist Public Agency in the timely preparation of reports and other documentation required by the state and / or federal governments for emergency management purposes.
- l. Offer coordination assistance to Public Agency for major events or disasters affecting Public Agency.
- m. In its sole discretion, have the option to act as a backup EOC for partner cities.
- n. Assist Public Agency in the design, development, delivery, and after-action reporting of exercises scheduled by Public Agency to test its disaster response capability.

Advise and assist Public Agency with emergency shelter assessments and Americans with Disabilities Act compliance.

- o. Advise and assist Public Agency in complying with the provisions of Title 26, Chapter 2, Arizona Revised Statutes, and State policies and procedures.
- p. Advise and assist Public Agency with public awareness and education including but not limited to:
 - (1) providing disaster response pamphlets/handouts to Public Agency emergency management personnel for later distribution to the public.
 - (2) delivering disaster response pamphlets/handouts to libraries, community centers, and senior centers located in Public Agency.
 - (3) Coordinating with Public Agency to assist with public outreach activities on disaster and emergency-related subjects to schools, civic groups and similar organizations.
 - (4) Coordinating with Public Agency to assist with public outreach activities such as staffing information booths at fairs, safety days and similar events.
- q. Notify Public Agency of its annual assessment for each upcoming fiscal year no later than March 1 of the Preceding Fiscal Year.
- r. Assist Public Agency with other disaster and emergency management programs as may be agreed upon.

2. **Public Agency Obligations**

Public Agency shall:

- a. Develop, publish and distribute an EOP which is complementary to and compatible with County's EOP.
- b. Develop and conduct such emergency management training programs and exercises as it deems necessary.
- c. Have the option to act as a backup to the County if it needs an alternate location.
- d. Collect and provide disaster and emergency management information, such as annual NIMS reporting, when so required by the state or federal government.

- e. During each fiscal year (July 1 to June 30) of the term of this Agreement, pay to County an annual assessment to be determined as follows:
 - (1) County will pay 50% of the Local Budget plus that portion of the Local budget allocated to Capital Items.
 - (2) The remainder of the Local Budget will be paid by the participating public agencies.
 - (3) Public Agency's annual assessment shall be determined by dividing Public Agency's Population by the Total Population of the participating public agencies and then multiplying the quotient by that portion of the Local Budget allocated to the participating public agencies in the preceding paragraph.
 - (4) Public Agencies will pay a fixed amount based on the actual annual maintenance cost of comprehensive emergency management tool. The total annual maintenance will be divided by all Participating Public Agencies equally.
- 3. This Agreement supersedes any and all agreements, either written or oral, between the parties hereto with respect to the subject matter contained herein and contains all the covenants and agreements between the parties with respect to the rendering of disaster and emergency management services. Except as otherwise provided herein, any effective modification must be in writing signed by both parties.
- 4. The parties acknowledge that this Agreement is subject to cancellation pursuant to A.R.S. §38-511.
- 5. In the event of any controversy, which may arise out of this Agreement, the parties agree that the matter shall be arbitrated as provided in A.R.S. §12-1518(A). The method of arbitration and the selection of arbitrators shall be decided by the mutual agreement of the parties at such time as arbitration services are needed. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
- 6. The term of this Agreement shall commence on the Effective Date and continue until June 30, 2033, unless sooner terminated as provided herein. The Agreement may be terminated by either party giving written notice of such intention to the other party not less than ninety (90) days prior to June 30 of the year during which the notice is given, which shall be the effective date of the termination.
- 7. To the extent provisions of A.R.S. §41-4401 are applicable, all Parties warrant to each Party that they will comply with all Federal Immigration laws and regulations that relate to their employees and that each now complies with the E-Verify Program under A.R.S. §23-214(A).
 - a. A breach of this warranty will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement.
 - b. All of the Parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above.
 - c. Any Party may conduct a random verification of the employment records of any other Party to ensure compliance with this warranty.
 - d. A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of

the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).

- e. The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services under this Agreement.
- 8. To the extent permitted by law, each Party does hereby covenant and agree to indemnify, defend, and hold harmless the other Party, their elected officials, appointees, officers, employees, contractees, and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature relating to this Agreement which, are the result of any act or omission of the Party, its officers, employees, contractees, agents, and anyone acting under its direction or control, whether intentional or negligent, in connection with or incident to this Agreement. Failure of a Party to comply with the terms of this Agreement shall not provide the basis of any third-party action against any of the Parties.
- 9. Pursuant to A.R.S. §23-1022(D), for the purposes of worker's compensation coverage, all employees of each Party covered by this Agreement shall be deemed to be an employee of all Parties. The primary employer shall be solely liable for payment of worker's compensation benefits.
- 10. Any notices required or permitted to be given hereunder by either party to the other may be given by personal delivery in writing or by registered or certified mail, postage prepaid, with return receipt requested. Notices shall be addressed to the parties at the addresses appearing below, but each party may change such party's address by written notice given in accordance with this paragraph. Notices delivered personally will be deemed communicated as of actual receipt; mailed notices will be deemed communicated as of three (3) days mailing. Notices shall be addressed as follows:

To County to the attention of:

Director
Maricopa County Department of
Emergency Management
5630 East McDowell Rd
Phoenix, AZ 85008

To Public Agency to the attention of:

Public Safety Manager
Town of Youngtown
12030 N. Clubhouse Square
Youngtown, AZ 85363

11. If any provision of this Agreement is held by a court of competent jurisdiction or applicable state or federal law and their implementing regulations to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect.

Dated this ____ day of _____, 2023

Michael LeVault, Mayor

Dated this ____ day of _____, 2023

For County:
Clint Hickman
Chairman, Board of Supervisors

The undersigned attorneys for the respective parties each hereby certify that they have reviewed this Agreement and find that it is in proper form, and within the power and authority granted to their respective clients under the laws of the State of Arizona.

Attorney

Deputy County Attorney

ATTEST _____

Clerk

Juanita Garza
Clerk of the Board



TOWN COUNCIL ACTION FORM

SUBJECT: Discussion and/or Action Re: Youngtown's Sidewalk Improvement Program - Approval of Construction Contractor

STAFF PRESENTER: Gregory Arrington
Community Development Manager

RECOMMENDATION: Action may be taken. This item is presented for discussion and/or approval.

COMMUNITY BENEFIT: *The Town has made a concerted effort to create a safe and walkable community for its residents. The lack of sidewalks throughout the Town poses a major safety challenge (particularly at night) for our citizens.*

DISCUSSION: *Youngtown has received a grant in the amount of \$500,000.00 (Phase II) from the Community Development Block Grant Program. The Town received the following three (3) construction bids as detailed:*

ALK Asphalt, LLC	\$1,080,917.42
Hawkke, LLC	\$1,129,152.00
Standard Construction Company, Inc.	\$1,139,630.00

Staff is recommending the rejection of **ALK Asphalt, LLC** and **Hawkke, LLC** based on the following:

PROJECT EXPERIENCE

ALK Asphalt, LLC

CITY OF PHOENIX PROJECT

Curb & Gutter, Sidewalk repair, ADA Ramps, Driveways, utility adjustment

\$350K (thirty-two percent of proposed bid (1,080,917.42) amount)

Does not meet Item 3 under stipulation "1.1.2 Eligibility of Contractor" requirement.

Hawkke, LLC

PINAL COUNTY PROJECT

Extensive earth work and grading for 500-acre Regional Park including a Campground/Pyknic Area, with Equestrian Facilities and Trails.

Does not meet Item 1 stipulation under "1.1.2 Eligibility of Contractor." requirement.

Decommission (2) 10K & (1) 12K gallon RFP USTs. Dispensers & Piping, Back Fill & Restore Surface \$120,837.6

Does not meet Item 3 under stipulation "1.1.2 Eligibility of Contractor" requirement

1.1.2 ELIGIBILITY OF CONTRACTOR

1. Minimum of five years of recent and relevant experience in similar projects.
2. Two Key Personnel must have a minimum of three years' experience in similar projects.
3. The bidder must demonstrate successful completion of at least two similar projects, one of which must have a dollar value of at least seventy-five percent of the value bid for this project, both within the past five years.

Staff is therefore recommending approval of the contract with Standard Construction Company, Inc. in the amount of \$1,139,630.00 for completion of ten-thousand linear feet of new four feet wide ADA complaint sidewalks.

FISCAL IMPACT: N/A

REVIEWED BY:

Trish Stuhan (per email)
Trish Stuhan, Town Attorney

Jeanne Blackman (per email)
Jeanne Blackman, Town Manager

PREPARED BY:

Gregory Arrington (per email)
Gregory Arrington, Community Development Manager

**NO INSERT
POWER POINT WILL BE
SHOWN DURING
COUNCIL MEETING**

NO INSERT