



Sierra Vista City Council
Meeting Agenda
May 14, 2020

Call to Order

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

Roll Call

Invocation

Pledge of Allegiance

Item 1 Acceptance of the Agenda

City Manager's Report: Upcoming Meetings, Bid Openings and Bid Awards

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Regular Meeting Minutes of April 23, 2020

Item 2.2 Approval of the City Council Special Meeting Minutes of May 5, 2020

Item 2.3 Resolution 2020-020, Termination of Development Agreement concerning 2200 E Mercado Loop (Sierra Vista Mall)

New Business

Item 3 Resolution 2020-021, Authorization to Accept Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program (GFR Grant Number: GFR-ADOA-AZ911-21-001)

Item 4 Resolution 2020-022, Supporting Fort Huachuca's Joint Resource Utilization Study

Item 5 Resolution 2020-023, Authorization of Submission of the Community Development Block Grant (CDBG) Program Year 2020 Annual Action Plan to the United States Housing and Urban Development (HUD)

Item 6 Resolution 2020-024, Approval of a Grant from the Federal Aviation Administration (FAA) for CARES Act funding

Call to the Public

Comments and Requests of the Council

Adjournment

Due to health concerns related to COVID-19, public access to City buildings has been suspended. To comment on an agenda item or Call to the public, email the City Clerk at cityclerk@sierravistaaz.gov by 5 p.m. the day before the meeting. Members of the public may access the meeting through Channel 12 or

https://www.youtube.com/channel/UC8PtUplbkQsixlhSy-jeR_Q/videos.



Sierra Vista City Council
Meeting Minutes
[April 23, 2020](#)

1. Mayor Mueller called the April 23, 2020 City Council Meeting to order at 5:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call (Due to health concerns related to COVID-19, the meeting was held remotely)

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure and Library Services Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Tony Boone, Economic Development Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Invocation – Council Member Benning requested a moment of silence.

Pledge of Allegiance – Council Member Umphrey led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Pacheco moved that the Agenda for the Regular City Council Meeting of April 23, 2020 be approved as written. Council Member Benning seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Awards and Presentations

Mayor Mueller read for the record proclamations declaring the month of April as Fair Housing Month and City of Sierra Vista Second Chance Month.

Council Member Calhoun suggested placing the proclamations in the weekly newsletter that is sent out through Facebook. There was no objection from the Mayor and Council Members.

City Manager's Report: Mr. Potucek announced that hopefully the next regularly scheduled City Council Work Session will be held on May 12, 2020 at 3:00 p.m. in Council Chambers as well as the next regularly scheduled Council Meeting on May 14, 2020 at 5:00 p.m. He reported that the City received the February sales tax report, which was up a robust 5.39 percent this year over last year. This was the second highest month for sales tax revenues, but this is expected to start declining with March and April figures. Those will lag, the March figures will be received in May and the April figures will be received in June. Adjustments will be made accordingly to the budget as the figures come in. The Joint Powers Authority SEACOM Board met primarily to go over the SEACOM budget. There are still some budget issues to resolve; therefore, there will be a work session on May 6, 2020 to discuss those issues. He added that he plans to present this budget to Council at the May 12, 2020 work session.

He further stated that the Governor started providing guidance on the relaxation of COVID-19 Executive Orders starting with opening the health care system to elective procedures on May 1, 2020. There has not been any other guidance received. As the Governor provides guidance, the City can look forward to a series of press conferences by the Governor, where it is hoped to get further guidance on opening things up at which case, the City will move swiftly to implement those orders as they come up. Lastly, he reported that the County has 31 cases, nine of those are out of isolation and 22 active cases.

In response to Mayor Mueller, Mr. Potucek stated that under the CARES Act \$2.8 Million was allocated to the State of Arizona for COVID-related costs. A large amount of that is slated to be taken by the State and then the cities and counties, over 500,000 population of which there are only five entities in the State, can apply for the funds directly. The City has been waiting for guidance in terms of how smaller entities can apply for the funds and for what they can be used for. The Treasury Department did provide guidance – any of those costs must be related to COVID activities. However, the City is still waiting for State guidance in terms on how to apply for those funds. The City has been keeping track of the costs incurred as a result of this and will make application as soon guidance is received on how to do that. There is a lot of discussion on the part of various entities around the State regarding revenue replacement funds, but those are not included in the CARES Act. Discussion is taking place in Congress as to whether those funds will be made available in the next package.

Council Member Calhoun asked if the funds could help with the fact that the City's bus service is losing a lot of riders. Mr. Potucek stated that the Federal Transit Administration is receiving funds through their agency, which will help address issues with regards to transit funding, both this year and next year.

Council Member Umphrey asked if it was confirmed that Council will be meeting on May 5, 2020. Ms. Adams stated that she is waiting on rsvp's from the rest of Council on their availability.

Council Member Wolfe asked for clarification that Council will hold a public meeting on May 12, 2020. She asked if meeting publicly is based on direction from the Governor, and not something that the City has decided upon. Mayor Mueller stated that meeting publicly is tentative. It is hoped that Council will be able to assemble because the problem is that the presentation does not lend itself to the current format. However, Council Members may read the presentation early if they choose not to attend in order to keep to social distancing.

Council Member Wolfe stated that she wants to make sure that the community understands. Mayor Mueller stated that meeting publicly is pending the Governor's actions. He added that the Governor is being cautious and will probably dribble out each change – the pertinent thing to do.

Public Hearing – There were no responses on items two and three.

[Item 2](#) Consideration of Draft Program Year 2020 Community Development Block Grant (CDBG) Program Annual Action Plan

Mr. McLachlan stated that this is the second/third time that the Council has heard this presentation. The City is seeking comment on the Draft Annual Action Plan for the 2020 Program Year. Based on the initial guidance received at the March 12, 2020 Council Meeting, the proposed Annual Action Plan allocates the entire \$271,810 that was slated to be received toward implementing the final phase of the Eddie Cyr Park Master Plan. No applications were received this year from public service providers and the City is in its second year of the Five-Year Consolidated Plan period hearing out infrastructure and public facility projects in the low to moderate income target areas, rated as the top priority in the Plan, and where 2/3 of the program funds would be allocated.

In terms of process, the City will be making the Draft Annual Action Plan available for public comment through May 11, 2020. Staff will then bring the Plan back to Council with any input received for final consideration at the Council's Regular Meeting on May 14, 2020.

The final Plan which is essentially the City's application to HUD will be uploaded to the federal system and from there HUD will have 60 days to review and approve.

Mr. McLachlan stated that he is asking Council to release the Draft Annual Action Plan for public comment. The comment period runs through May 11, 2020 and the final approval with any edits resulting from those comments will occur at the City Council Meeting on May 14, 2020.

In response to Mayor Mueller, Mr. McLachlan stated that the Draft Annual Action Plan has not been put out for public comment. This was continued at the Council's prior meeting and this is the actual public hearing. The Draft Annual Action Plan will then be put out for public comment.

Mr. McLachlan stated that the draft has been available, but the official comment period was not started. The final vote authorizing the City to submit the Plan to HUD will occur at the next regular Council Meeting on May 14, 2020.

[Item 3](#) Resolution 2020-016, a Location/Owner Transfer Series 6 Liquor License for Nicholas Dominic Politi on behalf of Southwest Hospitality Services Group, 161A E Wilcox Drive, Sierra Vista, Arizona

Council Member Wolfe moved that Resolution 2020-016, a Location/Owner Transfer Series 6 Liquor License for Nicholas Dominic Politi on behalf of Southwest Hospitality Services Group, 161A E Wilcox Drive, Sierra Vista, Arizona, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that this is an application for a location owner transfer of a Series 6, a whole bar liquor license, submitted by Mr. Nicholas Politi. The notice of the public hearing was posted on the facility in excess of the required 20 days and no comments from the public have been received either pro or con. The Police Department performed their background check and have

no objection to the application moving forward. If approved, it will be returned to the State Liquor Board for final action.

Ms. Adams noted that Mr. Politi was virtually attending the meeting.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

New Business

[Item 4](#) Approval of the City Council Regular Meeting Minutes of April 9, 2020

Mayor Pro Tem Gray moved that the City Council Regular Meeting Minutes of April 9, 2020, be approved as written. Council Member Umphrey seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

[Item 5](#) Resolution 2020-017, Restating the City's Commitment to Fair Housing in Sierra Vista

Council Member Calhoun moved that Resolution 2020-017, restating the City's Commitment to Fair Housing in Sierra Vista, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. McLachlan stated that the resolution reaffirms the City's commitment to the principal of fair housing, which is memorialized each year by the City proclaiming April to be Fair Housing Month in Sierra Vista. This is a federal requirement intended to illuminate the community on the rights and responsibilities under the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act.

He added that as the Mayor reiterated during the reading of the proclamation, this act prohibits discrimination of the sale, rental and financing of dwellings on the basis of race, color, national origin and religion, sex and familial status and disability. Victims of housing discrimination can seek recourse through the Southwest Fair Housing Council. The web site includes a landlord and tenant resource on commonly asked landlord/tenant questions and information regarding fair housing rights. The City has fair housing brochures available at the City facilities.

Council Member Calhoun asked if referrals are being made in Sierra Vista. Mr. McLachlan stated that there are few and far in between, maybe one every six months. This is not a prevalent problem in Sierra Vista.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Comments and Requests of the Council

Council Member Benning thanked everyone in Sierra Vista for doing what they are supposed to do and noted that the light is at the end of the tunnel and the community will get there. He also thanked Council and staff.

Council Member Umphrey wished her mother a Happy Birthday and stated that a celebration is not taking place the way that they normally do, but they will make up for it when the pandemic is behind.

Council Member Pacheco stated that this week is National Volunteer Appreciation Week and noted that the City has a lot of devoted volunteers, who do a ton of work in keeping the City going. She thanked the volunteers throughout the City and noted that there has been a big outpouring of service and giving during this tough time. The whole community has stepped up and come together to make sure that everyone is taken care of. Lastly, she shared her favorite volunteer quote, "Volunteering is the ultimate exercise in democracy, you vote in elections just once a year, but when you volunteer, you vote every day about the kind of community that you want to live in."

Council Member Wolfe stated that she knows that the small businesses are hurting, everyone is currently hurting, but there is a light at the end of the tunnel, and she believes that it is coming and the business community can do it. She added that there are resources out there and encouraged people to reach out to the Small Business Development Center, Sierra Vista Chamber of Commerce or to her.

Mayor Mueller thanked Council Member Wolfe for reminding him during his call to Senator Sinema, who stated that the additional PPP money was passed. He encouraged the filing of applications and getting in touch with the bank so that funds may be received. He added that he was told that there is also a certain amount of money held for smaller banking institutions so that the Wall Street Giants could not get the first cut just like it happened during the first round.

Council Member Calhoun thanked Council Member Umphrey for reminding her about the School Board Meeting. She announced that the new School Superintendent, Eric Holmes, has been chosen and she looks forward to welcoming him to the community and working with him.

Mayor Pro Tem Gray had nothing to report.

Mayor Mueller reminded the community of the Census and encouraged people to fill out their forms. He stated that he hopes everyone had a good Earth Day and noted that he was unable to dig up the nonnative mesquite in his yard. He added that it looks like the Governor is going to gradually start opening things up, but there is no specific time schedule. Lastly, he stated that he agrees with Council Member Pacheco in that the volunteers keep the community together whether it is in a time of crisis or every day. He encouraged everyone to look for a way to help their neighbors and to watch out for one another, especially at current times.

Adjournment

Mayor Mueller adjourned the April 23, 2020 meeting of the Sierra Vista City Council at 5:29 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk



Sierra Vista City Council
Special Meeting Minutes
May 5, 2020

1. Mayor Mueller called the May 5, 2020 City Council Meeting to order at 3:02 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call (Due to health concerns related to COVID-19, the meeting was held remotely)

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present (3:09 p.m.)
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, Community Development Director
Tony Boone, Economic Development Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Item 1 Acceptance of the Agenda

Council Member Umphrey moved that the Agenda for the Special City Council Meeting of May 5, 2020 be approved as written. Council Member Benning seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Public Hearing

Item 2 [Proposed Substantial Amendment to Program Year 2019 Annual Action Plan and 2019-2023 Consolidated Plan Community Development Block Grant \(CDBG\) Program \(Citizen Participation Plan\) \(Subrecipient Agreement\)](#)

Mr. McLachlan stated that this is a public hearing item only and no formal action is needed. Staff is seeking public comment and any further input that Council may have before placing the proposed amendments into the public record for a five-day review.

The proposed amendments are to the City's Five-Year Consolidation Plan and 2019 Annual Action Plan. They are to implement the initial guidance staff received during the Council's April 21, 2020 Work Session. Staff recommended that the CARES Act funding be allocated to provide emergency small business grant assistance and public services to those impacted by COVID-19 and that meet HUD requirements. At the Work Session, there appeared to be a

consensus on Council to tentatively allocate the \$159,897 with \$100,000 towards a grant program for small businesses and the remainder towards basic social services.

A slide was presented on the proposed changes to facilitate Council's review. Staff limited the scope to those changes necessary to program the CARES Act funds by adding an economic development goal with a program description in funding and associated outcomes, which was done the same way under public services.

Mr. McLachlan stated that the public hearing meeting was advertised in the Sierra Vista Herald and on April 24, 2020 staff submitted a waiver to HUD to provide for expedited citizen participation procedures consistent with their initial guidance. He further stated that he received new guidance from the HUD representative that for the City to take advantage of those expedited procedures, the City needed to simultaneously amend its Citizen Participation Plan. The proposed amendments to the Citizen Participation Plan will be placed along with Substantial Amendments for public comment during the five-day comment period.

Staff will present any public comments received at the City Council's Meeting on May 14, 2020, where final approval will be requested and authorization to submit the Plan to HUD with the CF424 Form, application for federal assistance. There is no definitive timeline from HUD on how long the review and approval timeframe will extend, but given the purpose and urgency of the funding, staff believes that funding will be in place in less than a month from the submission date. The HUD representative, who manages seven different entitlement communities throughout the State, has stated that Sierra Vista is first in line for the funding review.

Mayor Mueller stated that he has had a discussion with Mr. McLachlan about the reason as to why this is taking so long to get it in place. He suggested that the City not wait until May 14, 2020 and to have a special meeting and work session on May 12, 2020, past the five days, to get this done and get it out to the federal government to give them a couple more days to do whatever they need to do to get this kicked off as soon as possible. Lastly, he stated that it has been six weeks since this funding came out from Congress and HUD and the State probably do not have the funds yet, but it is important to be expeditious to take care of the community.

Council Members Umphrey, Wolfe and Pacheco agreed with Mayor Mueller. Council Member Benning asked about the priority recommendations. Mayor Mueller suggested that staff brief Council first and then talk about doing both and if the answer is yes, how are they split out.

Mr. Boone stated that staff reviewed 15 to 18 different communities and their processes. In response to Council's request for a community like Sierra Vista, staff found La Crosse, Wisconsin that roughly has the same population as Sierra Vista as well as in County-size.

The goal is to keep businesses open and retain jobs negatively impacted by COVID-19. There are two categories of businesses within the grant program. Due to the requirements in each of them, the inclusion of both gives the City a greater flexibility to meet the needs of the business.

The Micro-enterprise is already in the Community Development Block Grant and two primary requirements are:

- Five or less employees including owner and owner of the business must demonstrate that their income meets the low/mod standards.
- Special economic development grant

Mr. Boone stated that if the business owner does not meet the requirement, they can be assisted through this grant. In this case, staff picked 10 employees with the intent to focus on small companies within the community. This is a flexible option.

In response to Mayor Mueller, Mr. Boone stated that the number of employees may be changed if the City wants to include businesses up to 15. He added that La Crosse included 75.

Council Member Calhoun asked if there were other categories considered. Mr. Boone stated that there were not. The micro enterprises and the Community Development Block Grants are categorizing the special economic development categories the second. There is option A, B or a little of both.

Mr. Boone stated that the special economic developments allows the City to include an employer that will maintain one or two employees at the low/moderate income level. The micro enterprises would have no requirement to come back to the City and confirm that they maintained a job. The special economic development side will because the federal law requires that element. He added that staff set it aside as one job per \$5,000 and if the grant were up to \$10,000, they would confirm two jobs.

He noted that this is for the current state of their business and not what it was before. For example, if the business was 10 employees in February and have laid off five employees and they are trying to maintain the five employees, they may meet the standard for the micro enterprise.

Council Member Benning stated that he has talked to business owners that are trying to file unemployment, who have asked that if they did not pay themselves a salary and they took money from the profits, if there were any at the end of the week or month, how can they prove their income level low to medium. Council Member Wolfe stated that they could prove that off their tax records.

Council Member Benning stated that he thought so too, but unemployment will not allow them to use their tax records. He asked if the City is going to do the same because unemployment is not doing anything for them to be able file, while others that paid themselves a salary can. Mr. Boone stated that they can prove it through the redacted 1040.

Mr. Boone stated that potential options are the averaging of \$3,000 of businesses, the City could touch 33 businesses or 10 businesses at \$10,000 using the \$100,000 in planning. Moving forward, the City has the option to put a preference for micro-enterprise and so the City could stack the businesses that are \$500 or under that meet the low to moderate income.

Council Member Calhoun asked if there is a list on how many of those businesses exist that have five or less employees or business with up to 10 employees. Mr. Boone stated that staff has a ballpark on the size of the companies, but they do not have their financial state and therefore, staff does not know where their income levels are at.

Council Member Pacheco asked if meeting the low to moderate income standards pertains to the pay level of the employees of the business meeting the low to moderate income standards. Mr. Boone stated that she is correct.

In response to Council Member Benning, Mr. Boone stated that the amount was a ballpark suggestion. Staff had discussion about averaging out \$3,000 and working with \$100,000. It can be thinner or larger depending on how the program moves forward.

Mayor Mueller stated that there is an application process and the City needs to be fair if both are going to be done. He added that he thinks that both be tried out. The first qualified should be the first served, which will continue until the money runs out. Mr. Boone stated that the timeline has a two-week window for all the applications. He added that La Crosse found out that they had more applications than they had money. If the City uses the \$7,500 and the \$10,000, maybe it can be met in the middle and the max requirement would be \$5,000. The intent with the criteria was to find the best businesses, the most needing and then having the flexibility to adapt as opposed to the PPP, where it was the first one in with an application.

Staff set the ceilings for the Micro-enterprise up to \$7,500 and \$10,000 for the special economic development. The intent of the application is in that they will tell the City where they are spending it and what they are requesting the money for. There will not be a requirement to keep the job on the micro-enterprise side, but there will be a certification that they did in fact keep up two jobs to meet the requirements of the special economic development grant.

The types of business being looked at are the for profit, commercial districts that are locally owned and independently operated, the impact by COVID-19 or government ordered closures. This is part of the application process and they will explain the circumstances and what the last six to eight weeks in the pandemic has meant to their specific business.

Council Member Umphrey asked if the City must specifically focus on those types of businesses. She also asked why the City focusing specifically on restaurants and bars because she feels that there are people being left out that were affected that are not on the list. Mr. Boone stated that there is latitude to move this. He added that he looked at 15 to 18 communities and most of them were focused on the things that were impacted. The restaurants, bars, small retails have been closed as well as services being impacted. However, there is some flexibility.

Mayor Mueller asked if it must be a for profit, locally or independently owned. Chain stores etc. cannot be done. Mr. Boone stated that he is correct.

Council Member Benning stated that he agrees with Council Member Umphrey and added that he likes putting services first because restaurants had the ability to stay open even though they were diminished. Some of the services, i.e. hair salons, barber shops had to shut down completely and did not have the capability to deliver food. Lastly, he stated that he wants to make sure that the City stays well rounded and not have places that were able to generate income/money and keep their employees whether it was more difficult than those that had to shut down completely.

Mr. Boone referenced a slide regarding the FY2020 income limits summary. He asked Council to look at the 80 percent income limits, starting with \$33,550 for one person in the family moving up to \$63,250. The criteria on the micro enterprise is the number that will apply to the business owner. Moving into the special economic development grant, that will be applied to the employees and the jobs in which they are guaranteed that they will keep. This will link to their individual 1040s and how many persons are in each family. It will be a sliding scale based on the number of folks in each family.

A slide of the competitive selection criteria was displayed. Mr. Boone stated that is about an 80 percent solution from a couple of other cities that staff tied into. The intent was to be competitive and not first come, first serve because staff believe that they could do better than the likes of the original PPP and it does offer some flexibility to meet businesses where they are at. This is a 100 points scale:

- A business that has operated for 20 plus years versus one that has been in business for six months. This goes towards their business as they move out.
- Their concept, which is part of the application process. How they are clear about where they are going and timing of this will be linked in many cases to somewhat of the reopening. This is a bridge on the backside to reopen.
- Disease response on how COVID-19 impacted the business as they describe both their revenue and sales.
- Job employee and retention, more is better. These are full time equivalents so if they are mixing four or five different part time employees, they intent would be one FTE positions defined as a 40-hour week.
- Community Development Block Grant where the City is trying to target money for minority/women business enterprises or business owners with low to moderate income. This is a 10 point plus or minus, they either meet the requirement or they do not.
- Evaluate the application on what they intent to spend the money on and for a realistic perspective of their project and moving it forward.

These will provide the opportunity to look at the applications competitively and do a staff review. There may be 10 businesses all requesting \$10,000 and applications 11 and 12 not getting serviced on a first come, first serve model. The model being proposed can round things down, i.e. hypothetically taking the numbers to \$8,000 instead of \$10,000 and serving additional businesses.

Mayor Mueller stated that applications will have to be put out to folks, and they are going to have to fill out the applications, especially if they are a minority women business or low to moderate business qualification. A committee in the City will peruse the applications and decide until all the money is spent. However, there is no real address as to how that is going to be organized.

Mr. Boone stated that once Council votes on May 12, 2020, staff could live with the applications for two weeks. Staff has worked out with the IT Department on how to accept 1040s, even redacted 1040. The businesses would fill out a two-page sub-certification, email it to Mr. Cline or himself. Staff has the authority to build a folder in the secured side of share point, send the link to the business owner with the application in the folder along with the check list of the other documents. They would then upload those. The timeframe is a week and within a couple of weeks, staff could independently score the applications and get together as a committee within the staff and make a rank order determination of who meets the qualifications better than the other ones.

Mayor Mueller stated that he wants to avoid getting into a situation where Solomon would have to split the baby. Mr. Boone stated that staff struggled with that because many communities have done very small amounts, i.e. \$1,500 that is a lot of work for that amount. He added that he talked to business owners and both Chambers of Commerce, the EDF and the SBD to try to come to coming up with a reasonable amount of money to bridge them out and make it worthwhile to move forward while trying to hit as many businesses as possible in the community.

In response to Council Member Benning, Mr. Boone stated that the intent is to have the process open for two weeks, grade them all independently and come to terms with whom is the best applicant or the neediest. Mayor Mueller stated that it would be the businesses with the greatest need because there is not best application as they are all in need.

Council Member Wolfe stated that she understands the amounts and asked not to underestimate even small amounts that can come through and what that means and how it can help. Mr. Boone stated that it is the thought to get all the applications in because maybe the decision is taken to take it to \$5,000, touching more businesses at the end of the day.

Council Member Wolfe stated that she wants staff to understand that even if it is \$5,000, that for some of the small businesses is huge. She added that for her, it covers her overhead for a month for her business. She further added that she is not applying, but that would be huge.

Mayor Pro Tem Gray stated that she understands that the selection criteria are set by HUD and asked if the City must use those weights. Mr. Boone stated that HUD wants for the City to have grading criteria, but they do not specify. These were derived from other communities as well as the point structure. There is flexibility, but when HUD comes back and asks how the funds were spent and the type of criteria used, these are the ones that have already been bounced to the HUD representative.

Mayor Mueller asked if the City Attorney has reviewed the criteria to make sure that the City is not being unfair. Mr. Boone stated that he has had discussions with the City Attorney but has not had the criteria looked at by the City Attorney.

Mayor Pro Tem Gray stated that while Mr. Boone discusses the criteria with the City Attorney, perhaps he can ask about the minority women businesses. Mayor Mueller stated that it is a federal requirement.

Mayor Pro Tem Gray asked if that criteria could be as low a point as possible and only because she does not want unfair advantages. Everyone is equally in need at this point. Council Member Benning agreed. Mayor Mueller stated that 10 points is where it should be in his opinion.

Mayor Pro Tem Gray suggested getting it lowered to five or lower. Mayor Mueller noted that it does not need to be a 100 points scale, but that is what is being presented by staff. He added that he personally thinks that staff has done a good job considering the lack of guidance from HUD.

Council Member Wolfe stated that as a female business owner, she completely agrees with Mayor Pro Tem Gray. Council Member Benning also agreed.

Council Member Umphrey asked if Council is considering tweaking it and making it less because there is less work involved. She suggested taking five points from each of the last two criteria and making readiness to proceed 20 points because there is more proof involved with that. Mayor Pro Tem Gray and Council Member Wolfe agreed.

Council Member Calhoun, disagreed, stating that although, she agrees that everybody is in great need at this time, historical reasons for that are enough for her to support keeping the criteria. She added that she has no background on how the situation has been over time in

Sierra Vista, but historically the need for giving preference to minority, women and low income owned businesses is important.

Mayor Mueller suggested that the last two criteria, the project cost and the low to moderate income business owners be lowered from 10 to five and the other 10 points moved to the readiness to proceed as was suggested. Mayor Pro Tem Gray, Council Members Benning and Pacheco agreed.

Mr. Potucek stated that a lot of time when staff bids out federal grant contracts, there are requirements such as the minority women owned business requirements and scoring systems are applied to those that are known to have been vetted by HUD in the past. He further stated that staff can look at how those contracts were scored in order to make sure that certain categories are not being scored too low because that might raise a red flag to HUD.

The next two slides that were shown are straight out of the Federal Regulation. The slide referencing the eligible use of funds was displayed so that people could see the intent that goes back to the basic operating capital for leasing, insurance, utilities and staff salaries. There are other elements that are authorized and allowed i.e. equipment purchases and perhaps even marketing and advertising. This may look different, but in businesses reopening in June make these eligible uses. The other slide that shows in true federal fashion the things that are ineligible costs.

Mr. Boone noted that 24 CFR 570 lists construction fees that are authorized up to \$2,000, but staff did not want to get into NEPA and construction so that was taken out.

Mr. Boone presented a slide depicting the small business grant timeline. He stated that this was set up based on where staff was currently at and how slow HUD was going to make it through. Staff can adjust the timeline because after the May 5, 2020 work session, it will take a couple days for staff to adjust all the applications and summaries while balancing new data off HUD.

The intent is to go into a pre-advertising of the grant process between May 11 and May 15, 2020. There has been discussion about a flyer on the web site as well as getting it into the Chambers of Commerce, SBDC and EDF moving forward to a Mayor/Council vote on May 14, 2020, going live on the application and certification for two weeks. The goal is close on May 29, 2020, which leaves four days for staff to review and score grant submissions.

Mr. Boone stated that he intends to move faster because the goal is to get this into the business' hands and have the estimated grant funding to awardees that involves working with them to get the actual funding on the other side by June 12, 2020. Lastly, for six months, no later than December 12, 2020, the special economic development businesses will need to come back and submit job verification and expenses to close out grant with the businesses not owing that into the future. The micro-enterprises can be turned relatively quick, meet the requirements and close the grant.

Mr. Boone noted that it was recommended to give six months to give the businesses time to recover and ramp up their operations into the future.

Council Member Wolfe asked if it is businesses verification or positions verification. Mr. Boone stated that she is correct.

Council Member Calhoun asked if it takes two weeks to complete the application process. Mr. Boone stated that he believes that in looking at the application, most business owners, especially the sole proprietors should be able to complete in under 90 minutes. The external elements will be a copy of their 1040 redacted and payroll. Staff tried to make it as simple as possible while maintaining enough information to justify the businesses that will have the money spent on when HUD comes back to look at this.

Council Member Calhoun stated that she thought it could be moved along faster than two weeks. Mr. Boone stated that staff can do that. Mayor Mueller stated that the issue is that businesses are going to want some time to do this. Some businesses will be ready tomorrow, and others will have to get paperwork together, identify employees and look at the actual income to find out for which one they can qualify. It may take them more than a week to get the information, but it only takes them 90 minutes to fill it properly. He added that in his mind, that is their time and the City is not slowing it down by giving them adequate time to respond and file the application.

Council Member Calhoun asked if there is a system in place for those businesses that have not responded by December. Mayor Mueller stated that there must be a system where the businesses are notified 30/50 days to remind them that paperwork will be due. They can also be encouraged to file earlier if they are able.

Council Member Wolfe stated that when talking about the 1090x, she assumes that it is about the most recent because there are a lot of people that have not filed their 2019 taxes and at that point would have to go back to 2018. She asked if that matters. Mr. Boone stated that they can use 2018 returns because the government has extended the tax submission.

Mayor Mueller stated that the key is the last time the taxes were completed.

Council Member Pacheco asked if the City is asking the business owners to produce their employees' 1040 to certify their employees' income level. She added that if it is not their only job, then she wonders how they would certify their own employees' income level other than what they get paid at the one job. Mr. Boone stated that there are two things, one, the business owner will provide the payroll and that provides the baseline for the income. The second part is that they must self-certify the number of family members or dependents for that individual. The City is not asking for the individual employee's 1040s and in the applications, the full name is not required. There is a bit of self-certification, but the City wants to have enough documentation to be able to show where the money went, which would show how they spent it.

Council Member Calhoun asked if there is Plan B in case there is a problem with the internet system. Mr. Boone stated that the 1040s can be delivered to City Hall as another security measure. Staff did not want their redacted 1040s in the email. The link was tested out and it will be continued to be tested as it is rolled out so that the businesses can upload their own documents into their own folder. As a backup, a traditional hard copy version of their application can be submitted.

Council Member Calhoun stated that she believes that this is important just to avoid any delay in the timing. Mr. Boone stated that the reason why it is important for staff to know who is submitting packets so that they can be tracked. As they reach out to the City, staff would set the link to their folder and this way staff can watch and call them.

Mayor Mueller stated that the other advantage that this provides is in that if the application is incomplete, and staff is at the point to review and score them, staff can call them.

Council Member Calhoun asked if there is a drop date for applications. Mr. Boone stated that she is correct. Mayor Mueller stated that it is May 29, 2020. Mr. Boone stated that the deadline may change.

Council Member Umphrey asked if there is a plan to reach out to businesses to make sure that the news is out to as many business owners as possible. Mr. Boone stated that the intent is to use the City's social media, the Herald Newspaper and both Chambers as well as the SBDC and Regional EDF. These will be used to their customers/businesses that they talk to, public media, social media and as soon as the application is adjusted – that is the pre-advertisement. The intent was to advertise this forward, the basics of the grant, when the grant will be opened and how long.

Mr. McLachlan stated that staff is staying with its recommendation to earmark a portion of the CARES Act money to the United Way GAP Program for the emergency crisis fund. He added that he provided as part of the agenda item the draft sub-recipient agreement that follows the standard format for public service contracts. The City Attorney has reviewed and approved the draft and a few points to consider with this arrangement is that staff likes United Way because the Grombacher Assistance Program is already stood up and operating in a manner that fits with the intent of the CARES Act Funding to meet urgent needs in the County. It is an important point that United Way provides a central point of contact for nonprofits who need funding for specific client services. They have pre-existing relationships with the local nonprofit community and already receive referrals for clients in need. The target is assisting at least 30 individuals through this fund and as discussed at the last work session, United Way has offered to limit its direct expenses to five percent of the grant or \$3,000, which is written into the sub-recipient agreement. The remainder will go towards payments directly to the service providers on behalf of the individual/family receiving assistance.

If someone needs help to catch up on utilities, the check will be sent to the utility provider and not the individual to ensure that the funds are being used for the intended purpose.

Mayor Mueller stated that an individual could go to United Way and state their need for folks that need to be put up at a hotel/motel if the Good Neighbor Homeless Shelter was at capacity. These individuals do not necessarily have to be a member of the United Way. Mr. McLachlan stated that he is correct and added that the referrals come through the area nonprofits. If the Good Neighbor Alliance shelter maxes out in capacity, where an individual needs to be quarantined, they can use these services to cover a hotel/motel voucher.

Council Member Calhoun stated that she is curious about the mental health counseling. She asked if individual counselors who are not with an agency and wanted to do some counseling be able to step forward and get on a list to have the Grombacher Fund give them vouchers to see some people. Council Member Benning stated that it is the same as an individual that is at the Forgach House. The voucher will go to the counselor that they are going to see or the organization that has helped them find counseling, i.e. Easter Seals or an organization that does behavioral health.

Council Member Calhoun stated that she was thinking about counselors who are not with an agency that could be of assistance because there is a shortage of counselors in the community. If there is an influx of people desiring counseling, which NAMI expects that there will be, there

needs to be a way to handle as many and as soon as possible. Council Member Benning stated that it is done the same way. If it is an independent counselor, the award is given to the individual, but they are going to pay the counselor that they are going to see.

Council Member Pacheco noted that the slide states assisting individuals with shelter who were impacted by COVID-19. She added that this is an emergency crisis fund and asked if the fund is for the assistance of counseling because it does not seem to fit in this category. Mr. McLachlan stated that there are individuals and families that are experiencing mental health concerns relative to the pandemic and that is an eligible expense.

Council Member Benning stated that there are individuals who were not homeless nor needed shelter prior to this and now they might be. One of the big things that the government fund is trying to do is to eliminate that and find them help before they get to the next level, where they are not homeless and there is something else. They provide funds for that and they do investigate that along with several other organizations.

Council Member Pacheco stated that it feels to her that this is being broadened and this is not a lot of funding. This is being broadened to fit anything, and it should be homed in what the City's target is with how the money is being used. She further stated that Pandora's Box is being opened with the City addressing mental health too, which is an ongoing need. Mayor Mueller stated that the City is assisting community members, who may have been impacted by the virus and individuals without shelter. It is clear on how people are impacted without shelter, but other people are also impacted by COVID-19 and it could be mental health issues, utilities and a number of other things that they may need assistance with, but that is part of the mission. He further stated that the City will not be able to spend a vast amount on mental health.

Council Member Benning asked if this is a separate vote. Mayor Mueller stated that it is all one program and there will be discussion about what whether this will be done or if the money is going to be split up. Council Member Benning noted that he is the Vice President of United Way and he may have a conflict of interest. Mayor Mueller suggested that he speak to the City Attorney, but he does not foresee a problem unless he is a signatory on the contract.

Council Member Wolfe stated that she agrees with Council Member Calhoun in that mental health issues are on the rocks and she does not have an issue with putting money towards that. The pandemic has affected a lot of people and it is not up to Council to state how COVID-19 has affected people and what they need. This is just an important part of people's health and wellbeing. Mayor Mueller stated that the care for mental health is a process and the funds are only enough to get people in the door and not the entire medical treatment for counseling or whatever is required.

Council Member Wolfe stated that this is hitting a lot of people hard and anything is sometimes better than nothing. She added that she is not against giving money to that area if they can help somebody.

Mr. McLachlan stated that staff took a stab at putting together a budget that covers the anticipated needs through the end of the year. The line items under the GAP Fund can be adjusted from the budget by about 20 percent based on service level demands. Adjustments beyond that threshold require City authorization. The bulk of the budget is tentatively slated towards helping low income family stay in their homes. There are subsidies to rent/mortgages and payments for utilities.

Mr. McLachlan stated that after he spoke to the executive director, he is recommending that within these categories, the City cap the individual beneficiary amount to \$1,000. If Council agrees in that the amount is reasonable, staff will add this as a provision to the contract. The \$3,000 for indirect administrative costs is fixed, which is a generous offer by United Way and much lower cost if the City were to self-administer. The actual budgets will fluctuate depending on the demands over the course of the upcoming month.

In response to Mayor Pro Tem Gray, Mr. McLachlan stated that the total for administration is being capped at \$3,000, which is five percent of the allocation.

Mayor Pro Tem Gray asked if it were changed to state another number, it would be five percent of the new number. Mr. McLachlan stated that United Way's offer was five percent. Mayor Mueller added that it is fixed at five percent up to \$3,000 cap. Mr. McLachlan clarified that the ability to adjust the line items only pertains to the GAP Fund. Those line items could go up to a maximum of 25 percent and anything over that would be subject to prior authorization by the City. The overall amount will not exceed \$59,897.

Mayor Pro Tem Gray asked if it is \$1,000 per person. Mr. McLachlan stated that it is staff's recommendation and explained that the amount was based on United Way's feedback. Mayor Mueller stated that it is a good guideline, but he would have like to have known that before the meeting. He added that this is set up so that a check is given out and not cash to an individual. The funds are being given to the shelter, mental counseling, hotels/motels and, etc. Those folks would then be able to provide a receipt so that the funding that is being spent can be tracked to reconcile with the federal government.

Mr. McLachlan provided the payment schedule for the contract that takes them through the end of the year. Like the budget, the expenditures scheduled can be adjusted by up to 50 percent depending on service demands, which are difficult to gage at this time. Staff will help the United Way to get the word out once the funding is set to make sure that the community is aware of this program.

Mayor Mueller shared with Council that he and Mr. McLachlan discussed this and decided that if people apply and have needs before the end of July, the City can spend the money by then and not wait due to the chart and not spend the preponderance of the money later in the year, especially if there is a valid need early. The whole idea of this program is to get the money out to the people as soon as possible. Mr. McLachlan added that it is necessary to have United Way consult the City if they want to go beyond 50 percent of the payment schedule.

Mr. McLachlan stated that in terms of the nonprofits that he was asked to research regarding their COVID-19 response programs, the Legacy Foundation started providing emergency funding assistance to area non-profit agencies in mid-March. A list of grantees is on their web site and explained that the donation-driven nonprofits are struggling to keep up with their on-going operating expenses. The emergency grants are helping them maintain and event augment service levels to keep them up with heighten demands.

Mr. McLachlan stated that Ms. Hepburn agreed that the GAP Program would be a good vehicle that addresses specific individual needs of those in dire straits. The Community Foundation for Southern Arizona is also set up with COVID-19 emergency relief fund and it is to support nonprofits that have had to cancel critical fundraising events. They are currently restricting funding to nonprofits in Pima and Santa Cruz counties only.

The Arizona Community Foundation that is based in Phoenix has a COVID-19 Community Response Fund for general operations directly related to changes in service delivery resulting from COVID-19 in Arizona. Grant funding may not be used to develop or implement new programs or services not in place prior to March 11, 2020. The fund is to aid nonprofits with their operating expenses and available funding is based on donations received within Cochise County, which is not being disclosed.

Mr. McLachlan stated that in conclusion, pending any changes that Council wants to make, staff will be posting the final proposed amendments to the web site for the five-date public comment period that starts on May 6, 2020 and runs through the close of business day on May 11, 2020. The issue will return to Council at the regular meeting of May 12, 2020 with any comments received during the timeframe.

Mayor Mueller asked if Council wants to split between the small business grant and the GAP as presented by staff.

Council Member Benning stated that he thought that Council was going with the \$1,000 for the small businesses. Mayor Mueller stated that at the last meeting, he asked for consensus of Council to do that as the strawman until the program was developed, which is what staff did.

Council Member Umphrey stated that she remembers the discussion and was thinking with what Mr. Boone had stated about the La Crosse Community did not have enough money for the businesses and she wonders in looking at the numbers, if the City will run into the same problem. She added that she thinks about individuals, a lot of them will be getting stimulus checks, and it might be doing more good if the City can give \$20,000 more to the business side and save some jobs to keep people from getting into a situation where they will need help on the other end. Mayor Mueller noted that it is worth discussion; however, there are people that will be in GAP as well and are not going to be getting the refunds that they applied for or other federal assistance.

Council Member Benning stated that there are those that will not get a stimulus check because they made too much money, but now due to COVID-19 do not have a job and are in dire straits. Council Member Umphrey stated that she is not suggesting to completely not use the GAP and serve the individual, but if more jobs could be saved in the community that might be doing more good on the other end of things.

Mayor Pro Tem Gray agreed with suggestion by Council Member Umphrey, which was discussed last week. She added that taking an additional \$20,000 for the business makes sense for all the reasons that Council Member Umphrey outlined.

Council Member Wolfe agreed and stated that especially the small businesses are currently having a hard time. She added that Council Member Umphrey made a valid point in that if the small businesses are helped, they can continue to employ people and sort of stop the flow on the front end. Lastly, she stated that she agrees in that the City still must give money in the GAP.

Council Member Calhoun stated that she is torn. She suggested that the City direct people to the different agencies, i.e. Legacy and the Arizona Community Foundation that help people in trouble. Southeastern Arizona Governments Organization and St. Vincent De Paul are other agencies that help people with vouchers for various needs, even though they are hurting;

however, they are requesting money from the big foundations. She further stated that she agrees with Council Member Umphrey in that more money should go towards the businesses.

Council Member Pacheco agreed.

Mayor Mueller noted that there is a consensus of Council to go down \$20,000 from the \$59,897 to \$39,897. The \$20,000 would go into the other program.

Mr. McLachlan asked if there are any services that Council would like to cut back with the reduced \$20,000. Mayor Mueller stated that there are not. This is a proportional reduction.

In response to Council Member Umphrey, Mayor Mueller stated that there will be a meeting on May 14, 2020. The May 12, 2020 is a special meeting with only the one item to be followed by the regularly scheduled work session that will include the Fry Boulevard/North Garden Avenue item and the balanced budget.

Mayor Pro Tem Gray thanked Mr. Boone and Mr. McLachlan for their hard work on this program. Mayor Mueller also thanked them and stated that there is still a significant amount of work to be done and the key thing is to define this program clearly to the applicants.

Mayor Mueller asked City Clerk Adams if there are any people that would like to address the Council concerning the public hearing. Ms. Adams stated that there were no requests.

Adjournment

Mayor Mueller adjourned the May 5, 2020 meeting of the Sierra Vista City Council at 4:22 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

May 14, 2020

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP Community Development Director

FROM: Jeff Pregler

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2020-020
Termination of Development Agreements
Acceptance of Termination Agreement

REQUESTED ACTION:

The City of Sierra Vista and Sierra Vista Mall, LLC and Rouse Properties TRS, Inc., the latter two entities known as the owners of the Mall at Sierra Vista, are requesting termination of the following Development Agreement and subsequent amendments to the Agreement identified by the following Resolution numbers and dates and acceptance of a termination agreement as shown in Exhibit A:

Resolution 4083, approved on September 24, 1999 (recordation number 9810-30139)
Resolution 4094, approved on October 13, 1998 (recordation number 01020-3446)
Resolution 4129, approved on January 14, 1999 (recordation number 0102-3445)
Resolution 4847, approved on September 26, 2002 (recordation number 0210-32119)

RECOMMENDATION:

The City Manager recommends approval.
The Assistant City Manager recommends approval.
The Director of Community Development recommends approval.

APPLICANT:

City of Sierra Vista
Sierra Vista Mall LLC
Rouse Properties TRS, Inc.

BACKGROUND:

The Mall at Sierra Vista and all associated tracts and building pads, as identified on the Mall at Sierra Vista subdivision plat, were developed in accordance with the stipulations of Development Agreement 4083 and its subsequent amendments. The stipulations and conditions have been completed and are no longer applicable to the future development of the Mall at Sierra Vista. To remove any future incumbrances on the title of the Mall at Sierra Vista and associated parcels, the City of Sierra Vista and the Mall owners, have requested termination of the Development Agreement and all aforementioned amendments. The attached Termination Agreement, once signed, will terminate the Development Agreement and subsequent amendments. Any additional development on the properties would need to meet Development Code requirements.

Attachments:

Resolution,
Exhibit A-Termination Agreement

RESOLUTION 2020-020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY, TO TERMINATE DEVELOPMENT AGREEMENT 4083 AND THE AGREEMENT'S SUBSEQUENT AMENDMENTS, RELATING TO THE DEVELOPMENT OF THE MALL OF SIERRA VISTA AND ACCEPTING TERMINATION AGREEMENT AS SHOWN IN EXHIBIT A; AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City and Price-Herring, L.L.C. entered into that certain Development Agreement (the "Original Development Agreement") dated as of September 24, 1998 and recorded October 5, 1998 with the Cochise County, Arizona Recorder as Document No. 9810-30139, which Development Agreement was amended by Amendment to Development Agreement dated as of October 13, 1998 and recorded February 8, 2001 with the Cochise County Arizona Recorder as Document No. 01020-3446, which Development Agreement was further amended by Amendment to Development Agreement dated as of January 14, 1999 and recorded February 8, 2001 with the Cochise County Recorder as Document No. 0102-3445, and which Development Agreement was further amended by Development Agreement entered into by and between the City and Price Development Company, Limited Partnership dated as of September 26, 2002 and recorded October 11, 2002 with the Cochise County Recorder as 0210-32119 (the Original Development Agreement, as so amended, the "Development Agreement"); and

WHEREAS, the current Owners of the Mall, known as the Mall at Sierra Vista LLC., and Rouse Properties, TRS, Inc. wish to terminate the Development Agreement and subsequent amendments to the Agreement; and

WHEREAS, all conditions of the Agreement have been completed and are no longer applicable to the future development of the Mall at Sierra Vista and all parcels and pads associated with the Mall at Sierra Vista, as identified in Exhibit A; and

WHEREAS, the City of Sierra Vista is in Agreement with the termination of the Agreement and subsequent amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That the termination of the Development Agreement, identified as Resolution 4083 and subsequent amendments is of mutual benefit to both the City of Sierra Vista and the owners of the Mall at Sierra Vista.

SECTION 2

The City hereby terminates the Development Agreement identified as Resolution 4083 and all subsequent amendments, identified as Resolution 4094, Resolution 4129, and Resolution 4847, respectively and accepts the Termination Agreement from Sierra Vista Mall, LLC and Rouse Properties TRS, Inc.

SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF MAY 2020.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner

(Re: This instrument prepared by and
after recording return to:

Douglas M. Ellis, Esq.
Neal, Gerber & Eisenberg, LLP
2 N. LaSalle Street, Suite 1700
Chicago, Illinois 60602

TERMINATION OF DEVELOPMENT AGREEMENT

THIS TERMINATION OF DEVELOPMENT AGREEMENT ("Termination") is made as of _____, 2020 (the "Effective Date") by and between the **CITY OF SIERRA VISTA**, a municipal corporation organized under the laws of the State of Arizona ("City") and **SIERRA VISTA MALL, LLC**, a Delaware limited liability company ("SVM") and **ROUSE PROPERTIES TRS, INC.**, a Delaware corporation (together with SVM, "Owner").

WHEREAS, the City and Price-Herring, L.L.C. entered into that certain Development Agreement (the "Original Development Agreement") dated as of September 24, 1998 and recorded October 5, 1998 with the Cochise County, Arizona Recorder as Document No. 9810-30139, which Development Agreement was amended by Amendment to Development Agreement dated as of October 13, 1998 and recorded February 8, 2001 with the Cochise County Arizona Recorder as Document No. 01020-3446, which Development Agreement was further amended by Amendment to Development Agreement dated as of January 14, 1999 and recorded February 8, 2001 with the Cochise County Recorder as Document No. 0102-3445, and which Development Agreement was further amended by Development Agreement entered into by and between the City and Price Development Company, Limited Partnership dated as of September 26, 2002 and recorded October 11, 2002 with the Cochise County Recorder as 0210-32119 (the Original Development Agreement, as so amended, the "Development Agreement"); and

WHEREAS, Owner is the owner of certain property commonly known as the Mall at Sierra Vista, located in Sierra Vista, Arizona (the "Property") and the successor to Developer (as defined in the Development Agreement); and

WHEREAS, the City and Owner wish to terminate the Development Agreement.

NOW, THEREFORE, in consideration of the promises and of the promises and conditions contained herein, the City and Owner hereby agree as follows:

1. Effective as of the Effective Date, the City and Owner hereby terminate the Development Agreement and agree that the Development Agreement is of no further force and effect, and each party hereby releases the other from any claims, obligations and liabilities arising under or in connection with the Development Agreement.
2. This Termination shall be binding on and inure to the benefit of the parties hereto, their heirs, executors, administrators, successors in interest and assigns.
3. This Termination shall be governed by and construed in accordance with the laws of the State of Arizona.
4. This Termination may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

[signature page follows]

IN WITNESS WHEREOF, the City and Owner have executed this Termination as of the Effective Date.

CITY:

CITY OF SIERRA VISTA, a municipal corporation organized under the laws of the State of Arizona

By: _____

Name: _____

Title: _____

STATE OF _____)

) SS.

COUNTY OF _____)

I, the undersigned, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____ personally known to me or properly identified to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument in his/her capacity as _____ of the City of Sierra Vista, and as his/her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and seal this _____ day of _____, 2020.

Notary Public

My Commission Expires _____

ROUSE PROPERTIES TRS, INC., a Delaware corporation

By: _____

Name: _____

Title: Authorized Signatory

STATE OF _____)

) SS.

COUNTY OF _____)

I, the undersigned, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that _____ personally known to me or properly identified to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument in his/her capacity as the Authorized Signatory of Rouse Properties TRS, Inc., a Delaware corporation, and as his/her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and seal this _____ day of _____, 2020.

Notary Public

My Commission Expires _____

April 27, 2020

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Susan Papatrefon, SEACOM Administrator
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2020-021, Authorization to Accept Arizona
Department of Administration, Office of Grants and Federal
Resources, Arizona 9-1-1 Program (GFR Grant Number:
GFR- ADOA-AZ911-21-001)

RECOMMENDATION

The City Manager recommends approval.
The SEACOM Administrator recommends approval.

INITIATED BY

Susan Papatrefon, SEACOM Administrator

BACKGROUND

The Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program, has allocated funds to provide 9-1-1 Emergency telephone services, software and equipment (9-1-1 Services) through FY21. 9-1-1 calls are delivered over a stand-alone network allowing callers to be specifically routed to the nearest Primary Service Answering Points (PSAPs). In an effort to provide efficient and effective 9-1-1 Services the network requires equipment maintenance and software update (s).

In the role as Cochise County 911 Administrator, SEACOM Administrator applied for and was awarded a grant through Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program to fund 9-1-1 Services throughout the City of Sierra Vista and surrounding areas. The grant funds will reimburse the city for costs associated with funding 9-1-1 Services, including but not limited to monthly service fees, equipment maintenance, and software update(s). This award covers a period through June 30, 2021. The total amount of the award is \$447,624.00.

BUDGET APPROPRIATION

There is a reimbursable grant and no additional budget appropriation is required.

RESOLUTION 2020-021

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; TO ENTER INTO A GRANT AGREEMENT WITH THE ARIZONA DEPARTMENT OF ADMINISTRATION; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council to authorize the City Staff to seek, make application for, and accept any Federal and State funding assistance for improvement to our community that are beyond the funding capability of City Revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City of Sierra Vista, through SEACOM, has made Application and has been awarded grant funding of \$447,624.00 from the Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program, these funds will support services in support of 9-1-1 Services in Cochise County; and

WHEREAS, the City of Sierra Vista is able to meet the terms of the agreement; and

WHEREAS, the City of Sierra Vista desires to provide 9-1-1 Services throughout the City of Sierra Vista and surrounding areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council seeking grant funding be, and hereby is, reaffirmed.

SECTION 2

A grant agreement, attached and made a part hereof as Attachment A, between the Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program and the City of Sierra Vista for grant funding for the purpose of funding 9-1-1 Services throughout the City of Sierra Vista and surrounding areas, be and hereby is approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF MAY 2020.

Frederick W. Mueller
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN J. WILLIAMS
City Attorney

PREPARED BY:

SUSAN PAPATREFON
SEACOM Administrator

ARIZONA DEPARTMENT OF ADMINISTRATION
ARIZONA 9-1-1 PROGRAM
GRANT AGREEMENT

Grant Number: ADOA-AZ911-21-001

This Grant Agreement (“**Agreement**”) is between the City of Sierra Vista, acting as System Administrator, (“**Grantee**”), participating and the State of Arizona, acting through the Arizona Department of Administration (“**ADOA**”), (sometimes, individually, a “**Party,**” or collectively, “**Parties**”).

AUTHORIZATION

1. A.R.S § 41-704 authorizes the Arizona Department of Administration to administer the emergency telecommunication services revolving fund in accordance with A.R.S. 11-951; 11-952 and 41-101.01.

BACKGROUND

2. The Arizona 9-1-1 Grant Program is designed to assist Public Safety Answering Points (PSAPs), in collaboration with regional and local jurisdictions, perform activities related to implementation and operation of their respective emergency telecommunication system.

PURPOSE OF THE AGREEMENT

3. Distribution of funding per A.R.S § 41-704, which establishes the administration of the emergency telecommunication services revolving fund.

TERM, EFFECTIVE DATE, AND Termination

4. Term and Effective Date: This Agreement will commence on July 1, 2020 and terminate on June 30, 2021. This agreement expires at the end of the award period unless prior written approval for an extension has been obtained by ADOA. A request for an extension must be received by ADOA, sixty (60) days prior to the end of the award period. ADOA in its sole discretion may approve an extension to further the goals and objectives of the program, and determine the length of any extension.
5. Termination:
 - 5.1. In the event of a material breach of any provision of this Agreement, the non-breaching Party shall give written notice to the breaching Party specifically setting forth the nature of the breach. Upon being served with such notice, the breaching Party shall have ten (10) days in which to cure said breach. If said breach has not been cured within the ten (10) days, then the non-breaching Party may terminate this Agreement.
 - 5.2. In accordance with A.R.S. § 38-511, State may within three years after execution cancel the Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the State, at any time while the Agreement is in effect, becomes an employee or agent or any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement.

OBLIGATIONS OF THE PARTIES

6. Responsibilities of the Grantee:
 - 6.1. Grantee agrees that grant funds will be used in accordance with applicable statutes, program rules, guidelines and special conditions.
 - 6.2. GRANTEE agrees that it will submit financial and activity reports to ADOA in a format provided by ADOA, documenting the activities supported by these grant funds and providing an assessment of the impact of these activities which may include documentation of project milestones. In the event reports are not received on or before the indicated date(s), funding may be suspended until such time as delinquent report(s) are received.

- 6.3. Grantee understands that financial reports are required as an accounting of expenditures for either reimbursement or ADOA-approved payments. Reports are due pursuant to the schedule listed in this agreement.
- 6.4. Grantee agrees to pay vendors in a timely manner on behalf of the PSAPs in their jurisdictions. Late fees on invoices will not be reimbursed by ADOA.
- 6.5. The final request for reimbursement of grant funds must be received by ADOA no later than sixty (60) days after the last day of the award period.
- 6.6. All goods and services must be received or have reasonable expectations thereof and placed in service by Grantee by the expiration of this award.
- 6.7. Grantee agrees to remit all unexpended grant funds to ADOA within thirty (30) days of written request received from ADOA.
- 6.8. Grantee agrees that all encumbered funds must be expended and that goods and services must be paid within forty-five (45) days of expiration of this award.
- 6.9. Grantee agrees to cooperate and participate with any and all assessments, evaluation efforts or information and data collection requests, and acknowledges that the State grantor agency has the right to obtain, reproduce, publish, or use data provided under this award in accordance with applicable statutes, rules, and guidelines.
- 6.10. Grantee agrees to comply with all Special Condition(s) included with this Agreement on the Grant Agreement Continuation Sheet.
- 6.11. Grantee understands that grant funds may not be released until Grantee is compliant with all requirements of grant agreement.
- 6.12. Required activity and financial reports are submitted according to the following schedule(s):

ACTIVITY REPORTS	
Report Due:	Due Date:
MIS Report for CY 2020	January 25, 2021
Level of Service (Traffic Busy Study Report)	April 25, 2021
GIS Accuracy Report	June 25, 2021

FINANCIAL REPORTS			
Report Period:	Due Date:	Report Period:	Due Date:
July 1 – July 31	August 25	January 1 – January 31	February 25
August 1 – August 31	September 25	February 1 – February 29	March 25
September 1 – September 30	October 25	March 1 – March 31	April 25
October 1 – October 31	November 25	April 1 – April 30	May 25
November 1 – November 30	December 25	May 1 – May 31	June 25
December 1 – December 31	January 25	June 1 – June 30	July 25

*More frequent reports may be required for GRANTEES who are considered high risk.

7. Responsibilities of the State:

- 7.1. It is agreed and understood that the total to be paid by ADOA under this Agreement shall not exceed \$447,625 in state funds.

7.2. Once the financial reimbursement request is approved by ADOA, payment to Grantee will be completed within 5 business days.

7.3.

APPROVED LINE ITEM PROGRAM BUDGET	
Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual/Outside Services	\$442,313
Construction	\$0.00
Other Costs	\$5,311
Total	\$447,625

MISCELLANEOUS TERMS

8. In accordance with ARS § 35-154, every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
9. In accordance with A.R.S. § 35-214, the GRANTEE shall retain all data, books, and other records (“records”) relating to this Agreement for a period of five years from the last financial report submitted to ADOA. All such documents shall be subject to inspection and audit at reasonable times, including such records of any subgrantee, contractor, or subcontractor. Upon request, the Grantee shall produce the original of any or all such records to the offices of the Arizona Department of Administration
10. The Parties warrant that they are in compliance with A.R.S. § 41-4401 and further acknowledge that:
 - 10.1. Any contractor or subcontractor who is contracted by a party to perform work related to this Agreement shall warrant its compliance with all federal immigration laws and regulations that relate to its employees and its compliance with A.R.S. § 23-214(A);
 - 10.2. That any breach of the warranty in paragraph 8.a shall be deemed a material breach of this Agreement that is subject to penalties up to and including termination of this Agreement;
 - 10.3. The Parties retain the legal right to inspect the employment records of any employee of any contractor or subcontractor who performs work related to this Agreement to ensure that the contractor or subcontractor is complying with the warranty in paragraph 8.a and that the contractor agrees to make all employment records of said employee available during normal working hours to facilitate such an inspection; and
 - 10.4. Nothing in this Agreement shall make any contractor or subcontractor an agent or employee of the Parties to this Agreement.
11. The Parties shall comply with the provisions of State Executive Order 2009-9, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, as amended.

12. This Agreement does not imply authority to perform any tasks or accept any responsibility not expressly stated in this Agreement.
13. This Agreement does not create a duty or responsibility unless the intention to do so is clearly and unambiguously stated in this Agreement. This Agreement shall not relieve the Parties of any obligation or responsibility imposed on it by law.
14. This Agreement contains the entire agreement of the Parties with respect to its subject matter and supersedes all prior and contemporaneous agreements, understandings, and inducements, whether express or implied, oral or written.
15. Any change, modification, or extension of this Agreement must be submitted through ADOA's online grant management system, eCivis, and approved by ADOA.
16. This Agreement has been arrived at by negotiation and shall not be construed for or against any Party.
17. The Parties agree that all the conditions set forth herein are material to this Agreement and a breach of any condition is a breach of this Agreement.
18. The failure of either Party to insist in any one or more instances upon the full and complete performance of any of the terms and provisions of this Agreement to be performed by the other Party or to take any action permitted by this Agreement shall not be construed as a waiver or relinquishment of the right to insist upon full and complete performance of the same or any other covenant or condition either in the past or in the future. The acceptance by either Party of sums less than may be due and owing at any time shall not be construed as an accord and satisfaction.
19. The substantive laws of Arizona (without reference to any choice of law principles) shall govern the interpretation, validity, performance and enforcement of this Agreement. The Parties further agree to cooperate in all ways reasonable and necessary to comply with the applicable statutes, including amending this Agreement as needed in the future and making any refunds or payments that might be required to bring the Parties into full compliance with applicable law.
20. Nothing in this Agreement is intended to create any third-party beneficiary rights; and the State and the Grantee expressly state that this Agreement does not create any third-party rights of enforcement.
21. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed an original hereof.
22. If the last day of any time stated herein shall fall on a Saturday, Sunday, or legal holiday in the State of Arizona, then the duration of such time shall be extended so that it shall end on the next succeeding day which is not a Saturday, Sunday, or legal holiday.
23. Except as expressly provided herein, no Party may delegate or assign its rights or responsibilities under this Agreement without prior written approval of the other Party and any purported assignment or delegation in violation of this provision shall be void.
24. The Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.
25. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.
26. Any deviation or failure to comply with the purpose and/or conditions of this Agreement without prior approval may constitute sufficient reason for ADOA to terminate this Agreement, revoke the grant, require the return of all unspent funds, perform an audit of expended funds, and require the return of any previously spent funds which are deemed to have been spent in violation of the purpose or conditions of this grant.

27. All notices required or permitted under this Agreement shall be given in writing and addressed as follows:

A. If to the Arizona 9-1-1 Program:

Arizona Department of Administration
Arizona 9-1-1 Program
100 North 15th Avenue, Suite 305
Phoenix, AZ 85007
Attention: Arizona 9-1-1 Program

B. If to the GRANTEE:

Southeastern Arizona Communications (SEACOM)
1728 Paseo San Luis
Sierra Vista, AZ 85635
Attention: Susan Papatrefon

Arizona Department of Administration
Arizona 9-1-1 Program

**GRANT AGREEMENT CONTINUATION SHEET
SPECIAL CONDITION(S)**

1. GRANTEE must submit a current service plan to ADOA. If a service plan is not complete, a letter requesting an extension with an estimated completion date must be submitted for approval before financial reimbursements will be made.
2. GRANTEE must submit copies of executed Memorandum of Understandings (MOUs) between each System's PSAP and the System Administrator before financial reimbursements will be made.
3. GRANTEE must notify ADOA within 10 days if the GRANTEE is unable to perform the function of System Administrator on behalf of PSAPs in their jurisdiction. Administrative funds may be reduced to the System Administrator if ADOA assumes responsibility of the duties under this agreement.
4. GRANTEE must enroll in automatic clearinghouse payments. Grantee must complete the document titled "State of Arizona Substitute W-9 and ACH Vendor Authorization Forms & Instructions. Vendor account set-up and payment information can be found at: <https://gao.az.gov>
5. GRANTEE agrees to share GIS data, at minimum, two (2) times per fiscal year upon request from ADOA, Arizona 9-1-1 Program, in order to support ongoing statewide initiatives. Data shared will not be distributed for commercial use and is pursuant to A.R.S. § 37-178.
6. GRANTEE agrees to allow ADOA to deploy a data analytic tool provided by the Arizona 9-1-1 Program and work with all PSAPs within their 9-1-1 System and the Arizona 9-1-1 Program during implementation.
7. GRANTEE agrees to work with all PSAPs within their 9-1-1 System and the Arizona 9-1-1 Program to implement text-to-9-1-1 service.

IN WITNESS WHEREOF, the parties have made and executed the Agreement the day and year first above written.
FOR GRANTEE:

Authorized Signatory

Date

Printed Name and Title

Additional signature(s) if required by political subdivision

Date

Printed Name and Title

Date

Attest:

Clerk

Date

Note: If applicable, the Agreement must be approved by the appropriate county supervisory board or municipal council and appropriate local counsel (i.e. county or city attorney). Furthermore, if applicable, resolutions and meeting minutes must be forwarded to ADOA with the signed Agreement.

Approved as to form and authority to enter into Agreement (Excluding non-profits):

Legal counsel for GRANTEE

Date

Printed Name and Title

Statutory or other legal authority to enter into Agreement (Excluding non-profits):

Appropriate A.R.S., ordinance, or charter reference

FOR ARIZONA DEPARTMENT OF ADMINISTRATION:

Arizona 9-1-1 Program

Date

Arizona Department of Administration

May 5, 2020

Memorandum To: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

From: Tony Boone, Economic Development Manager

Subject: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2020-022, Fort Huachuca Joint
Resource Utilization Study (JRUS)

Recommendation:

The City Manager recommends approval.
The Assistant City Manager recommends approval

Background:

Fort Huachuca approached the City of Sierra Vista to identify the level of support for an updated Fort Huachuca Joint Resource Utilization Study (JRUS) through the Office of Economic Adjustment. This resolution identifies the City's support for the JRUS to go forward and the participation by City leadership and staff. The previous JRUS (formerly called Joint Land Use Study) was published in 2007 identifying areas of compatible use, strategy to sustain the military mission and the impact of economic development on local communities around Fort Huachuca. As the Army has focused on installation resiliency, the JRUS will address Fort Huachuca's resiliency and provide solutions to maintain the Army's critical missions. With the significant environment changes since 2007 in both military requirements and community growth, this study will provide future actions that all parties may take to ensure continued compatible use. OEA will provide funding to allow for a consultant to be selected with the objective of completing the JRUS with oversight from the stakeholders on the Policy and Technical committees. The City of Sierra Vista will have representation on both committees along with Fort Huachuca, other municipalities, and stakeholders.

The City of Sierra Vista would act as the executive agent in the process and facilitate the administrative actions required by OEA.

Budget Appropriation:

The estimated project cost is \$500,000 with the City of Sierra contributing their portion of in kind contributions (staff time and supplies) equaling 10% of the total value with the balance of the funds being provided by the OEA. Participating communities such as Cochise County would also participate with their appropriate portion to meet the requirement of 10% non-federal match.

RESOLUTION 2020-022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; FOR FORT HUACHUCA JOINT RESOURCE UTILIZATION STUDY (JRUS); AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista recognizes that continued operation of Fort Huachuca is important to the City of Sierra Vista's local economy and the economy of the State of Arizona and that its operational capacity should be protected; and

WHEREAS, the City of Sierra Vista is interested in preparing a Joint Resource Utilization Study (JRUS) to coordinate future planning efforts of this vital military installation and surrounding local communities; and

WHEREAS, the City of Sierra Vista recognizes that participation in development of a JRUS will benefit the health, safety and general welfare of the residents of the City of Sierra Vista; and

WHEREAS, the City of Sierra Vista was designated to serve as the sponsoring agency for the JRUS and to apply for designated funding from the Department of Defense.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City of Sierra Vista agrees to participate in the development of a JRUS with Fort Huachuca Army Post and the surrounding communities.

SECTION 2

That the City of Sierra Vista agrees to appoint a representative to the JRUS Policy and Technical Committees.

SECTION 3

That the City of Sierra Vista agrees to provide its local matching share of the cost of the JRUS (10% of the total cost) once the contract for the Study is awarded by the City of Sierra Vista in accordance with its own procurement and contractual requirements and that the City of Sierra Vista commits to a good faith effort to implement the JRUS recommendations.

SECTION 4

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF SIERRA VISTA, ARIZONA, THIS 14TH DAY OF MAY, 2020.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:
JENNIFER OSBURN
INTERIM BUDGET OFFICER

May 14, 2020

Memorandum to: Honorable Mayor and City Council

Thru: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

From: Matt McLachlan, Director, Community Development

Subject: PY 2020 Community Development Block Grant (CDBG) Program
Annual Action Plan

REQUESTED ACTION:

Adoption of Resolution 2020-22, authorizing the submission of the PY 2020 CDBG Annual Action Plan to the U.S. Department of Housing and Urban Development

INITIATED BY: City of Sierra Vista

BACKGROUND:

In 2013, the City of Sierra Vista entered the Community Development Block Grant (CDBG) entitlement program as a direct recipient of annual grant funding from the U.S. Department of Housing and Urban Development (HUD). The program was authorized under Title I of the Housing and Community Development Act of 1974 and is one of the longest continuously run programs at HUD. The Community Development Department administers the CDBG program and presents proposals and recommendations to the City Council, advisory boards, and the general public.

The primary national objectives of the program are the development of **viable communities**, principally for low and moderate income (LMI) persons, through;

- *Decent Housing*
- *Suitable Living Environment*
- *Expanded Economic Opportunity*

All CDBG activities must result in **one** of the following:

- *Benefit low and moderate income (LMI) persons;*
- *Prevent or eliminate slum and blight; or*
- *Meet an urgent need having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.*

City of Sierra Vista Annual Action Plan

Each year, the City is required to prepare an Annual Action Plan that is submitted to HUD. The plan outlines the programs and activities the City will undertake in the coming year to implement the strategies of the Consolidated Plan. Specifically, the Plan describes how the funds will be expended to meet stated objectives.

The process begins with a “Notice of Funding Availability” requesting applications for proposed projects or program services. This was done through email correspondence to public service providers; newspaper advertisement; and posting on the City’s website. The City of Sierra Vista is expected to receive \$271,810 in Community Development Block Grant (CDBG) funds according to the PY 2020 formula allocations posted on the U.S. Department of Housing and Urban Development website. This amount is \$636, or 0.2% more than the City received last year.

The notice is followed by a public meeting to receive input and respond to questions. Applications that are received are then reviewed by Staff to determine whether requirements are met. No applications from outside agencies were received by the March 6, 2020 deadline for the initial allocation.

On March 12, 2020, the City Council considered the internal funding requests for inclusion in the proposed PY 2020 Annual Action Plan. The City’s Management Team recommended that next year’s allocation be wholly used for implementing Phase III of the Eddie Cyr Park Master Plan involving construction of a parking lot, multi-use path, and landscaping. The prior use of CDBG funds for the demolition of the former Public Works complex was predicated on the City redeveloping the property into a beneficial use for the neighborhood. Moreover, the sports fields that were renovated as part of the Schneider Energy savings project is anticipated to generate more activity and need for additional parking. Investing in public facilities in the City’s target areas ranks as a high priority level and top goal of the Five-Year Consolidated Plan. The undertaking of one large public facility project during the program year also helps reduce the amount of administration involved in carrying out the grant.

On March 24, 2020, a public notice was published in the Sierra Vista Herald advertising the proposed use of funds and 30-day public comment period. The proposed amendments were also shared using social media and posted on the City’s website.

On April 7, 2020, the City Council continued the public hearing to the next regular meeting to await further guidance from HUD on the CARES Act funding.

On April 23, 2020, the City Council considered the proposed PY 2020 Annual Action Plan, allocating \$271,810 in CDBG funds for carrying out improvements to Eddie Cyr Park. A public hearing was held at which time no person spoke.

On May 11, 2020, the public comment period closed. No public comments were received.

STAFF RECOMMENDATION:

Staff recommends that the Mayor and City Council approve Resolution 2020-22, authorizing Staff to proceed with the submission of the PY 2020 CDBG Annual Action Plan allocating \$271,810 for implementing Phase III of the Eddie Cyr Park Master Plan.

RESOLUTION 2020-023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; TO APPROVE THE PY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN TO SUBMIT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista is eligible to obtain Community Development Block Grant (CDBG) funding directly from the Department of Housing and Urban Development (HUD); and

WHEREAS, HUD requires that participating jurisdictions prepare and submit an Annual Action Plan to fulfill the HUD requirements for using the funding;

WHEREAS, the project(s) to be completed with CDBG funding have been identified and adopted by the City Council and put into the Draft Annual Action Plan prior to its submittal to HUD.

WHEREAS, per HUD requirements, the City opened a 30-Day Review/Comment Period for the Draft Annual Action Plan, beginning on April 10, 2020 and ending on May 11, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

That the City of Sierra Vista desires to obtain CDBG funding directly from HUD.

SECTION 2

That the Community Development Block Grant PY 2020 Annual Action Plan attached hereto as Exhibit "A" and by this reference made a part hereof, is hereby approved for submittal to HUD.

SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agent are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 14th DAY OF MAY 2020.

FREDERICK W. MUELLER
MAYOR

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
CITY CLERK

NATHAN J. WILLIAMS
CITY ATTORNEY

Prepared by:
Matt McLachlan, Director of Community Development



City of Sierra Vista

PY 2020 ANNUAL ACTION PLAN

**Community Development
Block Grant Program**

Approved on May 14, 2020

Table of Contents

Annual Action Plan	2
AP-05 Executive Summary	2
PR-05 Lead & Responsible Agencies.....	11
AP-10 Consultation	13
AP-12 Citizen Participation	16
AP-15 Expected Resources.....	17
AP-20 Annual Goals and Objectives	20
AP-35 Projects.....	21
AP-50 Geographic Distribution	26
AP-55 Affordable Housing	27
AP-60 Public Housing.....	28
AP-65 Homeless and Other Special Needs Activities.....	29
AP-75 Barriers to Affordable Housing	34
AP-85 Other Actions	36
AP-90 Program Specific Requirements	40
Appendix	42
Maps.....	43
Public Participation	44
SF 424	45
Certifications	46

Annual Action Plan



AP-05 Executive Summary

The City of Sierra Vista, Arizona, is an entitlement community under Title 1 of the Housing and Community Development Act of 1974. The City is eligible to receive federal funds annually from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) program. Allocations for each CDBG entitlement grantee are determined annually by HUD following the adoption of the federal budget by Congress. HUD grants these funds to the communities to carry out a wide range of community development activities directed towards revitalizing neighborhoods, increasing economic development, and improving community facilities and services. The City's expected PY 2020 CDBG formula allocation is \$271,810. No program income is expected.

Grantees must give maximum priority to activities that benefit low-and moderate-income persons, aid in the prevention or elimination of slum or blight, or meet an urgent community development need that poses a serious threat to public health or welfare. Grantees have wide flexibility to develop their own programs, activities, and funding priorities provided they meet one of these national objectives. The City of Sierra Vista City Council establishes the allocations for the use of CDBG funding based on the priorities set forth in the Five-Year Consolidated Plan. This 2020 AAP is the second year for the 2019-2023 Consolidated Plan period.

The purpose of the AAP is to provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used

each year to address the priority needs and specific goals identified by the Five-Year Consolidated Plan. The AAP is developed in a manner specified by HUD, and the City has followed the prescribed format in completing the plan.

SUMMARY OF THE OBJECTIVES AND OUTCOMES IDENTIFIED IN THE PLAN NEEDS ASSESSMENT OVERVIEW

The Five-Year Consolidated Plan identifies four goals, along with corresponding objectives, to address the City of Sierra Vista housing and community development needs. These goals are summarized as follows:

Goal 1: Public Infrastructure/Facility Improvements

Provide ADA improvements, public facility improvements, and infrastructure.

Goal 2: Neighborhood Stabilization

Eliminate slum and blight.

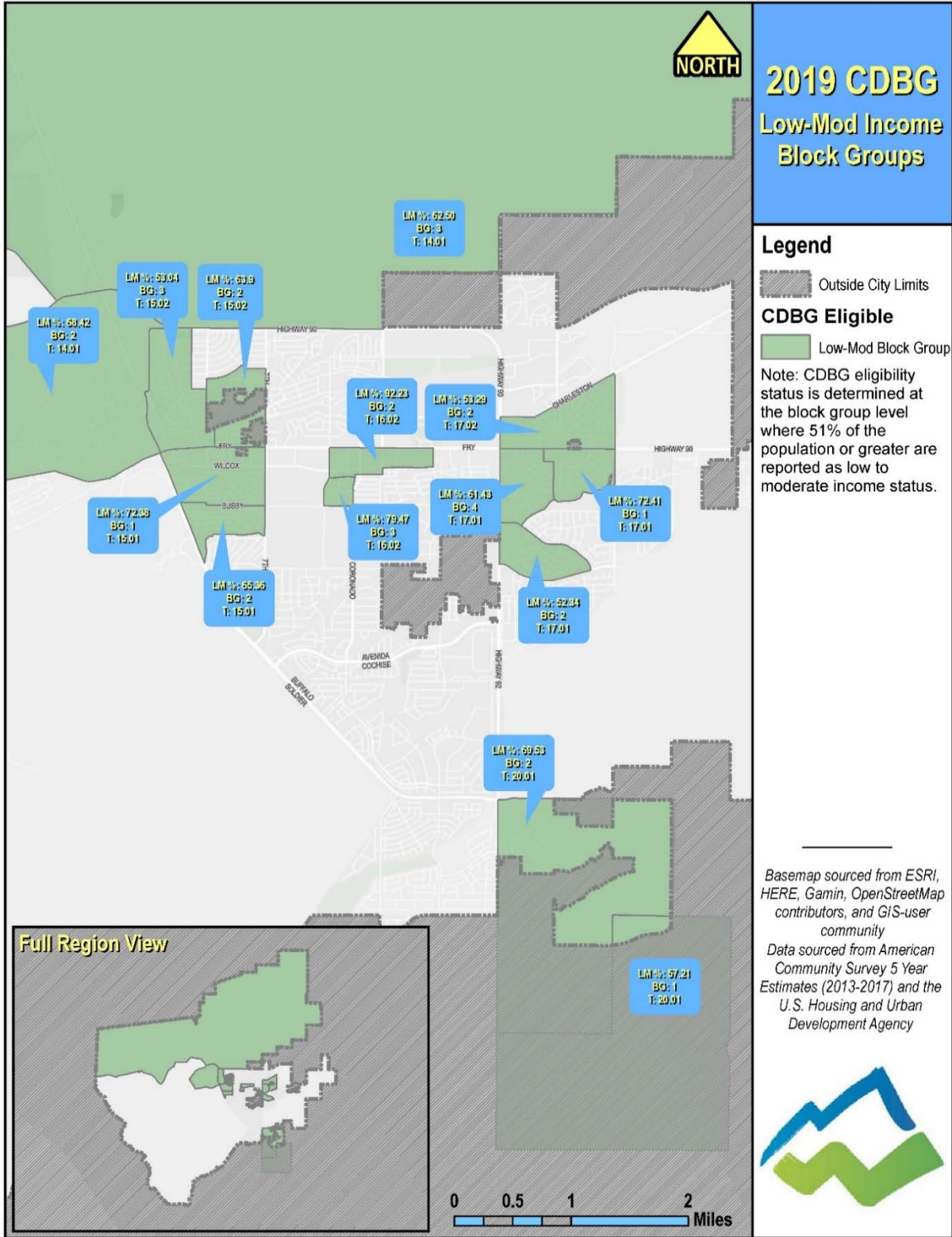
Goal 3. Housing Rehabilitation & Services

Provide housing rehabilitation and accessibility.

Goal 4: Fair Housing

Eliminate discrimination in housing

The City identified local target areas in the Consolidated Plan, and the bulk of the funds the City receives will be concentrated in these areas. The local target areas include Census Tracts 15.01, 15.02, 16.02, 17.01, and 20.01 all of which have the highest number of low and moderate-income households in the City. The needs in the target areas are numerous and varied. Below is a graphic depiction of the CDBG target areas.



EVALUATION OF PAST PERFORMANCE

The previous five years have shown significant progress in the City of Sierra Vista's efforts to implement HUD entitlement programs. The City complies with HUD regulations and continues to deliver community development services in an efficient manner.

The City has been successful in implementing infrastructure projects, blight elimination, emergency home repair, and several public services activities. The City will use CDBG funds to make these programs successful and to meet the goals and objectives identified in the Consolidated Plan.

HOUSING

Emergency Home Repairs: Provide funding for emergency home repairs owner-occupied housing units benefiting low income households. Applications accepted on a first come/first served basis. The City expended \$59,940.55 on carrying out emergency home repairs at nine properties during PY 2017/2018. (Related Goal: Owner Housing Rehabilitation)

BLIGHT REMOVAL

Demolition of Single-Family Home: Provide funding for the demolition of blighted structure eliminating slum/blight influence on neighborhood. The City expended \$15,000 in PY 2018 to demolish a single-family residence located at 523 E. Leonardo De Vinci Drive that was condemned by the City for building violations and was determined to be dangerous, unsafe, and unfit for human habitation.

PUBLIC SERVICES

Boys and Girls Club Scholarships: Provide funding to defray the costs of before and after school program scholarships for youth between 6-17 years of age that qualify for free or reduced lunch. The program provides a safe place where participants are exposed to the Club's programs including STEM, sports, arts and more. The City expended \$45,000 in PY 2017, 2018 and 2019 to financially assist 120 children participate in the program.

Working Well Project: Provide funding to assist individuals within Sierra Vista who are living with mental health and/or substance abuse issues overcome barriers to employment. The City expended \$15,000 in PY 2018 and 2019 to assist 90 individuals with job hunting, connection to community resources, and support in community reentry and diversion programs (CARE Court, Drug Court). Through this program, 20 persons have obtained stable employment in the community, five others lost their employment within three months of hire, and a number of others are continuing to seek or have been lost to follow up (left area, moved, or are otherwise unreachable).

PUBLIC FACILITY IMPROVEMENTS

Veterans Memorial Park: In PY 2016, the City constructed accessible pathways around the playground and to the main entrance. The City also constructed a ten-foot wide pathway in front of Centennial Pavilion. The total cost of these improvements was \$167,127.

Timothy Lane Park Improvements: Provide funding for the construction of a stormwater basin, multi-use pathways, and landscape improvements. The City

expended \$180,340 in PY 2018 and 2019 towards construction.

North Garden Avenue Park Improvements: In PY 2019, City Staff developed a concept plan for improvements to Soldier Creek Park and Landwehr Plaza in consultation with the Carmichael Neighborhood Association, West End Commission, and the Sierra Vista Parks and Recreation Commission. The construction documents will be prepared by City Engineering Staff in the Fall of 2020. Construction is scheduled to take place in the Winter/Spring of 2021. The total budget for this project is \$200,000.

Demolition of Former Public Works Yard (Precursor to Eddie Cyr Center Park Project): Provide CDBG funding for the demolition of buildings located at 1224 North Avenue to prepare the land for additional parking/recreational use (refer to Eddie Cyr Park Master Plan). The demolition work was completed in December 2019 at a total cost of \$82,515.

PUBLIC INFRASTRUCTURE IMPROVEMENTS

5th Street North (Fry Townsite) – curb, gutter and sidewalk along west side, south of Denman Avenue. The project was completed in the Spring of 2020 at a total cost of 84,680.05.

Alley between N. 1st Street and N. 2nd Street (Fry Townsite) – repave alley and install vertical curb along eastern extent to improve drainage. This project was completed in the Spring of 2020 at a total cost of \$87,401.33.

Solar Streetlights (Sulger/Fry Townsite): In PY 2017, the City installed 35 solar powered street-lights in the Fry Townsite and Sulger neighborhoods to increase

public safety at a total cost of \$161,838.

Taylor Drive (Garden Canyon): In PY 2016, the City installed curb, gutter and sidewalk along Taylor Drive, from North Garden Avenue to North Avenue at a total cost of \$109,430.

ADA Ramps/Sidewalks: In PY 2019, the Streets Section of the Public Works Department installed 446 lineal feet of sidewalk, 102 square feet of curb, and one ADA ramp along Toscanini Avenue, just north of E. Mediterranean Drive. The street is in a low-to-moderate income neighborhood.

SUMMARY OF CITIZEN PARTICIPATION PROCESS AND CONSULTATION PROCESS

Comments and concerns raised during the citizen participation process were taken into consideration when developing the Consolidated Plan's goals and objectives. The City conducts its citizen participation process according to the City's Citizen Participation Plan (approved by the City Council in June 2014). The Plan calls for holding at least two public hearings per year to obtain the views and comments of residents, service providers, government agencies, and other stakeholders regarding the HUD funded programs in the City's program area. At least one of these hearings must be held prior to the adoption of the proposed Annual Action Plan. The second public hearing is usually conducted in conjunction with the preparation of the CAPER. Citizens shall be given adequate notice of all hearings and meetings through advertisement in the local newspaper at least 14 calendar days in advance of the hearing or at the beginning of the official public comment period, whichever occurs first. The AAP process begins with a "Notice of Funding Availability" requesting applications for proposed projects or services. This was done through direct email correspondence with public service providers; newspaper advertisement;

and posting on the City's website, newsletter and social media posts. The notice set the date, time, and location of a public meeting to review application requirements and answer questions as well as the initial public hearing before City Council to consider the funding requests. Meeting minutes are provided in the Appendix.

Comments and concerns raised during the citizen participation process were taken into consideration when developing the Annual Action Plan budget. The Annual Action Plan is a collaborative process that involves interviews with stakeholders and meetings with the public to determine priority activities. Activities were selected to support and address the priority needs and strategies identified in the Five-Year Consolidated Plan.

SUMMARY OF PUBLIC COMMENTS

The Annual Action Plan will be made available at City Hall and on the City's website for public viewing. Public comments can be sent in writing to City Hall at:

City of Sierra Vista

Department of Community Development

ATTN: Matt McLachlan, Director

1011 North Coronado Drive

Sierra Vista, AZ 85635

Or by email to: Matt.McLachlan@SierraVistaAZ.gov

Comments Regarding Community Needs

No public comments were received during the public hearing or 30-day public comment period.

Minutes from public meetings and hearings are provided in the Appendix of this report.

SUMMARY OF COMMENTS OR VIEWS NOT ACCEPTED AND THE REASONS FOR NOT ACCEPTING THEM

All comments received by the City of Sierra Vista were considered and are, generally or specifically, addressed by the Annual Action Plan.

SUMMARY

The 2020 Annual Action Plan will address the identified goals, objectives and strategies and will meet the City’s community development needs. These needs were identified through a citizen participation process that involved neighborhood residents, service providers and other community partners. The Consolidated Plan guides the City’s use of CDBG resources through specific goals identified in the plan.

PR-05 Lead & Responsible Agencies

AGENCY/ENTITY RESPONSIBLE FOR PREPARING/ADMINISTERING THE CONSOLIDATED PLAN

The following are the agencies/entities responsible for preparing the Annual Action Plan and Consolidated Plan and those responsible for administration of each grant program and funding source.

Responsible Agencies

Agency Role	Name	Department/Agency
Lead Agency	City of Sierra Vista	Community Development Department (CDD)

NARRATIVE

The City of Sierra Vista, Department of Community Development has full responsibility for implementing the CDBG program, including administering all grants, preparing the Five-Year Consolidated Plan, the Annual Action Plan, the Consolidated Annual Performance and Evaluation Report, and financial reporting. The Department of Community Development works closely with Public Works and the Finance Departments, as well as any other pertinent City or County Departments.

CONSOLIDATED PLAN PUBLIC CONTACT INFORMATION

Inquiries, comments or complaints concerning the Consolidated Plan, any amendments, or performance reports, can be conveyed by contacting City staff at:

City of Sierra Vista

Community Development Department

1011 North Coronado

Sierra Vista, AZ 85635

Telephone: (520) 417-4413

Fax: (520) 452-7023

Matt.McLachlan@SierraVistaAZ.gov

Business hours: 8:00 a.m. – 5:00 p.m., Monday through Thursday.

Complaints and related comments on the programs may also be offered at the public hearings.

Written responses to all written complaints may also be made to the Arizona Field Office of the U.S. Department of Housing and Urban Development (HUD) at the following address:

U.S. Department of Housing and Urban Development

Community Planning and Development Division

One North Central Avenue, Suite 600

Phoenix, Arizona 85004

Phone: 602-379-7100

Fax: 602-379-3985

TTY: 602-379-7181

AP-10 Consultation

SUMMARY OF THE JURISDICTION'S ACTIVITIES TO ENHANCE COORDINATION BETWEEN PUBLIC AND ASSISTED HOUSING PROVIDERS AND PRIVATE AND GOVERNMENTAL HEALTH, MENTAL HEALTH AND SERVICE AGENCIES

Institutional coordination of the Consolidation Plan establishes a unified vision for community development. The City uses a collaborative process to shape various programs into effective, coordinated strategies. This process also facilitates the opportunity for planning and citizen participation to take place in a comprehensive context, attempting to reduce duplication of effort at the local level.

The City will execute this Consolidated Plan in harmony with public, private, and nonprofit agencies. Nonprofit agencies may include, but are not limited to, service providers and community housing development organizations. Private sector partners may include, but are not limited to, local financial institutions,

developers, and local businesses. The City works closely with its partners to design programs that address identified needs.

DESCRIBE COORDINATION WITH THE CONTINUUM OF CARE AND EFFORTS TO ADDRESS THE NEEDS OF HOMELESS PERSONS (PARTICULARLY CHRONICALLY HOMELESS INDIVIDUALS AND FAMILIES, FAMILIES WITH CHILDREN, VETERANS, AND UNACCOMPANIED YOUTH) AND PERSONS AT RISK OF HOMELESSNESS

The City participates in Continuum of Care activities or programs, but does not fund any activities. The City has limited direct experience with not-for-profit community service providers and housing providers. Efforts have begun to build contacts and relationships with local, county, and regional entities to support and implement CDBG programs. This has been done through the establishment of a Public Service Agency list. The City provides notices to agencies for the purposes of gathering input through meetings and surveys and the Notice of Funding Availability process.

DESCRIBE CONSULTATION WITH THE CONTINUUM(S) OF CARE THAT SERVES THE JURISDICTION'S AREA IN DETERMINING HOW TO ALLOCATE ESG FUNDS, DEVELOP PERFORMANCE STANDARDS AND EVALUATE OUTCOMES, AND DEVELOP FUNDING, POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF HMIS.

As stated above, the city participates in Continuum of Care activities or programs but does not fund any activities. The City does not receive ESG funds, and no agencies received ESG funds.

Agencies, groups, organizations and others who participated in the process and consultations

Cochise County CoC; West End Commission; Carmichael Neighborhood Association.

IDENTIFY ANY AGENCY TYPES NOT CONSULTED AND PROVIDE RATIONALE FOR NOT CONSULTING

The City follows HUD rules and regulations for Citizen Participation, and therefore offers a variety of participation and comment venues. Citizens are provided information via Notices published in the local newspaper, City website, and postings. The City has made a concerted effort to contact all known agencies and organizations involved in activities that are relevant to CDBG activities and programs. All Notices are sent directly to the Continuum of Care participants and an e-mail list of local social service agencies.

AP-12 Citizen Participation

SUMMARY OF CITIZEN PARTICIPATION PROCESS/EFFORTS MADE TO BROADEN CITIZEN PARTICIPATION

The City considers the involvement of its low- and moderate-income residents and those agencies that serve the low- and moderate-income residents to be essential to the development and implementation in its Five-Year Consolidated Plan and its Annual Action Plans. The chart below chronicles the public involvement process.

2020 Citizen Participation Outreach

SCHEDULE	JAN	FEB	MAR	APR	MAY
Outreach					
NOFA Published in SV Herald/Posted on City Website/Facebook/Newsletter	29 TH				
Email Notice and Applications sent to Public Service Agencies		3 RD			
Community Meeting at City Hall		18 TH			
Continuum of Care Meeting Announcement		18 TH			
West End Commission			9 TH		
Council Hearings/Actions					
Public Hearing #1, Agency Requests, Council Chambers @ 5:00 P.M.			12 TH		
Public Hearing #2, Draft Annual Action Plan Presentation				9 TH	
30-Day Public Comment Period				10 TH (Start)	11 TH (End)
Annual Action Plan Adoption					14 TH
Submit Annual Action Plan to HUD for Review					15 TH

SUMMARIZE CITIZEN PARTICIPATION PROCESS AND HOW IT IMPACTED GOAL-SETTING

Comments and concerns raised during the citizen participation process were taken into consideration when developing the Consolidated Plan's goals, objectives and strategies. The Consolidated Plan is a collaborative process that involves interviews with stakeholders and meetings with the public to determine

areas of need. As part of this process, the City sought to identify the priority needs and strategies to address those needs. Priority needs were identified based on available housing data, public input, non-profit agency meetings and other forms of outreach. In addition, the City consulted with various City Departments to identify priority needs and develop corresponding strategies.

AP-15 Expected Resources

INTRODUCTION

Allocations for each CDBG entitlement grantee are determined annually by HUD following the adoption of the federal budget by Congress. HUD grants these funds to the communities to carry out a wide range of community development activities directed towards revitalizing neighborhoods, increasing economic development, and improving community facilities and services. Grantees must give maximum priority to activities that benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight and meet urgent community development needs that pose a serious threat to health or welfare of the community. Grantees have wide flexibility to develop their own programs, activities, and funding priorities so long as they meet one of these national objectives. The City of Sierra Vista City Council establishes the allocations for the use of CDBG funding based on the priorities set forth in the Consolidated Plan.

The City is basing its Draft Annual Action Plan on the PY 2020 allocation amount of \$271,810. No program income for CDBG is expected. CDBG funds will be used for redeveloping the former Public Works Yard (building demolition was completed in 2019) into an integral extension of Eddie Cyr Park pursuant to the recommendations contained in Phase III of the Eddie Cyr Park Master Plan. The

park is situated in Census Tract 15.02, Block Group 3, Sierra Vista, Cochise County, Arizona. According to the most recent U.S. Census Bureau data, 53% of households in this neighborhood are at or below HUD’s low to moderate income threshold.

Anticipated Resources Table

Program	Sources of Funds	Uses of Funds	Expected Amount Available – Year 2				Expected Amount Available Remainder of Con Plan	Narrative
			Annual Allocation	Program Income	Prior Year Resources	Total		
CDBG	Public/ Federal	Admin/Planning, Home Rehab, Blight Removal, Infrastructure	\$271,810	\$0	\$431,071	\$702,881	\$597,016	Additional resources for leveraging may include State and Federal grants, City Departments, public or social service providers, or other sources.

EXPLAIN HOW FEDERAL FUNDS WILL LEVERAGE THOSE ADDITIONAL RESOURCES (PRIVATE, STATE AND LOCAL FUNDS), INCLUDING A DESCRIPTION OF HOW MATCHING REQUIREMENTS WILL BE SATISFIED

The City will cultivate funding partners who can match the City’s investment of CDBG funds. The City administration recognizes that the City’s annual entitlement and formula allocations are not enough to meet all its needs. Additional funds need to be raised to ensure that more infrastructure improvements, affordable housing, and community services are available for those in need.

Matching requirements will be satisfied with other eligible financial resources and/or in-kind services, and the City will continue to seek this type of matching as well as financial matches.

The City has received funds from a variety of other sources over the past decade. These include HOME funds, and NADBank grant for a major sewer

project, County funds for emergency repairs and other projects, as well as an Energy Efficient Block Grant for lighting in a low-mod neighborhood. The Community Partnership of Southern Arizona, based in Tucson, has several programs in Sierra Vista. The City uses general fund resources for infrastructure and community service activities on a regular basis, but such funds are becoming increasingly limited in light of other needs and priorities across the City.

IF APPROPRIATE, DESCRIBE PUBLICALLY OWNED LAND OR PROPERTY LOCATED WITHIN THE JURISDICTION THAT MAY BE USED TO ADDRESS THE NEEDS IDENTIFIED IN THE PLAN

The PY 2020 CDBG funds are programmed to make a formerly idle city-owned property usable to the public for recreational purpose providing an area benefit to the neighborhood through its physical and aesthetic enhancement.

DISCUSSION

Please see the preceding responses.

AP-20 Annual Goals and Objectives

Goals Summary Information								
#	Goal Name	Start	End	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Infrastructure / Facility Improvements	2020	2022	Non-Housing Community Development	Low/Mod Area	Public Improvements/Infrastructure, Public Facilities Improvements	CDBG: \$271,810	Public Facility/Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1,270 Persons Assisted
2	Housing Rehabilitation and Services	2020	2021	Affordable Housing	Low/Mod Area, Citywide	Provide Affordable Housing Opportunities	CDBG: \$0	N/A
3	Provision of Needed Services	2020	2021	Non-Homeless Special Needs, Non-Housing Community Development, Homeless	Citywide	Homeless Activities, Public Service Programs	CDBG: \$0	N/A
4	Neighborhood Stabilization	2020	2021	Non-Housing Community Development	Citywide	Elimination of Slum and Blight	CDBG: \$0	N/A
5	Economic Development	2020	2021	Special Economic Development For-Profit Businesses; Microenterprise Development	Citywide	Economic Development	CDBG: \$0	N/A
6	Fair Housing	2020	2021	Other: Fair Housing	Citywide	Fair Housing	CDBG: \$0	N/A
7	Administration/Planning	2020	2021	Other: Program Administration	Citywide	Program Administration	CDBG: \$0	N/A

Goal Descriptions Table		
1	Goal Name	PUBLIC INFRASTRUCTURE/FACILITY IMPROVEMENTS
	Goal Description	Public Facility Improvements \$271,810
2	Goal Name	HOUSING REHABILITATION AND SERVICES
	Goal Description	Housing Rehabilitation, Rental Assistance, Homeownership; and Accessibility CDBG \$0
3	Goal Name	PROVISION OF NEEDED SERVICES
	Goal Description	Community Services; Special Needs Populations; Mental Health & Homeless Services CDBG \$0
4	Goal Name	NEIGHBORHOOD STABILIZATION
	Goal Description	Elimination of slum and blight CDBG \$0
5	Goal Name	ECONOMIC DEVELOPMENT
	Goal Description	Small business assistance grant CDBG \$0
6	Goal Name	FAIR HOUSING
	Goal Description	Eliminate discrimination in housing CDBG \$0
7	Goal Name	ADMINISTRATION/PLANNING
	Goal Description	CDBG Administration CDBG \$0

ESTIMATE THE NUMBER OF EXTREMELY LOW-INCOME, LOW-INCOME, AND MODERATE-INCOME FAMILIES TO WHOM THE JURISDICTION WILL PROVIDE AFFORDABLE HOUSING AS DEFINED BY HOME 91.215(b):

There is no funding directly for housing in the 2020 CDBG funding. However, the PY 2020 funding is proposed to be spent in an American Community Survey designated low-income neighborhood to improve its livability.

AP-35 Projects

INTRODUCTION

During the Fall of 2019, the City demolished several blighted buildings at the former Public Works Yard at 1224 North Avenue using CDBG funds. The demolition is part of a larger project of integrating the property with Eddie Cyr Center Park as part of the final phase of an overall master plan for the park.

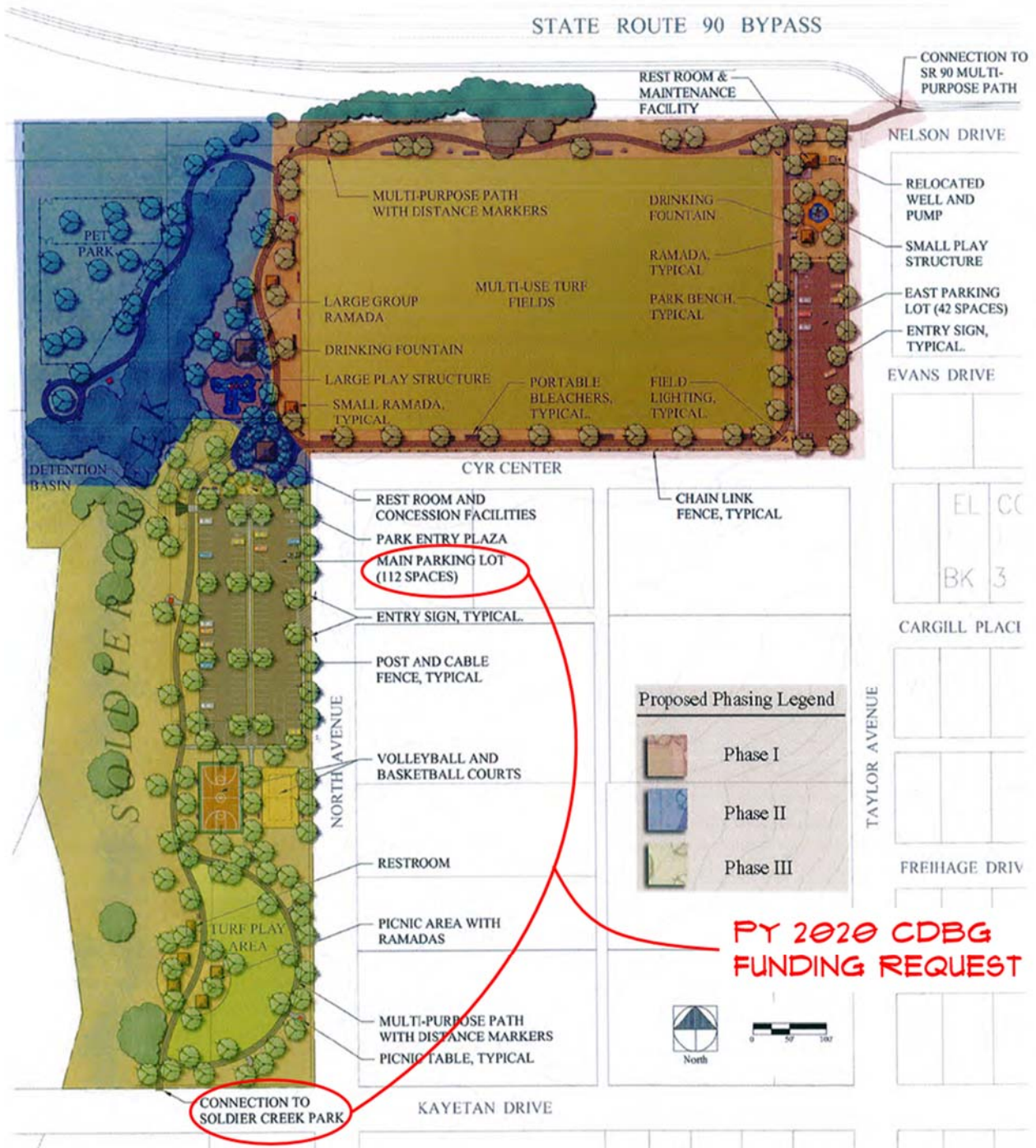
Eddie Cyr Center Park is a neighborhood park that includes children's playgrounds (shaded), drinking fountains, lighted multi-purpose sports fields featuring artificial turf, ramadas with electricity and picnic tables, restrooms, and walking path. There are currently 41 paved parking spaces (three meeting ADA requirements) located on Taylor Drive, east of the sports fields.

This project will implement major components the final phase the Eddie Cyr Master Plan to improve the form and function of the park. The quantifiable outcomes will be the number of parking spaces added to serve the public; the lineal feet added to the City's trail system; and trees and/or shrubs installed to enhance the aesthetics of the property and natural environment.

Scope of Work

- *Parking Lot:* The parking lot portion of the project involves paving the drive aisles, ADA parking spaces, and a certain number of standard parking spaces depending upon construction costs. The balance of the parking spaces will be surfaced using decomposed granite. (Estimated Cost: \$236,810)
- *Trail Connection:* An eight-foot wide multi-use path, measuring approximately 920 feet in length, is proposed to connect the perimeter loop trail established at Eddie Cyr Park to the existing multi-use path leading to Solider Creek Park to the south as shown on the aerial photo. (Estimated Cost: \$20,000)
- *Landscaping:* The City will install trees and shrubs along the multi-use path and in small islands in the parking lot. (Estimated Cost: \$15,000)

Eddie Cyr Park Master Plan



PROPOSED PHASING PLAN



DESCRIBE THE REASONS FOR ALLOCATION PRIORITIES AND ANY OBSTACLES TO ADDRESSING UNDERSERVED NEEDS

In the Consolidated Plan, the principal needs identified are: 1) Public Infrastructure/Facility Improvements, 2) Housing Rehabilitation and Services, 3) Provision of Needed Services, 4) Neighborhood Stabilization, 5) Economic Development and 6) Fair Housing. The 2019 Public Meetings and Public Hearings were instrumental in identifying these principal needs for our community. However, Public Improvements and Infrastructure continue to receive *high* rankings because they are a means to make significant improvements in the quality of life in the distressed neighborhoods.

The development of the Annual Action Plan involved consultation with those agencies involved in delivering housing, housing services, and community improvements. Meetings and discussions were held between the staff of the City's Department of Community Development and other City Departments, as well as conducting meetings with appropriate housing and social service agencies. Public input was also solicited through a public meeting and public hearings. The project selected to receive funding meet objectives and goals set by the City to address the needs of low- and moderate-income persons on an area basis.

The City's primary obstacle to meeting underserved needs is a lack of funding. In recent years, due to the lingering effects of the Great Recession, reduced revenues have plagued all levels of government (federal, state, and local). These reduced revenues have hindered the City's ability to meet the needs of low-income residents. Another obstacle to meeting underserved needs is the generally increasing demand for public services that is placing an additional burden on public service agencies within the City.

AP-50 Geographic Distribution

DESCRIPTION OF THE GEOGRAPHIC AREAS OF THE ENTITLEMENT (INCLUDING AREAS OF LOW-INCOME AND MINORITY CONCENTRATION) WHERE ASSISTANCE WILL BE DIRECTED

The entire second year allocation will be directed to implementing the Eddie Cyr Park Master Plan. The park is in Block Group 3, Census Tract 15.02, Sierra Vista, Cochise County, Arizona. This neighborhood is filled with modest single-family homes and small apartment buildings, several churches, commercial and light industrial uses. More than half (53%) of the 1,270 residents are in low-to-moderate income households. Moreover, the population characteristics of this block group are 41.7% are minority, 15.7% have no vehicle, and 14.3% are 65 years of age or older according to census data.

Geographic Distribution Table

Target Area	Percentage of Funds
Low- and Moderate- Income Areas	100%

RATIONALE FOR THE PRIORITIES FOR ALLOCATING INVESTMENTS GEOGRAPHICALLY

The City has worked closely with the public and civic leaders to ascertain the priority needs within the targeted areas. Meetings with agency providers, neighborhood associations, and the West End Commission guided the prioritization of the needs.

AP-55 Affordable Housing

INTRODUCTION

As stated previously, the City places a high priority on providing homeownership opportunity in Sierra Vista. This goal shall be addressed, in part, by local non-profit organizations and developers that construct new, modestly priced, affordable houses, or repair existing houses for resale to lower-income, first-time homebuyers. In addition, the City shall seek creative ways in which we can provide affordable housing opportunities and a means for obtaining such.

For the second program year, the city does not plan to directly support any affordable housing activities using CDBG funds.

One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special Needs	0
Total	0

One Year Goals for Affordable Housing by Support Type

One Year Goals for the Number of Households Supported Through:	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	0

DISCUSSION

The City will rely on various partners throughout the jurisdiction, and county in assisting its residents in obtaining affordable housing.

AP-60 Public Housing

INTRODUCTION

The City of Sierra Vista does not have a Public Housing Authority nor does the City own or operate any public housing. Additionally, the City of Sierra Vista does not administer any Section 8 certificates. As a result, the needs of public housing are not within the scope of this Consolidated Plan. In the absence of a locally administered program, the City works cooperatively with the Housing Authority of Cochise County which provides City residents any Section 8 and VASH vouchers.

ACTIONS PLANNED DURING THE NEXT YEAR TO ADDRESS THE NEEDS TO PUBLIC HOUSING

Not Applicable

ACTIONS TO ENCOURAGE PUBLIC HOUSING RESIDENTS TO BECOME MORE INVOLVED IN MANAGEMENT AND PARTICIPATE IN HOMEOWNERSHIP

Not Applicable

IF THE PHA IS DESIGNATED AS TROUBLED, DESCRIBE THE MANNER IN WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED OR OTHER ASSISTANCE

The Housing Authority of Cochise County are not designated as troubled.

DISCUSSION

Not Applicable

AP-65 Homeless and Other Special Needs Activities

INTRODUCTION

This section of the Annual Action Plan describes the City of Sierra Vista one-year goal and the specific actions steps it will undertake in the program year to carry out the homeless strategy identified in the Strategic Plan. Additionally, this section addresses any activities related to the supportive housing needs of non-homeless populations.

Going forward the City will work to assess the community's homeless needs and develop the policies, procedures and capacity to better assist homeless and other special needs activities. Several avenues already exist and will be expanded upon to achieve these goals. The City has a Commission of Disabilities and is a member of the regional Continuum of Care.

DESCRIBE THE JURISDICTIONS ONE-YEAR GOALS AND ACTIONS FOR REDUCING AND ENDING HOMELESSNESS:

Homelessness is a complex problem that requires an emergency response. Risks such as loss of employment, domestic violence, low education attainment, mental health, and substance abuse all contribute to homelessness. Below is the strategy that the City will use to combat this issue.

REACHING OUT TO HOMELESS PERSONS (ESPECIALLY UNSHELTERED PERSONS) AND ASSESSING THEIR INDIVIDUAL NEEDS

The City government cannot directly assist persons experiencing homelessness; rather it relies on the Good Neighbor Alliance (owns the homeless shelter) and other service-oriented agencies to assist those persons. The Cochise County Resources Guide lists a number of organizations and agencies that provide food, clothing, financial assistance, healthcare, and transportation assistance. These include State and County agencies and organizations such as the St. Vincent DePaul Society, the Salvation Army, the American Red Cross SSVF Program, the Wellness Connection, the Veterans' Administration, services from Fort Huachuca, the Arizona Coalition for Military Families (focused for service providers), and Good Neighbor Alliance.

The one homeless shelter in the City—the Good Neighbor Alliance facility—provides services for men, women, and families. Good Neighbor Alliance has received a PATH grant for the last several years and has staff and caseworkers performing outreach to those individuals experiencing homelessness throughout Cochise County; they continue to reapply annually for the PATH grant. Good Neighbor Alliance is an emergency and temporary shelter that offers a walk-in shower program, clothes washing, nightly dinner, AA and NA meetings at the location, and case management to ensure that the clients can access services. The Good Neighbor Alliance facility has a total capacity of 20 persons, combination of single men, single women, and families and has an estimated occupancy rate of 90 percent.

The Forgach House, owned and managed by Catholic Community Services, is a local domestic violence shelter. Clients receive shelter and services up to six weeks; services include counseling, transportation, and child therapy. Additionally, the Forgach House access to transitional shelter for three

months or longer. The Forgach House has 40 beds and an estimated occupancy rate of 75 percent. The Con Plan lists the Cochise County Children's Crisis Center in Huachuca City, but it has closed its doors.

The City has used the Arizona Department of Housing CDBG funds for the Good Neighborhood Alliance (local homeless shelter) prior to becoming an entitlement community—2005 CDBG funded a volunteer coordinator, 2009 CDBG funded a modular building for use as a services center, and 2013 CDBG funded site and safety improvements, fencing, landscaping, and detention basin. In 2016, the City hired a contractor to perform a hot tar re-roof of the Samaritan Station building.

In the 1990s, the City used CDBG funding to assist Catholic Community Services in building the Forgach House. Forgach House has since built a new and larger facility without CDBG funding.

The City will continue to assess the community's needs and develop the policies, procedures, and capacity to better assist persons experiencing homelessness and other special needs activities. Several avenues already exist, and the City will attempt to expand its assistance to achieve these goals.

ADDRESSING THE EMERGENCY SHELTER AND TRANSITIONAL HOUSING NEEDS OF HOMELESS PERSONS

There is one homeless shelter in the City—the Good Neighbor Alliance facility that is for men, women, and families. Good Neighbor Alliance has received a PATH grant for the last several years and has staff and caseworkers performing outreach to those individuals experiencing homelessness throughout Cochise County. Good Neighbor Alliance is an emergency and temporary shelter that offers a walk-in shower program, clothes washing, nightly dinner, AA and NA

meetings at the location, and case management to ensure that the clients can access HUD and DES programs.

The Good Neighbor Alliance facility has a total capacity of 20 persons, combination of single men, single women, and families and has an estimated occupancy rate of 90 percent. In 2016 the City hired a contractor to carry out a hot tar re-roof at the Samaritan Station (dorm) to prevent leaking and keep the facility open. Good Neighbor Alliance has received ESG and rapid rehousing funding, but due to State cuts didn't receive funding for several years; however, they are now receiving a small amount of funding. They work with agencies like the Legacy Foundation for operating funding and housing clients. GNA also works closely with the mental health providers to ensure the well-being of their clients.

HELPING HOMELESS PERSONS (ESPECIALLY CHRONICALLY HOMELESS INDIVIDUALS AND FAMILIES, FAMILIES WITH CHILDREN, VETERANS AND THEIR FAMILIES, AND UNACCOMPANIED YOUTH) MAKE THE TRANSITION TO PERMANENT HOUSING AND INDEPENDENT LIVING, INCLUDING SHORTENING THE PERIOD OF TIME THAT INDIVIDUALS AND FAMILIES EXPERIENCE HOMELESSNESS, FACILITATING ACCESS FOR HOMELESS INDIVIDUALS AND FAMILIES TO AFFORDABLE HOUSING UNITS, AND PREVENTING INDIVIDUALS AND FAMILIES WHO WERE RECENTLY HOMELESS FROM BECOMING HOMELESS AGAIN

The City alone does not have the ability to address this problem. In response, the City works with a number of homeless service providers to address this problem.

The Good Neighbor Alliance PATH team and the case managers are instrumental in assisting these individuals. Aiding people experiencing homelessness or having experienced homelessness or could soon face homelessness is a focus of the Cochise County Continuum of Care.

HELPING LOW-INCOME INDIVIDUALS AND FAMILIES AVOID BECOMING HOMELESS, ESPECIALLY EXTREMELY LOW-INCOME INDIVIDUALS AND FAMILIES AND THOSE WHO ARE: BEING DISCHARGED FROM PUBLICLY FUNDED INSTITUTIONS AND SYSTEMS OF CARE (SUCH AS HEALTH CARE FACILITIES, MENTAL HEALTH FACILITIES, FOSTER CARE AND OTHER YOUTH FACILITIES, AND CORRECTIONS PROGRAMS AND INSTITUTIONS); OR, RECEIVING ASSISTANCE FROM PUBLIC OR PRIVATE AGENCIES THAT ADDRESS HOUSING, HEALTH, SOCIAL SERVICES, EMPLOYMENT, EDUCATION, OR YOUTH NEEDS

This is being discussed at the Cochise County Continuum of Care. For several years, GNA did not received ESG or rapid rehousing funding, due to State funding cuts. However, GNA does now have a small amount of funding to assist with rehousing. However, being grant funded, funding is unknown year-to-year.

Furthermore, the City will continue to work with homeless service providers a to implement a cohesive, community-wide discharge coordination policy that can be successfully implemented to ensure that persons being discharged from publicly funded agencies and institutions do not become homeless upon release.

DISCUSSION

The City does not anticipate funding homeless activities with the PY 2020 CDBG award. The City will continue to offer other assistance, advice, and coordination with agencies that provide day facilities, case management, job skills training, vocational tools and other homeless services.

AP-75 Barriers to Affordable Housing

INTRODUCTION

This section of the Annual Action Plan summarizes actions the City of Sierra Vista will undertake during the program year to reduce barriers to affordable housing and influence whether the cost of housing or the incentives to develop, maintain, or improve affordable housing are affected by public policies, particularly those of the local jurisdiction. Such policies include land use controls, zoning ordinances, building codes, and policies that affect the return on residential investment.

ACTIONS IT PLANNED TO REMOVE OR AMELIORATE THE NEGATIVE EFFECTS OF PUBLIC POLICIES THAT SERVE AS BARRIERS TO AFFORDABLE HOUSING SUCH AS LAND USE CONTROLS, TAX POLICIES AFFECTING LAND, ZONING ORDINANCES, BUILDING CODES, FEES AND CHARGES, GROWTH LIMITATIONS, AND POLICIES AFFECTING THE RETURN ON RESIDENTIAL INVESTMENT

The City has several strategies that it utilizes to remove or ameliorate the negative effects of public policies that are barriers to affordable housing. In general, the City of Sierra Vista will continue to work with non-profit and for-profit housing developers and providers to increase the amount of affordable housing.

The City has addressed its zoning and land use regulations to ensure they are as equitable and open as possible. Development standards, though they sometimes add costs to construction or rehabilitation, are necessary for the safety and health of residents. The City continues efforts to streamline and

facilitate the permitting process locally. The City reviews building codes to ensure that non-life safety codes are not adding cost.

The City continues to have one of the lowest property tax rates in AZ.

DISCUSSION

Public policies can have a direct impact on barriers to affordable housing. Sierra Vista has recognized this fact and is currently undergoing its own processes to expose any barriers or obstacles to developing affordable and fair housing. It is anticipated the documents such as the zoning and building codes and the City Master Plan do not create barriers to affordable housing as there are many affordable units within the City of Sierra Vista.

AP-85 Other Actions

INTRODUCTION

This section of the Annual Action Plan describes the City of Sierra Vista' planned actions to carry out the following strategies outlined in the Strategic Plan:

- Foster and maintain affordable housing;
- Evaluate and reduce lead-based paint hazards;
- Reduce the number of poverty-level families;
- Develop institutional structure; and enhance coordination.

In addition, the City has identified obstacles to meeting underserved needs and proposed actions to overcome those obstacles.

ACTIONS PLANNED TO ADDRESS OBSTACLES TO MEETING UNDERSERVED NEEDS

One obstacle to meeting underserved needs is the lack of resources. The City of Sierra Vista plans to review alternative sources of funds to help address the needs of City residents. Efforts will be made to submit grant applications to Federal, state, and local resources. Specific grant applications could include HUD Programs, other Community Development Initiatives, infrastructure improvements, and neighborhood revitalization.

In addition, public service projects and/or programs that can be supported by CDBG funds are limited yet create a large demand for funding. The City will continue to work with public service providers to expand services and become more of a resource for these providers.

Poverty levels have increased between 2000 and 2017 (10.5 percent to 14.2 percent). It can be assumed that between 2000 and 2017 that poverty has increased due to lingering effects of the “Great Recession”. Federal program funds being used are not designed to be anti-poverty programs, thus limiting the amount of resources available for such activities. The improvements that occur within Community Development Block Grant eligible areas require that Section 3 area residents are used, when feasible. Sierra Vista, however, is dependent on the availability of funding in order to accomplish infrastructure improvements.

The City, through the Consolidated Plan, shall seek to target federal funds, and other available resources, to residents that have traditionally not been served, or are underserved by previous programs. A strong emphasis will be placed on programmatic restructure that is not only compliant with changing rules and regulations, but make sense for today's economic climate, and ever-changing community structure.

ACTIONS PLANNED TO FOSTER AND MAINTAIN AFFORDABLE HOUSING

As noted, the City could, in later program years, provide rental assistance and seek to develop affordable housing projects. The latter efforts will be limited because of the amount of funds available and the many competing needs.

ACTIONS PLANNED TO REDUCE LEAD-BASED PAINT HAZARDS

The City incorporates all HUD requirements concerning lead-based paint abatement into its housing rehabilitation programs, will see that program participants are informed about lead-based paint hazards and will see that all abatement work is undertaken by qualified contractors who have completed US HUD and EPA lead training courses.

ACTIONS PLANNED TO REDUCE THE NUMBER OF POVERTY-LEVEL FAMILIES

Because the nature of poverty is complex and multi-faceted, the City will attempt to allocate CDBG funds for services to very low-income households. CDBG can provide funding for meeting these critical basic needs, but these efforts will be constrained by the amount of funds available and competing priority needs. One activity, scholarships for after school programs organized by the Boys & Girls Club of Sierra Vista, will be offered in the first year.

According to the 2013-2017 American Community Survey (ACS) estimates, 14.2% of people living in the City of Sierra Vista are below poverty level. The City of Sierra Vista does not possess the capacity or manpower to directly improve the poverty status of its citizens. However, the City supports non-profit groups, County and State efforts to move low-income persons to economic self-sufficiency or to a maximum level of economic independence.

ACTIONS PLANNED TO DEVELOP INSTITUTIONAL STRUCTURE

The City has in place a strong institutional structure necessary to carry out its housing, community and economic development strategies. The City's Community Development Department will administer the CDBG Program.

In conjunction with other City operating departments, the Community Development Department will also implement any public works project proposed by the 2015-2019 Consolidated Plan or any of the Annual Action Plans.

Accordingly, the Community Development Department and the City's non-profit agencies have longstanding ties and an effective delivery system for social services to the youth, persons with special needs and low- and moderate-income residents. The Community Development Department will integrate the

public service activities and affordable housing proposed in the Action Plan with these on-going operations.

The City will continue to coordinate with various community groups to determine objectives and goals through the public participation process. These groups play a vital role in implementing the Five-Year Consolidated Plan and the Annual Action Plans, annual Performance Reviews, and any proposed Substantial Amendments. All stakeholders are welcomed and encouraged to participate in the implementation of this Consolidated Plan and Action Plan.

ACTIONS PLANNED TO ENHANCE COORDINATION BETWEEN PUBLIC AND PRIVATE HOUSING AND SOCIAL SERVICE AGENCIES

The City maintains a close relationship with state, regional, and county organizations that assist low- and moderate-income persons as well as those persons experiencing homelessness. The City works closely with local non-profit organizations and actively encourages housing programs for low- and moderate-income persons. The Department of Community Development continues to maintain a positive relationship with the builders, developers, and financial institutions in the region. This collaborative approach will assist in the creation and delivery of effective service delivery programs and affordable housing projects.

DISCUSSION

The City's actions planned to address obstacles to meeting underserved needs include activities in support of special needs assistance. Additionally, the City's actions to foster and maintain affordable housing include continued funding of programs and agencies that further the affordable housing goals of the City.

AP-90 Program Specific Requirements

INTRODUCTION

This section addresses the program-specific requirements for the Annual Action Plan.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) REFERENCE 24 CFR 91.220. (I)(1)

The City has no income producing projects.

Available program income

Available Program Income	Amount
1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	\$0
3. The amount of surplus funds from urban renewal settlements	\$0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	\$0
5. The amount of income from float-funded activities	\$0
Total Program Income	\$0

Other CDBG Requirements

Available Program Income	Amount
1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low- and moderate-income (for year 2018/2019). <i>Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low- and moderate-income. Specify the years covered that include this Annual Action Plan.</i>	100%

DISCUSSION

The City estimates 100 percent of CDBG funding will be spent on low- and moderate-income activities.

The header features a solid blue rectangular area at the top. Below it is a dark blue horizontal band containing the word "Appendix" in white serif font. The bottom of this band is decorated with several thin, curved lines in shades of blue and green, creating a sense of motion or a landscape horizon.

Appendix

1. Maps
2. Public Participation
3. SF 424
4. Certifications



Maps



Public Participation



SF 424



Certifications

May 7, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Sharon G. Flissar, P.E., Director of Public Works

SUBJECT: Request for Agenda Item Placement
Resolution 2020-024, Accepting a Grant from the
Federal Aviation Administration (FAA) for CARES Act
Funding

Recommendation:

The City Manager recommends approval.
The Assistant City Manager recommends approval.
The Director of Public Works recommends approval

Background:

In response to COVID-19, the federal government has issued a variety of relief measures, known collectively as the CARES Act. As it applies to airports, the CARES Act is intended to address operational impacts from COVID-19, such as reduced revenue due to shelter-in-place orders and increased expenses from heightened sanitation measures. The value of the grant offer to specific airports is derived by legislative formula which takes into account items such as the airport size and the number of operations. The Sierra Vista Municipal Airport has been offered \$30,000.

The purpose of the grant is to maintain safe and efficient airport operations. Funds provided under the grant agreement can only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments. CARES Act airport grants may be used to reimburse airport operational and maintenance expenses directly related to the Sierra Vista Municipal Airport incurred no earlier than January 20, 2020. The grant also may be used to reimburse the City's payment of debt service where such payments occur on or after April 14, 2020. New airport development projects are not eligible under this grant.

Budget Appropriation:

None

RESOLUTION 2020-024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE CITY TO ACCEPT A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista operates the Sierra Vista Municipal Airport (SVMA); and

WHEREAS, the City of Sierra Vista has received a grant offer of \$30,000 from the Federal Aviation Administration (FAA) related to the CARES Act; and

WHEREAS, the City of Sierra Vista desires to get reimbursement for impacts associated with COVID-19; and

WHEREAS, the City of Sierra Vista is willing to meet the terms of the Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council seeking funding assistance, be, and hereby is, reaffirmed.

SECTION 2

That the grant agreement between the Federal Aviation Administration (FAA), and the City of Sierra Vista be, and hereby, is approved for acceptance of the grant.

SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all further steps necessary to carry out the purposes and intent of this Resolution and finalize and sign the agreement on behalf of the City Council.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SIERRA VISTA, ARIZONA, THIS 14th DAY OF MAY 2020

Frederick W. Mueller,
Mayor

Approval as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared by: Sharon G. Flissar, P.E., Director of Public Works



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Western-Pacific Region
Arizona, Nevada

FAA PHX ADO
3800 N Central Ave
Suite 1025
Phoenix, AZ 85012

CARES Act Grant Transmittal Letter

Sharon Flissar
401 Giulio Cesare
Sierra Vista, AZ 85635

Dear Ms. Flissar:

Please find the following electronic CARES Act Grant Offer, Grant No. 3-04-0060-032-2020 for Sierra Vista Municipal-Libby AAF. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, **no later than June 1, 2020** in order for the grant to be valid.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR § 200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for any purpose for which airport revenues may be lawfully used. CARES grant recipients should follow the FAA's Policy and Procedures Concerning the Use of Airport Revenues ("Revenue Use Policy"), 64 Federal Register 7696 (64 FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330). The Revenue Use Policy defines permitted uses of airport revenue. In addition to the detailed guidance in the Revenue Use Policy, the CARES Act states the funds may not be used for any purpose not related to the airport.

With each payment request you are required to upload directly to Delphi:

- An invoice summary, even if you only paid a single invoice, and
- The documentation in support of each invoice covered in the payment request.

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A narrative report.

The narrative report will summarize the expenses covered by the CARES Act funds and state that all expenses were in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenues and incurred after January 20, 2020.

By accepting this grant, you agree to continue to employ, through December 31, 2020, at least 90 percent of the number of individuals employed by the airport as of March 27, 2020. In accordance with the employee retention grant assurance, you will provide the following reports to this office within 10 business days of the end of each reporting period:

- The number of employees employed as of March 27, 2020.
- The number of employees as of June 30, 2020.
- The number of employees as of September 30, 2020.
- The number of employees as of December 31, 2020.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once you have drawn down all funds and uploaded the required documents to Delphi, notify **Kyler Erhard** by email that the grant is administratively and financially closed. **Kyler Erhard** is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,

Mike N Williams
Manager

[ADO has discretion to delegate signature authority to Program Manager]



U.S. Department
of Transportation
Federal Aviation
Administration

CARES ACT AIRPORT GRANTS AGREEMENT

Part I - Offer

Federal Award Offer Date _____

Airport/Planning Area Sierra Vista Municipal-Libby AAF

CARES Grant Number 3-04-0060-032-2020

Unique Entity Identifier 072437031

TO: City of Sierra Vista

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or "the Act") Airports Grants Application (herein called the "Grant") dated April 23, 2020, for a grant of Federal funds at or associated with the **Sierra Vista Municipal-Libby AAF**, which is included as part of this Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA's Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the Grant Application for the **Sierra Vista Municipal-Libby AAF**, (herein called the "Grant") consisting of the following:

This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

The purpose of this Grant is to maintain safe and efficient airport operations. Funds provided under this Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments. CARES Act Airport Grants may be used to reimburse airport operational and maintenance expenses directly related to **Sierra Vista Municipal-Libby AAF** incurred no earlier than January 20, 2020. CARES Act Airport Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after April 14, 2020. Funds provided under the Grant will be governed by the same principles that govern "airport revenue." New airport development projects may not be funded

with this Grant unless and until the Grant Agreement is amended or superseded by a subsequent agreement that addresses and authorizes the use of funds for the airport development project.

NOW THEREFORE, in accordance with the applicable provisions of the CARES Act, Public Law 116-136, the representations contained in the Grant Application, and in consideration of, (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$ [REDACTED].
2. **Period of Performance.** The period of performance shall commence on the date the Sponsor formally accepts this agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.

3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CARES Act.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.
5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs will be 100%.
6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this Grant Agreement, the CARES Act, and the regulations, policies, standards and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before [REDACTED], or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this Grant Agreement, the CARES Act or other provision of applicable law. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this Grant Agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.** Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
14. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any expense for which funds are provided under this Grant. The Sponsor will include a provision implementing applicable Buy American statutory and regulatory requirements in all contracts related to this Grant Agreement.
15. **Audits for Private Sponsors.** When the period of performance has ended, the Sponsor must provide a copy of an audit of this Grant prepared in accordance with accepted standard audit practices, such audit to be submitted to the applicable Airports District Office.
16. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

17. **Suspension or Debarment.** When entering into a “covered transaction” as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-federal entity attesting the entity is not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debar a contractor, person, or entity.
18. **Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this Grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
 - B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.
19. **Trafficking in Persons.**
- A. You as the recipient, your employees, subrecipients under this award, and subrecipients’ employees may not –
 1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the award.
 - B. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
 1. Is determined to have violated a prohibition in paragraph A of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph A.1 of this award term through conduct that is either –
 - a. Associated with performance under this award; or
 - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
3. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this award term.
4. Our right to terminate unilaterally that is described in paragraph A of this section:
 - a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
 - b. Is in addition to all other remedies for noncompliance that are available to the FAA under this award.

20. Employee Protection from Reprisal.

A. Prohibition of Reprisals —

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
 - a. Gross mismanagement of a Federal grant;
 - b. Gross waste of Federal funds;
 - c. An abuse of authority relating to implementation or use of Federal funds;
 - d. A substantial and specific danger to public health or safety; or
 - e. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - a. A member of Congress or a representative of a committee of Congress;
 - b. An Inspector General;
 - c. The Government Accountability Office;
 - d. A Federal office or employee responsible for oversight of a grant program;
 - e. A court or grand jury;
 - f. A management office of the grantee or subgrantee; or
 - g. A Federal or State regulatory enforcement agency.
3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).

6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).
21. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this Grant Agreement.

SPECIAL CONDITIONS

1. **ARFF and SRE Equipment and Vehicles.** The Sponsor agrees that it will:
 - A. House and maintain the equipment in a state of operational readiness on and for the airport;
 - B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;
 - C. Restrict the vehicle to on-airport use only;
 - D. Restrict the vehicle to the use for which it was intended; and
 - E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of a vehicle and equipment.
2. **Equipment or Vehicle Replacement.** The Sponsor agrees that it will treat the proceeds from the trade-in or sale of equipment being replaced with these funds as airport revenue.
3. **Off-Airport Storage of ARFF Vehicle.** The Sponsor agrees that it will:
 - A. House and maintain the vehicle in a state of operational readiness for the airport;
 - B. Provide the necessary staffing and training to maintain and operate the vehicle;
 - C. Restrict the vehicle to airport use only;
 - D. Amend the Airport Emergency Plan to reflect the acquisition of the vehicle;
 - E. Within 60 days, execute an agreement with local government including the above provisions and a provision that violation of said agreement could require repayment of Grant funding; and
 - F. Submit a copy of the executed agreement to the FAA.
4. **Equipment Acquisition.** The Sponsor agrees that it will maintain Sponsor-owned and -operated equipment and use for purposes directly related to the airport.
5. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
6. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
 - A. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;
 - B. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
 - C. The utilities must serve a purpose directly related to the Airport.

The Sponsor's acceptance of this Offer and ratification and adoption of the Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the CARES Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Grant and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

(Signature)

(Typed Name)

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

I declare under penalty of perjury that the foregoing is true and correct.

Dated

City of Sierra Vista

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By:

(Typed Name of Sponsor's Authorized Official)

Title:

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Arizona. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at

By: _____
(Signature of Sponsor's Attorney)

CARES ACT ASSURANCES
AIRPORT SPONSORS

A. General.

1. These assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act or "the Act"), Public Law 116-136. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this Grant offer by the sponsor, these assurances are incorporated into and become part of this Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

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- a. Federal Fair Labor Standards Act — 29 U.S.C. 201, et seq.
 - b. Hatch Act — 5 U.S.C. 1501, et seq.
 - c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.
 - d. National Historic Preservation Act of 1966 — Section 106 - 16 U.S.C. 470(f).
 - e. Archeological and Historic Preservation Act of 1974 — 16 U.S.C. 469 through 469c.
 - f. Native Americans Grave Repatriation Act — 25 U.S.C. Section 3001, et seq.
 - g. Clean Air Act, P.L. 90-148, as amended.
 - h. Coastal Zone Management Act, P.L. 93-205, as amended.
 - i. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. 4012a.
 - j. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
 - k. Rehabilitation Act of 1973 — 29 U.S.C. 794.
 - l. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
 - m. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
 - n. Age Discrimination Act of 1975 — 42 U.S.C. 6101, et seq.
 - o. American Indian Religious Freedom Act, P.L. 95-341, as amended.
 - p. Architectural Barriers Act of 1968 — 42 U.S.C. 4151, et seq.
 - q. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.

- r. Contract Work Hours and Safety Standards Act — 40 U.S.C. 327, et seq.
- s. Copeland Anti-kickback Act — 18 U.S.C. 874.1.
- t. National Environmental Policy Act of 1969 — 42 U.S.C. 4321, et seq.
- u. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- v. Single Audit Act of 1984 — 31 U.S.C. 7501, et seq.
- w. Drug-Free Workplace Act of 1988 — 41 U.S.C. 702 through 706.
- x. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13788 – Buy American and Hire American
- h. Executive Order 13858 – Strengthening Buy-American Preferences for Infrastructure Projects

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 – Procedures for predetermination of wage rates.
- g. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.
- h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).
- i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).
- j. 49 CFR Part 20 – New restrictions on lobbying.

- k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program .49 CFR Part 27 — Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- m. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- n. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- o. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- p. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- q. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. Purpose Directly Related to the Airport

It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Good Title.

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

4. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant

Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

6. Exclusive Rights.

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

7. Airport Revenues.

This Grant shall be available for any purpose for which airport revenues may lawfully be used. CARES Act Grant funds provided under this Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums.

8. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

9. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

b. Applicability

1. **Programs and Activities.** If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
2. **Facilities.** Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
3. **Real Property.** Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The [REDACTED], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

d. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
 - B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
- e. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- f. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

10. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

11. Acquisition Thresholds.

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.