



Sierra Vista City Council
Meeting Agenda
December 9, 2021

Call to Order

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

Roll Call

Invocation – Evangelist Al Garza, OCS Ministry Country Chapel

Pledge of Allegiance

Item 1 Acceptance of the Agenda

Awards and Presentations

Mayor's Award to United Way of Sierra Vista and Cochise County

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

Item 2 Consent Agenda

Item 2.1 Discussion and Possible Action of the Regular City Council Meeting Minutes of November 18, 2021

Item 2.2 Discussion and Possible Action of Resolution 2021-084, Re-appointments of Brad Snyder and Daniel Coxworth, and appointment of Leslie Thomas to the Planning and Zoning Commission, said terms to expire December 31, 2023

Item 2.3 Discussion and Possible Action of Resolution 2021-085, Acceptance of Public Improvements for the Holiday at PDS, Phase 5A subdivision plat

Item 2.4 Discussion and Possible Action of Resolution 2021-087, Electrical Utility Easement Modification for the Veteran's Memorial Park Sports Complex and Sports Division Building

Item 2.5 Discussion and Possible Action of Resolution 2021-088, Re-appointment of Debbie Perkinson to the Employee Benefit Trust, said terms to expire December 31, 2024

New Business

Item 3 Discussion and Possible Action of Resolution 2021-089, Creation of Economic Development Commission

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

Item 4 Discussion and Possible Action of Resolution 2021-090, Acceptance of the grant offer from the Arizona State Parks Non-motorized Grant Program for funding to construct a stabilized ADA loop trail at Garden Canyon Linear Park off St. Andrews Drive

Item 5 Discussion and Possible Action of Resolution 2021-091, Public Transportation (Transit) Agency Safety Plan

Call to the Public

Comments and Requests of Council

Adjournment

City Manager's Report regarding Procurements

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PUBLISHED / POSTED:

Design Engineering Services for Animal Control Center Improvement and Expansion Project– The Request For Qualifications was issued on November 19, 2021. Qualifications are due on December 20, 2021.

IN REVIEW

IN PROGRESS

Municipal Airport Redevelopment Project – KE&G started work approximately November 8th with estimated completion February 2022.

North Garden Ave/Fry Blvd Improvements Phase I Rebid– KE&G began work on July 19, 2021, with estimated completion February 2022.

New Lighted Airport Entrance sign–High Desert Sign is 80% complete with fabricating the sign. Progress on the sign is going well. Installation is expected before end of December.

Apron And Taxiway J Rehabilitation Project –J. Banicki Construction Inc. began work on October 4, 2021; with estimated completion before end of December.

EMS Substation Design-Build –Core Construction has begun work on September 17, 2021; with estimated completion by the end of April 2022.

Police Patrol Vehicles – The vehicles included in the FY2020 and FY2021 budget have arrived at the outfitter in Phoenix, however some parts are delayed due to shipping issues.

Sierra Vista City Council
Meeting Minutes
November 18, 2021

Mayor Mueller called the November 18, 2021, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Mark Rodriguez - present
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Parks, Recreation and Library Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Blake Fisher, Planner
Tony Boone, Economic Development Manager
Mike Cline, SEACOM Director
Nathan J. Williams, City Attorney
Jill Adams, City Clerk
Frank Moro
Mark Slania

Invocation – Council Member Landry led everyone present in prayer.

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

Item 1 Acceptance of the Agenda

Council Member Johnson moved that the agenda for the Regular City Council Meeting of November 18, 2021, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

City Manager's Report: Mr. Potucek reminded everyone that the regular Council work session and meeting scheduled for next week have been cancelled because of the Thanksgiving Holiday. He announced that refuse service will move up a day. The Monday/Thursday pick up will be Monday/Wednesday and then the Tuesday/Friday will continue as normal. He also announced that the next regularly scheduled work session will be on December 7, 2021 at 3:00 p.m., in the Council Chambers, and the final meeting of the calendar year will be on December 9, 2021, at 5:00 p.m. also in the Council Chambers. Lastly, he reported on the SEACOM JPA

Board Meeting, noting that the primary discussion point was again staffing, which is reaching definite critical levels. The group discussed several contingency options, and they appreciate, especially those in the Fire Department that have stepped up to get trained to help over at SEACOM. He added that it is an all-hands-on deck situation, but he thinks that they have a pretty good handle on what needs to be done and they are proceeding with hiring; however, the process is slow and SEACOM is not the only one looking for dispatchers, so it is a tough situation. The JPA Board also approved looking at the pay scales and raising them based on State averages, which may be reflected in next year's budget.

Mr. Potucek reported that the Airport Project to take down Mount Dooley is ongoing, which is going to take a little while. The Airport's sign is under construction, and it is about 75 percent complete, that will certainly be an improvement out there. The EMS Substation is ongoing and is scheduled for April 2022. The police vehicles are in, but the parts for the outfitter are sitting on boats outside of Long Beach; therefore, it is going to be a little while until that is done. Lastly, on behalf of the staff, he wished everybody in Sierra Vista a happy and safe Thanksgiving Holiday.

Council Member Johnson voiced his concern about staffing over at SEACOM. He added that he is aware that Fire Chief Jones and his crew have stepped up, but he would like to know how many people are in the pipeline. Mr. Potucek stated that currently SEACOM is down to eight full-time dispatchers, and there is one probably going out on maternity leave next month. There are three firefighters already trained, and he has authorized them to spend most of their time at SEACOM. There are three more in training as well, and there is other staff that are training people like Jen Osborn, who is also a very good dispatcher besides being a budget officer. He added that he would like to see some help from some of the other partners, the Sheriff's Office, and Fry Fire that would be helpful in this endeavor as well. There is also work on bringing in the National Guard because they are deployed in the City for another year, but there are some bureaucratic hoops to go through with them, but they think they can make up to 10 people available to SEACOM next year.

Council Member Umphrey asked why roof replacements were cancelled. Mr. Potucek stated that staff found out that it was not as bad as it had been thought to be. So, the City will save some money. Ms. Flissar stated that staff is taking another look at those projects based on some feedback from the contractors, and what really needs to be done on those projects; however, it will be coming back out in some form. Mr. Potucek stated that it may not be as extensive as it was originally thought.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of October 28, 2021

[Item 2.2](#) Discussion and Possible Action of Resolution 2021-074, Acceptance of sewer easements for a sewer line extension to Veritas Christian Community School

[Item 2.3](#) Discussion and Possible Action of Resolution 2021-075, Dedicating Public Right-of-Way at Seventh Street and Buffalo Soldier Trail

Council Member Landry moved that the Consent Agenda consisting of the Regular City Council Meeting Minutes of October 28, 2021, Resolution 2021-074, acceptance of sewer easements for a sewer line extension to Veritas Christian Community School, and Resolution 2021-075, dedicating Public Right-of-Way at Seventh Street and Buffalo Soldier Trail, be approved.

Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Public Hearing

Item 3 Discussion and Possible Action of Resolution 2021-076, Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Young G Kim on behalf of Pinnacle Enterprise LLC dba Vista Beverage House at 999 E Fry Boulevard, Suite 101, Sierra Vista, Arizona

Council Member Rodriguez moved that Resolution 2021-076, a series 9 liquor license application for an interim permit, owner transfer, limited liability company-type of ownership for Young G Kim on behalf of Pinnacle Enterprise LLC dba Vista Beverage House at 999 E Fry Boulevard, Suite 101, Sierra Vista, Arizona, be approved. Council Member Umphrey seconded the motion.

Ms. Adams stated that as moved by Council Member Rodriguez, this is a transfer of a Series nine liquor license for the Vista Beverage House. The notice of this public hearing is required by law that was posted on the premise, and to-date, no comments pro or con have been received from the public. The Police Department has done a background check on the applicant and has no objection to this license transfer moving forward. If approved, it will be returned to the State for final action.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 4 Discussion and Possible Action of Resolution 2021-077, Series 12 liquor license application for a new license, interim permit, limited liability-type of ownership for Christopher Jinho Lee on behalf of KYJ Bros, LLC dba Hana Tokyo located at 1633 S. Highway 92, Sierra Vista, Arizona

Mayor Pro Tem Gray moved that Resolution 2021-077, a series 12 liquor license application for a new license, interim permit, limited liability-type of ownership for Christopher Jinho Lee on behalf of KYJ Bros, LLC dba Hana Tokyo located at 1633 S. Highway 92, Sierra Vista, Arizona, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that this is an application for a new Series 12 liquor license, and unlike the previous item, restaurant liquor licenses are nontransferable; therefore, if ownership of the operation changes, they must get their own liquor license and that is why this is a new license as opposed to a transfer. The notice of this public hearing was posted on the premise and to-date, the City has not heard anything from the public, pro or con. The Police Department has done a background check and does not object to this moving forward and if approved, it will be returned to the State for final action.

Council Member Landry made the comment that it was interesting to have a couple of liquor licenses in a row and added that she did not realize the different types, and how many types there are.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 5 Discussion and Possible Action of Resolution 2021-078, Amending City Code Chapter 30, and Declaring a 30- day public record

Council Member Umphrey moved that Resolution 2021-078, Amending City Code Chapter 30, and declaring a 30- day public record, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Adams stated that due to going through the process of updating the policy and procedure guidelines, it was a good time to go through this chapter of the City Code because this is the chapter that relates directly to City Council, and it is noted throughout your guidelines and some of the changes are in both. She explained that this is an update of the section to primarily clean up language and to bring it in conformance with the actual policy and procedures that are being used. The sections that were updated mostly have not been updated since the late 1990s, early 2000s, and so there was a lot of language that does not even come close to describing how business is currently conducted. This is mostly housekeeping and making it what it is that Council does. The main changes were to talk about meeting notices and the appointment of the Mayor Pro Tem via resolution as opposed to previous language that was more of a dissent. This is an actual clarification that Council wanted that position to be appointed by resolution, which will be done in the future. Officially, even though that is how Council has always done it. The amendments also take out smoking prohibitions and penalties for them because that is no longer needed because it is in State Law.

Mayor Mueller noted that this action opens a public comment period for 30-days.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 6 Discussion and Possible Action of Resolution 2021-079, General Plan Amendment (Land Use Map 1 Designation Alteration): Industrial to Public for parcels 106-61-016, 106-61-002, 106-61-005, 106-61-003, 106-61-004A

Council Member Benning moved that Resolution 2021-079, General Plan Amendment (Land Use Map 1 Designation Alteration): Industrial to Public for parcels 106-61-016, 106-61-002, 106-61-005, 106-61-003, 106-61-004A, be approved. Council Member Rodriguez seconded the motion.

Mr. Fisher stated that staff has initiated minor General Plan Amendments to change the land use designation of Cyr Center Park from Industrial to Public. The reason why this is being proposed, is that the City is applying for the use of federal Community Development Block Grant funds to carry out planned parking and access improvements to serve the growing needs of Cyr Center Park. During the application process, staff determined that the five subject properties that make up Cyr Center Park had industrial land use and zoning designations, which is inconsistent with its current master plan used by the City as a park. To eliminate this inconsistency and demonstrate conforming land use through the grant application process, staff is proposing an edit of map one in the land use section of the General Plan on page 20.

A map was displayed depicting how it currently appears today. The Vista 2030 indicated in pink is where Cyr Center Park is located, which represents industrial designated land. The amendment would replace this map image with this map image, which would turn that into the gray color that corresponds to a public designation, which is the corresponding designation that the City has for other parks throughout the City. This edit is required before any rezoning can be

done on the property as they are also inconsistently zoned. Parks are not permitted in industrial zoning districts. During public outreach, staff received no comments regarding the proposed General Plan amendment or the rezoning. The Planning and Zoning Commission approved both, the General Plan amendment, and the rezoning unanimously.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

New Business

[Item 7](#) Discussion and Possible Action of Ordinance 2021-009, Rezoning: APN # 106-61-016 from Heavy Industrial to Open Space, 106-61-002 & 106-61-003 from Industrial Park to Open Space, and 106-61-005 & 106-61-004A from Light Industrial to Open Space

Council Member Johnson moved that Ordinance 2021-009, Rezoning APN #106-61-016 from Heavy Industrial to Open Space, APN #106-61-002 and APN #106-61-003 from Industrial Park to Open Space, and APN #106-61-005 and APN #106-61-004A from Light Industrial to Open Space, be approved. Council Member Umphrey seconded the motion.

Mr. Fisher stated this is the second part of what he mentioned in the previous presentation, for the rezoning to be approved, and to convert these from their industrial zoning designations to the corresponding open space that is the correct zoning for the parks throughout the City. First, the General Plan amendment would need to have been approved.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

[Item 8](#) Resolution 2021-080, Proposed Expansion to the West Sierra Vista Redevelopment Area (WSVRA)

Council Member Landry moved that Resolution 2021-080, proposed expansion to the West Sierra Vista Redevelopment Area, be approved. Council Member Benning seconded the motion.

Mr. McLachlan noted that Mayor Mueller had mentioned earlier in the day to a roomful of realtors that the West End not only has historic significance, but also greatly contributes to the City's civic identity as a gateway district to the community. It is the City's downtown, and there will soon be a walkable main street accessible to everyone. Public private partnerships are a proven effective tool and approach to community and economic development. Council's approval will help to expand the City's reach to form new partnerships on the West End.

This represents the second expansion to the redevelopment area boundary. In 2017, the Council designated a 23-acre area along West Fried Blvd, then added 29 acres the following year. The resolution before Council expands the redevelopment area to include all commercially zoned properties west of N Fifth Street, which covers 162 parcels and 111 acres of property. This designation requires the Council to make a finding of necessity by a 2/3 vote. The study documenting the conditions in the proposed expansion area was carried out by Stantec who's the County's EPA Brownfield consultant.

The report provides an objective analysis following this statutory criterion used to define what constitutes a blighted area. The data was collected using secondary sources and analyzed

using GIS to arrive at the conclusions that are found on page 34. Factors that were looked at include building age, condition, parcel size and shape, pedestrian-vehicular access, sewer availability, flood planning, and vacancy status. The study finds that a significant number of parcels are vacant or underutilized and have potential to support new conservative community serving uses such as housing, retail, and entertainment spaces. There are also some gaps in infrastructure that need to be considered during the redevelopment area of planning process. Over 90 percent of the expansion area parcels exhibit one or more of the pertinent factors that were evaluated through the criteria.

The findings were presented at a properly noticed public meeting on October 27, 2021. The meeting was well attended by property owners. The staff also spoke with multiple interested parties ahead of the meeting, and some of whom provided letters to support that are included in the Council's packet. Staff went over the elements of the West Sierra Vista Partnership Program, how it is administered and answered questions. There was acknowledgment on the need for further City involvement on revitalizing the West End and carrying out additional capital projects.

As was mentioned at the work session, there was a call for property owners to step up their maintenance and band together on the West End to be more vibrant, part of the community by better coordinating business hours and leaving their lights on later into the night. The owner of Street Taco shared his experience on the West Sierra Vista Partnership Program on how beneficial the grant was to relocate his business to South Carmichael, to fill a longstanding vacancy there. Approval of this resolution fulfills a Council objective to expand the redevelopment area in West Sierra Vista Partnership Program, as appropriate. Once approved, staff will immediately begin work on the required update to the Redevelopment Area Plan to address the expansionary.

Council Member Landry commented that during the work session, she mentioned that she really loves the study, the breakdown and the analysis that was done. It really shows how great this is and how needed it is. This going to be a great way to provide more opportunities to those in the area, along with beautifying the City and meeting a lot of the different goals. Lastly, she stated that she is hopeful that a lot of the property owners will see this in a kind of a get the ball rolling and get things going momentum, to really make things great.

Council Member Benning thanked Mr. McLachlan, his team, and the rest of the staff members. He noted that four and a half to five years ago, when this was first introduced, there was a lot of pushback, and he remembers meetings that were held at the Horned Toad, but now there seems to be a change in what is happening, because now there are businesses coming to the City and asking to be a part of it. They are doing their part, and there are people going from food trucks to smaller businesses, to bigger businesses, i.e., J's that is moving into the to the old Peacock Restaurant. He further stated that watching the growth in the last four years in the West End has been amazing, and he thinks the same for those people that provided comments about the West End redevelopment, the streets, and everything going on in the West End. He asked people to wait to see, and to give it a year after it is done to see where it is going, as this is a change people have been asking for. Lastly, he stated that he is proud to be a part of it and watching everyone doing their job.

Council Member Rodriguez stated that the term "blight" is not being taken well by some people. He added that the City is not by any means saying that the whole West End is blight, and that is why this happened. He explained that there are some blight areas and buildings, but the West End is a great place. It has beautiful homes, and a lot of people take care of their property.

Unfortunately, there are some properties that have not been taken care of for a long time, and that is why these changes needed to happen. The term “blight” gets misconstrued in the media.

Mayor Mueller stated that it is not just a four-year effort, this is the continuance of a 20-year effort to work on the West Side to include the Fry Townsite area. As the City worked through the statutory requirements, which require the City to declare areas as blight to be able to assist, the City held the meeting that Council Member Benning mentioned, which was critical because everyone was concerned about the label. Lastly, over the last several years, decades, there has not been any investment in the West End and there have been additional ADA requirements for safety, fire, and for upgrading the electric so that they can handle electronics in those places. There are a lot of issues that the City is trying to resolve, business by business and that takes some time; therefore, it will not necessarily be a year from now, it will probably be a couple years from now when everyone can look back and wonder at what else needs to be done to make sure that the area is able to maintain itself without additional government help.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 9 Discussion and Possible Action of Resolution 2021-081, Council Policy and Procedure Manual

Council Member Rodriguez moved that Resolution 2021-081, Council Policy and Procedure Manual, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Adams stated that as discussed at a couple of work sessions in the last few months, she felt that it was well past time that the policy and procedure guideline were pulled out, dusted off and updated. For the most part, there were not a lot of changes made. However, inserted were some new sections, primarily participation in meetings by electronic means, use of personal electronic equipment, and a social media policy for Council. The board and commission description section has been updated to reflect the changes that were made back a couple years ago with the swap of the non-regulatory versus regulatory commissions. Also included is a requirement for new council members to attend mandatory Open Meeting Law training at the beginning of, or around the beginning of their terms.

The amendments were all discussed, and thoroughly vetted by Council during the work sessions. If approved by Council, she will go through the manual to make sure that all the links to the statutory references work, as well as cleaning the code references. It will then be posted on the City's website as a final product.

Council Member Benning thanked Mayor Pro Tem Gray, who took a stab at the social media policy. He added that he is aware that Council had been asking for this for a while of the League of Cities, and so, he appreciates her taking the time to sit down and trying to come up with something for Council in the meantime, until there is more from the State and higher.

Mayor Mueller commented for the folks out there that may not understand that the City's friends in the Legislature, over the last couple years, have made specific requirements dealing with social media with elected officials and they are basically set up for transparency. It is critical when a new council member is elected or there has been changes, that the Council be educated on what those things are so that they do not get into legal wrangling with either the City's attorney or somebody else's attorney, which would tend to cost more money than what the City would want to spend.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 10 Discussion and Possible Action of Resolution 2021-082, Approval of the proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Charter School Refunding and Revenue Bonds, Harvest Preparatory Academy Project, and Declaring an Emergency

Mayor Pro Tem Gray moved that Resolution 2021-082, proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Charter School Refunding and Revenue Bonds, Harvest Preparatory Academy Project, and declaring an emergency, be approved. Council Member Benning seconded the motion.

Mr. Slania stated that the Sierra Vista Industrial Development Authority (IDA) previously approved its resolution; therefore, this is a resolution brought before Council to approve the proceedings and to allow the issuance of those bonds. This is a charter school revenue bond issue. The Sierra Vista IDA does not have any financial obligation regarding its general credit, nor does the City have any obligation with regards to its credit on any bond issue that is issued by the Sierra Vista IDA. The charter school in this case is a nonprofit charter school that is looking to refinance an existing bond issue and to add additional debt to cover its administrative building. All charter schools are approved by the Arizona State Charter School Board. He further stated that this is a bank financing, unlike the second item, and so therefore, it is more reflective of a commercial loan transaction between the bank and the Industrial Development Authority and the school.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 11 Discussion and Possible Action of Resolution 2021-083, Approval of the proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Education Facility Revenue Bonds, AmeriSchools Academy Project, and Declaring an Emergency

Mayor Pro Tem Gray moved that Resolution 2021-083, proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Education Facility Revenue Bonds, AmeriSchools Academy Project, and declaring an emergency, be approved. Council Member Benning seconded the motion.

Mr. Slania stated that this is also a charter school transaction. In this case it has not previously had debt and they are currently leasing the facilities, the three facilities that they are in, and they are looking into acquiring them. This is a nonprofit charter school that is looking to acquire this. However, this is going to be a public offering which means that they are going through Robert W. Baird as the under writer, and it will be available to members of the public in a denomination of \$25,000 or more. Therefore, there will be an offering document associated with that transaction.

Mayor Pro Tem Gray asked about the declarations of an emergency. Mr. Slania stated that the declarations of an emergency are a way to deal with the statutory requirement that this be immediately effective as opposed to making it effective after a 30-day period. This is an Arizona

Statute, which requires that there be this window unless you have a declaration of emergency and making it immediately available.

Council Member Rodriguez stated that, for the public awareness, when things come across like this, and there is no familiarity with what the Industrial Development Authority does, it is scary when seeing the words, not to exceed \$20 million for the school in Yuma, not to exceed \$11 million for the second one. He noted that this is not City money. He added that the first question that is always asked by one of the council members is if the City liable for any default.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Call to the Public – There was no response.

Comments and Requests of the Council

Council Member Benning thanked all the people that came out and participated in the Veteran's Day parade and noted that it was amazing, and everyone looked good. He also thanked all those people that put on the uniform and protect everyone every day. In closing, he wished everyone a safe, happy, and blessed Thanksgiving.

Council Member Johnson mirrored Council Member Benning's comments about the Veteran's Day parade. He added that it was great to have it back, a lot of patriotism, a lot of fun, it was very inspirational, and he thinks that the community took well to it. He congratulated the Police Academy Class of 2021-2022 that had 16 graduates. He added that it is rigorous training and there were 26 people that started the class, but only 16 passed muster, and there are currently five coming on board. Lastly, he stated that Doctor Rottweiler and Cochise College have done a great job in getting that academy up and running as this is the sixth/seventh class that they have put on. Additionally, he gave a shout out to Public Works and shared that he is a part of a small homeowners' association that has a wash behind San Cristobal Street. Some of the people were concerned about having the wash cleared, and Public Works came out and mowed it, except for up against the various properties, but that was all squared away during the week. The crew came in with their trucks and cleared everything out, and so, they are not going to be in any harm's way if there is a brush fire, or anything of that nature. In closing he stated that Public Works does not get enough credit.

Mayor Mueller stated that they do a very good job and that is one of the things experienced this year with all the rain the City has had a little extra vegetation coming up, and the City appreciates it when people can maintain their own property as they know where their property lines are, because technically, if it is on their property, it is their job. If it is in the City right away, it is the City's job. If it is in the County, it is their job, and some people get a little irritated when City crews will not work in the County.

Council Member Landry thanked Mr. Slania and Mr. Moro for being present and available to answer questions and break things down. The IDA is difficult to wrap one's head around, so she really appreciates them answering questions. She shared that Thanksgiving is one of her favorite holidays, and announced that next Thursday, November 25, 2021, there is a Turkey Trot, a 5K and a kid's 2K on Fort Huachuca. Registration goes until November 22, 2021 at close of business, and it starts at 7:00 a.m. People can go to raceentry.com to sign up. It is \$10 for adults, \$5 for youth, and then free for ages two through 11. This is a great way to start the day and get ready to fill up the tummy later with some good food and family time. Lastly, she noted

that it is a difficult time of year because the holidays are coming up. There are people that maybe have lost loved ones, do not have their family near to them, and therefore, people should be cognizant of that and reach out to these people, maybe invite them to hang out. In closing, she wished everyone a very happy Thanksgiving.

Council Member Rodriguez wished everyone a great holiday, whichever they observe during these times, encouraged people to remember those that are less fortunate, and if they have some leftovers, share them if you are not going to eat them and let them sit in your fridge all month because there are some people that are not going to have a good meal. He also asked people to remember those that are deployed or away from their families at this time. He shared that he has been there himself. He congratulated Sierra Vista Elite Cheerleading as they are going to be competing during the weekend in Anaheim, California; therefore, he will be making the drive to go support his daughter. He added that it is good to see the construction around the City, Station Four out on BST and 7th Street, noted that people still ask what is going on there, and the construction of Tombstone Brewery on Garden Avenue next to the hotel. Lastly, he stated that the month of November is his kids and mom's birthday, and he wished them happy birthday. In closing, he stated that he talked to Police Chief Thrasher about the military's skill bridge program for soldiers that are retiring/expiration term of service (ETSing), the Soldier for Life Transition Assistance Program (SFL-TAP), and hopefully one of these local soldiers that is training can transfer over to be a police officer. The program is open to a lot of businesses, companies, and organizations where the soldier will use their last year working at whatever business it is or in this case to become a police officer. They still get their paycheck from the Army, and so whoever is going to hire them, does not have to pay them for that year; therefore, it is a good win for everybody.

Council Member Umphrey wished everyone a Happy Thanksgiving and announced that on Sunday, November 28, 2021, is the first night of Hanukkah, and wished everyone that celebrates, a Happy Hanukkah.

Mayor Pro Tem Gray announced that on Friday, November 19, 2021, 9:00 a.m., the Redistricting Advisory Committee will be voting on what to recommend to the Board of Supervisors, as far as redistricting is concerned, and the Board of Supervisors will vote on November 30, 2021. She also shared that Sierra Vista's area representative from the Arizona Department of Transportation reported that the \$10.6 million that Council has been wondering about, is going to go towards the area where Fry's and Target are, as far as they can stretch it because it is unknown yet if that is four miles, three miles or two miles; however, in a couple of weeks, she will be notified. The important thing is they are improving State Route 90 in the Fry's/Target area. She announced that Business at Twilight is currently taking place at the U of A College of Science and Technology, and Tombstone Brewery will be having samples there. She congratulated Council Member Umphrey as she just graduated from the Citizens Police Academy, wished everyone a happy Thanksgiving, and noted that she will not be having any leftovers because her son is bringing home eight soldiers.

Mayor Mueller announced that on Saturday, November 20, 2021, at 9:00 a.m. the Salvation Army will have in their Red Kettle kickoff. This is a big event and people need to call and make a reservation. He reminded everybody that most of the money that is used to run the Salvation Army comes from red kettles because they do not really get any outside funds. He encouraged people to contribute, volunteer to ring bells and do those kinds of things. Lastly, he stated that there was also an issue within the last couple months about availability of turkeys and where to store them which has been resolved. Therefore, they will be feeding Thanksgiving at the building on Wilcox Drive. If people want to help, they would be more than happy to get a couple

extra helping hands, which is the best way to say happy Thanksgiving to everybody by helping their neighbor. For those people traveling, he asked them to be safe, do not leave late and expect to get there early, and the road because there will be other people that are not paying as much attention. He wished people a happy Hanukkah, and announced that on Friday, December 3, 2021, at twilight in Veterans Memorial Park is the lighting of the community holiday tree. On December 4, 2021, is the Christmas parade sponsored by the local Chamber of Commerce.

Adjournment

Mayor Mueller adjourned the November 18, 2021 meeting of the Sierra Vista City Council at 5:45 p.m.

Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

December 9, 2021

MEMORANDUM TO: Honorable Mayor and City Council

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

FROM: Jeff Pregler,
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-084
Appointments to Sierra Vista Planning and Zoning
Commission

BACKGROUND:

The P&Z Commission currently has three members with terms expiring on December 31, 2021. Two of the members, Brad Snyder and Daniel Coxworth have applied for reappointment. The third member David Grieshop will not be reapplying for another term. However, an application was submitted from Leslie Thomas, who is interested in appointment to the Commission.

BUDGET APPROPRIATION:

None.

RESOLUTION 2021-084

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY ON BOARDS AND COMMISSIONS BY APPOINTING BRADLEY SNYDER, DANIEL COXWORTH, AND LESLIE THOMAS TO THE SIERRA VISTA PLANNING AND ZONING COMMISSION, SAID TERMS TO EXPIRE DECEMBER 31, 2023; 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 Council has established the Sierra Vista Planning and Zoning Commission by resolution; and

WHEREAS, three members have terms expiring on December 31, 2021; members; and

WHEREAS, there is interest from the public to be appointed to the Commission; and

WHEREAS, it is the reaffirmation of settled policy that the City Council appoint members on regulatory boards and commissions.

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

SECTION 1

The City Council reaffirms its settled policy on appointments to regulatory boards and commissions.

SECTION 2

The City Council hereby appoints Bradley Snyder, Daniel Coxworth, and Leslie Thomas, said terms to expire December 31, 2023, to the Sierra Vista Planning and Zoning Commission.

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 9TH DAY OF DECEMBER 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler
Senior Planner

Maria Marsh

From: brad@bradsnyder.com <wordpress@sierravistaaz.gov>
Sent: Friday, November 19, 2021 11:40 AM
To: City Clerk; Maria Marsh
Subject: Commission/Board/Committee application

Application for Committee, Board, or Commission

Applicant name: Bradley Snyder

Phone number: [REDACTED]

Email address: [REDACTED]

Residential address: 2624 [REDACTED]

City Sierra Vista, AZ 85635

Resident of Sierra Vista: Yes

Registered to vote in Sierra Vista: Yes

Occupation: Real Estate Broker

Commission or board applicant would like to serve on: Planning & Zoning Commission* Professional and community activities:

I have been an Associate Broker at Sierra Vista Realty for the past 15 years. I wear many hats at Sierra Vista Realty including Residential & Commercial Sales Specialist, Property Manager and Branch Manager. I was named the 2014 Realtor of the Year for the Southeast Arizona Association of Realtors; I was also voted the Best Real Estate Agent in 2017, 2018 and 2019 in the "Best of Sierra Vista" awards by the Sierra Vista Herald.

I am currently the Chair and Commissioner on the City of Sierra Vista Planning and Zoning Commission; I have served on the Board of Directors for the Sierra Vista Area Chamber of Commerce from 2009-2012 and from 2017-2020; I am a 2009 Graduate of "Leadership Sierra Vista" as well Co-Chaired the Leadership program; I have served as the Co-Chair for the "Small Business" committee; I have served on the Good Neighbor Alliance board of directors. I have proudly have served on other local and state boards and committees including the United Way.

When I'm not assisting my real estate clients, I enjoy spending time with my amazing wife. We have proudly raised four children here in Sierra Vista and I enjoy riding my Harley Davidson. I love calling Sierra Vista home since 1988 and being able to enjoy all the great year-round weather here in beautiful Cochise County.

Qualifications and reason for interest in serving on this board or commission: I am currently the Chair and Commissioner on the City of Sierra Vista Planning and Zoning Commission

References:

1. Beth Hughes, [REDACTED]

2. Bill Goethe, [REDACTED]

Maria Marsh

From: dcoxworth@gmail.com <wordpress@sierravistaaz.gov>
Sent: Wednesday, May 05, 2021 5:13 PM
To: City Clerk; Maria Marsh
Subject: Commission/Board/Committee application

Application for Committee, Board, or Commission

Applicant name: Daniel Coxworth
Phone number: [REDACTED]
Email address: [REDACTED]
Residential address: [REDACTED] City Sierra Vista, AZ 85635 Resident of Sierra Vista: Yes Registered to vote in Sierra Vista: Yes
Education: Masters
Occupation: Director of Development Services, Cochise County Commission or board applicant would like to serve on: Planning & Zoning Commission* Professional and community activities:
I've lived in Sierra Vista for over 15 years and believe in community service. Community activities include little league coach and Cochise Bike Advocates. As a county staff employee, I often coordinate with local organizations to help improve the community and quality of life for residents.
Qualifications and reason for interest in serving on this board or commission: Currently, I am Planning Director for Cochise County and would enjoy sitting on the Planning and Zoning Commission in support of the community where I live.

References:

1. Matt McLachlan, [REDACTED]
2. Amanda Baillie, [REDACTED]



City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635
520/458-3315 - www.sierravistaaz.gov

APPLICATION TO CITY BOARD/COMMISSION

DATE: DECEMBER 1, 2021

BOARD/COMMISSION: PLANNING AND ZONING

NAME: LESLIE THOMAS TELEPHONE: [REDACTED] (ONE PER FORM)
[REDACTED] (HOME) [REDACTED] (WORK)
E-MAIL ADDRESS: [REDACTED]

ADDRESS: [REDACTED] CITY: SIERRA VISTA ZIP: 85650

MAILING ADDRESS: SAME

CITY RESIDENT? YES REGISTERED TO VOTE IN CITY? YES

EDUCATION: HIGH SCHOOL

OCCUPATION: VP/BRANCH MANAGER-PRODUCING.. NOVA HOME LOANS

PROFESSIONAL/COMMUNITY ACTIVITIES: _____ (IF RETIRED, INDICATE FORMER OCCUPATION)

PREVIOUS: PRESIDENT OF THE INDUSTRIAL DEVELOPMENT

BOARD MEMBER: HABITAT FOR HUMANITY

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION:

I HAVE AN INTEREST IN ENSURING CITY CODES ARE SIMPLIFIED AND EASY FOR DEVELOPERS TO FOLLOW SO SIERRA VISTA WILL BE ABLE TO SUSTAIN FUTURE GROWTH.

- REFERENCES: 1. RACHEL GRAY [REDACTED]
 (NAME)
 2. FRANK MORO [REDACTED]
 (NAME) (ADDRESS) (PHONE)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

December 9, 2021

MEMORANDUM TO: Honorable Mayor and City Council

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

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-085
Acceptance of Public Improvements
Release of Security for Lots 1-29 for Holiday at
PDS, Phase 5A

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Public Works Director recommends approval.

INITIATED BY: Castle & Cooke, Arizona

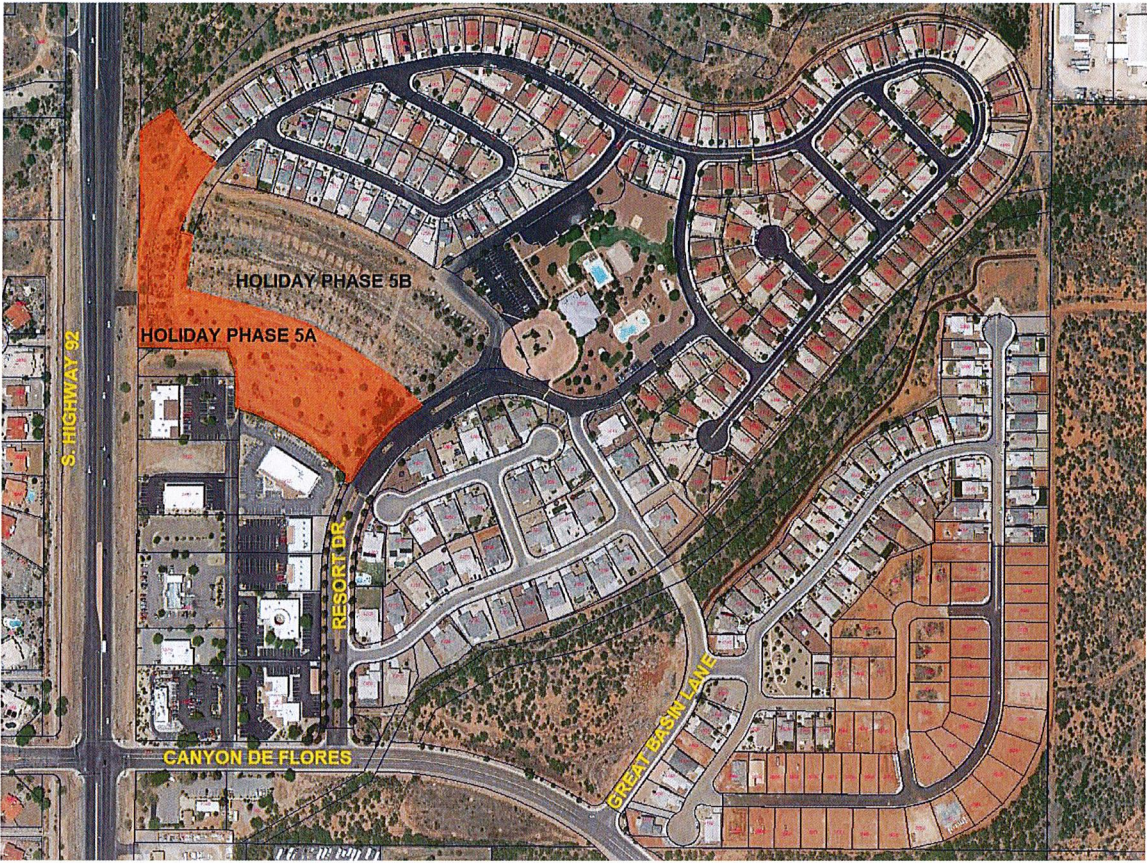
BACKGROUND:

Castle & Cooke Arizona is seeking City Council's acceptance of sewer and drainage facilities serving Lots 1-29 (Phase 5A) of the Holiday at PDS subdivision. Said public improvements have been inspected and approved by the City's Public Works Department. All other required infrastructure serving this phase of the subdivision will be privately owned and maintained by the homeowner's association.

Castle & Cooke Arizona provided a Subdivider's Agreement and an Improvement Security Guaranty following approval of the final plat to assure the public improvements would be constructed in a time and manner acceptable to the City. The financial instrument used to secure the public improvements was an Improvement Bond.

Per Section 151.19.005 of the Development Code, once the public improvements have been completed, inspected, and approved by the Public Works Department, the City Council can accept all public improvements for maintenance and release the security.

Public improvements accepted by the City are warrantied for a two-year period. The City will retain a security (\$200 per lot) to the City to substantiate the validity of the Developer's Guarantee during the warranty period.



RESOLUTION 2021-085

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ACCEPTING COMPLETED PUBLIC IMPROVEMENTS AND RELEASING THE SECURITY FOR LOTS 1-29 OF THE HOLIDAY AT PDS SUBDIVISION, PHASE 5A; 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 Subdivider, Castle & Cooke Arizona has caused certain public improvements to be constructed for public use in conjunction with the development of lots 1-29 of the Holiday at PDS subdivision, Phase 5A, as shown in Exhibit A, and desires that the City accept maintenance responsibility thereof; and

WHEREAS, the Subdivider has posted certain security to assure completion of the required improvements; said security being a Subdivider's Agreement as recorded in the Cochise County Recorder's Office, under fee #2020-19442 and an Improvement Security Guaranty Agreement, as recorded in the Cochise County Recorder's Office, under fee #2020-19443; and

WHEREAS, the City Council shall only accept maintenance responsibility for public improvements only: when they are intended for public use; upon recommendation of the City Engineer; upon the filing of required lien waiver and two-year guarantee, warranty security, and as-builts by the Subdivider, and after formal acceptance by the City Council; and

WHEREAS, the City Inspector has inspected the completed constructed public improvements and found them to be in substantial conformance with the approved plans and specifications and does hereby recommend they be accepted by the City for maintenance; and

WHEREAS, the Subdivider has filed a waiver of liens, a two-year guarantee, warranty security, and reproducible as-built drawings.

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

SECTION 1

That the policy, accepting completed public improvements and releasing securities, be, and hereby is, reaffirmed.

SECTION 2

That the Subdivider's Agreement recorded under fee# 2020-19442 and Improvement Security Guaranty Agreement recorded under fee #2020-19443 relating to Holiday at PDS, Phase 5A is hereby released, and that the constructed public improvements serving lots 1-29 of the Holiday at PDS subdivision, Phase 5A, as shown in Exhibit A, be, and hereby are, accepted for ownership and maintenance by the City of Sierra Vista.

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 9TH DAY OF DECEMBER 2021.

FREDERICK W. MUELLER
Mayor

ATTEST:

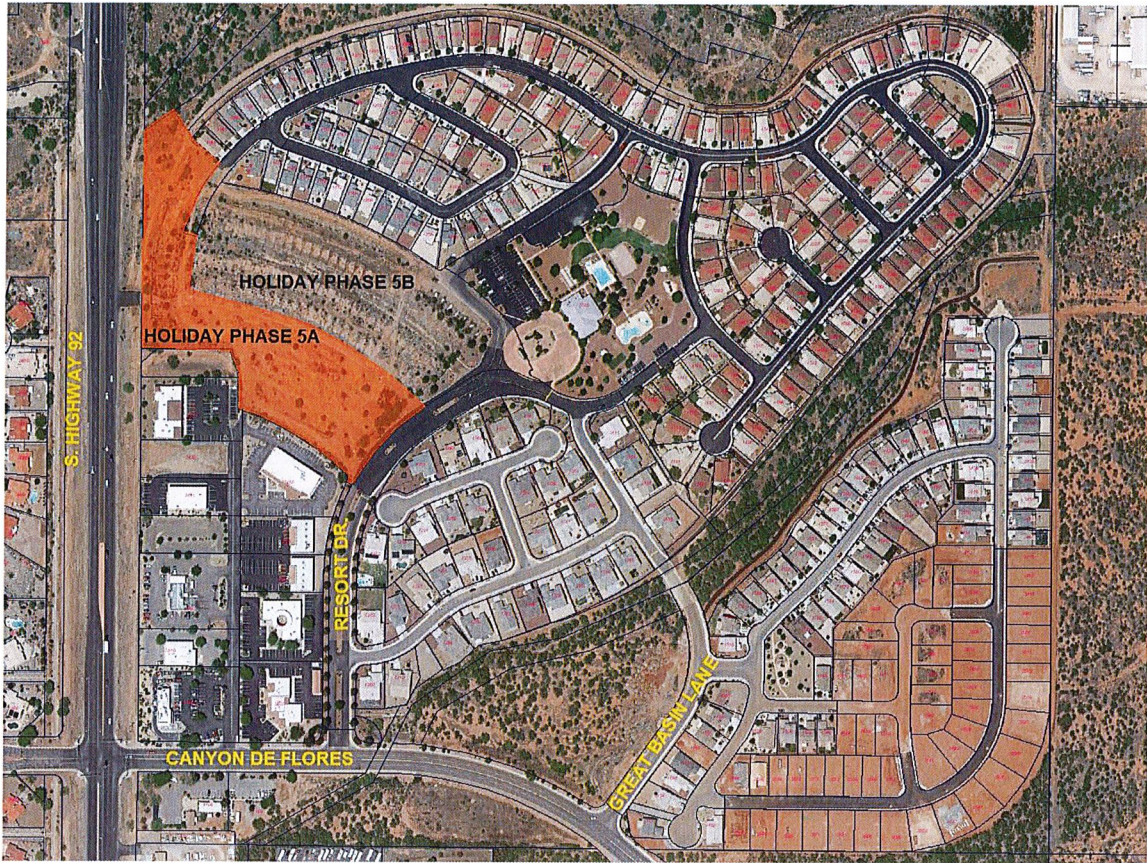
JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN WILLIAMS
City Attorney

PREPARED BY:
JEFF PREGLER
Senior Planner

EXHIBIT A



December 9, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Sharon Flissar, Director of Public Works
Irene Zuniga, CIP & Development Manager

FROM: Bryce Kirkpatrick, Civil Engineer

SUBJECT: REQUEST FOR AGENDA ITEM
PLACEMENT RESOLUTION 2021-087
Electrical Utility Easement modification for the
Veteran's Memorial Park Sports Complex and Sports
Division Building

RECOMMENDATIONS:

The Director of Public Works recommends approval.

The Assistant City Manager recommends approval.

The City Manager recommends approval.

INITIATED BY:

The City of Sierra Vista

BACKGROUND:

Resolution 2021-036 approved the establishment of an electrical easement requested by the City of Sierra Vista to disconnect the existing electrical service from the Rothery Educational Service Center and provide a path for an independent electrical service to the Veteran's Memorial Park Sports Complex – Sports Division Building. For this to occur, the City of Sierra Vista granted an easement for underground primary and secondary electrical lines. This easement is being amended to accommodate upcoming electrical needs at the Veterans Memorial Park Sports Complex. This easement extension would allow for electrical service to be provided for sports field lighting among other electrical amenities within the park. The easement agreement allows for SSVEC to construct, reconstruct, operate, and maintain electrical service. Through this resolution, the existing easement is being modified to extend the original requested amount by 68-feet.

BUDGET APPROPRIATIONS:

Not applicable.

RESOLUTION 2021-087

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; GRANTING ELECTRICAL UTILITY EASEMENTS ON CITY-OWNED PROPERTY; 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 owns and maintains property situated in the Southwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 20 East between Fry Boulevard and Martin Luther King Junior Boulevard immediately west of Avenida Escuela.

WHEREAS, Sulphur Springs Valley Electric Cooperative, an electrical utility provider, desires an easement for the placement of electrical facilities on City-owned property southwest of the Veteran's Memorial Park Sports Complex – Sports Division Building; and

WHEREAS, the installation of the utilities is to support the Veteran's Memorial Park Sports Complex – Sports Division Building and future electrical needs in Veteran's Memorial Park Sports Complex; and

WHEREAS, it is settled policy of the City Council, most recently affirmed by Resolution 4630, to provide easements on City-owned property as determined to be necessary by the City Council; and

WHEREAS, Resolution 2021-036 established easement 2021-14736 that is being modified; and

WHEREAS, the City Council has determined it to be necessary to grant an electrical utility easement as identified and attached herein.

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, most recently affirmed by Resolution 4630, be, and hereby is, reaffirmed.

SECTION 2

That it be, and hereby is, determined to be necessary to grant a permanent electrical easement, as described in the easement description attached, on City-owned property immediately northwest of the Veteran's Memorial Park Sports Complex – Sports Division Building, for the purpose of the placement of electrical utilities.

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 DAY OF DECEMBER 9TH 2021.

FREDERICK W. MUELLER
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN WILLIAMS
City Attorney

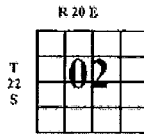
PREPARED BY:
Bryce Kirkpatrick, Civil Engineer, Public Works

When recorded mail to:

Jill Adams
City Clerk
The City of Sierra Vista
1011 N Coronado Dr.
Sierra Vista, Arizona 85635

This space reserved for recording information.

Underground Utility Right-of-Way Easement



KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **CITY OF SIERRA VISTA**, a **Body Politic**, referred to as "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledged grants unto **SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.**, herein after referred to as "Grantee", and to its successors or assigns, a right-of-way easement over, upon, under and across and the right to enter upon the land of the undersigned, situated in the County of Cochise, State of Arizona, described as follows:

SEE ATTACHED EXHIBIT "A"

All easements shown hereon are hereby dedicated, together with the right of ingress and egress, for the sole purpose of construction, inspection, repair, removal, replacement, and maintenance of said public utilities at will. No non-utility improvements shall be placed upon, over, or under the subject area including, but not limited to, buildings and structures aside from those existing, and except for improvements for street, road, driveway, or landscape purposes, which the grantor agrees shall not interfere or be inconsistent with grantees' exercise of the rights granted herein.

Grantee shall not be liable for any damage to said improvements placed upon the easement due to necessary utility operations using reasonable care. However, in the event that a grantee fails to use reasonable care in exercising its right of entry for construction, maintenance, or repairs of said utility system, the grantee shall be responsible for any damages caused to the grantor's improvements and shall restore the surface or the ground to its former state.

SE-012 REVISED 03-23-94

EASEMENT NO: E16658
WORK ORDER NO: 87121

The grantor covenants that it is the owner of the above-described land and that said land is free and clear of encumbrances and liens.

IN WITNESS WHEREOF, the undersigned set his hand this 27th day of May, 2021

[Signature]
FRIDERICK W. MUELLER, Mayor
City of Sierra Vista

STATE OF Arizona
COUNTY OF Cochise) ss

On this, the 27th day of May, 2021, before me, the undersigned Notary Public, personally appeared Frederick W. Mueller
Mayor, City of Sierra Vista

known to me to be the person(s) whose name(s) is/are subscribed herein and acknowledged that he executed said document for the purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]
NOTARY PUBLIC




EXHIBIT "A"

PARCEL DESCRIPTION:

That portion of the Southwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 36, said point being a mag nail in pavement in the centerline of Fry Boulevard from which the Southeast corner of said Section 36, said point being a brass cap survey monument in a hand well at the centerline intersection of Fry Boulevard and Highway 90, bears South $89^{\circ} 42' 51''$ East, a distance of 2,644.37 feet;

thence North $00^{\circ} 18' 07''$ East upon the West line of said Southwest quarter, a distance of 50.00 feet, said point lying upon the Northerly right of way of Fry Boulevard as shown on the Arizona Highway Dept. Right-of-way map, Ft. Huachuca-Bisbee Location, recorded in Book 000 of Maps and Plat, page390, records of Cochise County, Arizona;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 515.85 feet to the POINT OF BEGINNING;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 757.98 feet to the Northwest corner of said Southwest quarter;

thence upon the North line of said Southwest quarter South $89^{\circ} 43' 02''$ East, a distance of 1,197.05 feet to a point of curvature of a tangent curve, concave to the Southwest;

thence upon said curve to the right, having a radius of 25.00 feet and a central angle of $90^{\circ} 00' 00''$ for an arc distance of 39.27 feet to a point of tangency, said point lying upon the Westerly right of way line of Avenida Escuela, as recorded in Fee No. 0608-30153, records of Cochise County, Arizona;

EXHIBIT "A"

thence upon said Westerly right of way line South 00° 17' 47" West, a distance of 769.03 feet;

thence North 89° 42' 51" West, a distance of 545.00 feet;

thence North 00° 17' 09" East, a distance of 169.77 feet;

thence South 73° 59' 13" West, a distance of 415.13 feet;

thence North 89° 42' 51" West, a distance of 184.96 feet;

thence South 00° 17' 09" West, a distance of 17.28 feet;

thence North 89° 42' 51" West, a distance of 93.71 feet to the POINT OF BEGINNING.

EASEMENT DESCRIPTION:

A 20.00-foot-wide easement located within a portion of the above-described parcel lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Southeast corner of the above-described parcel;

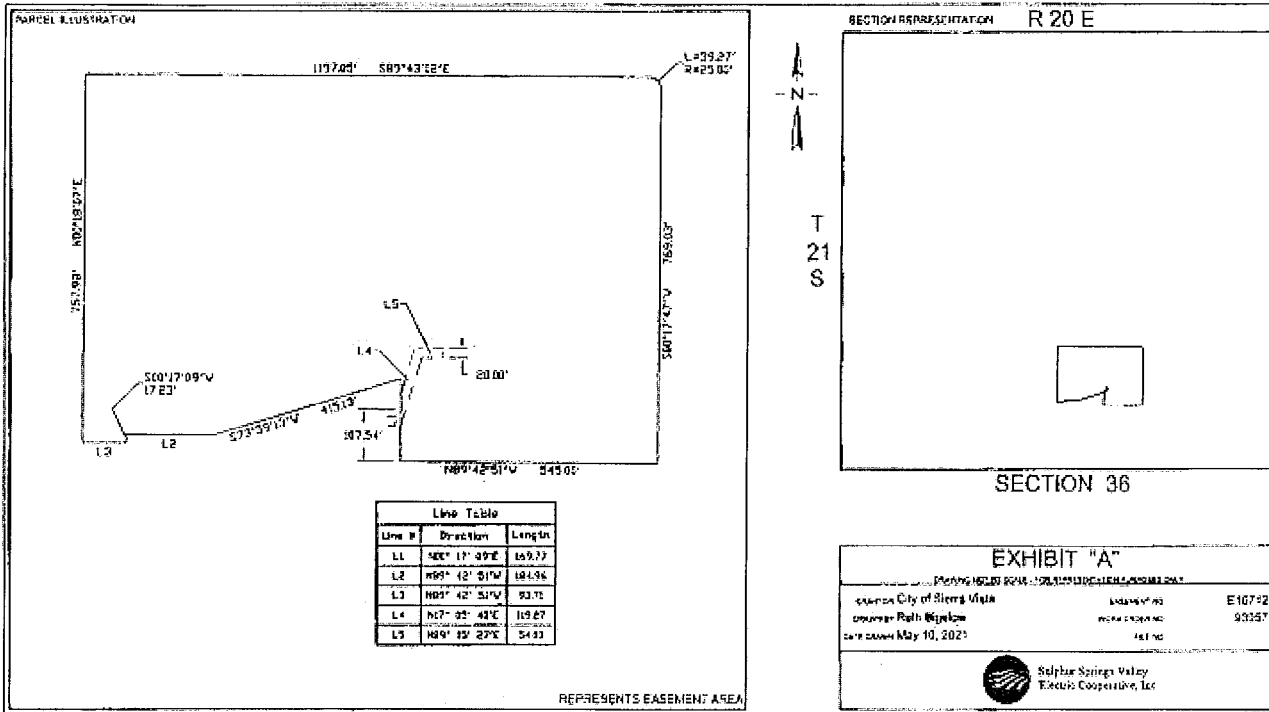
thence North 89° 42' 51" West, along the South line of said parcel, a distance of 545.00 feet;

thence North 00° 17' 09" East, along the East line of said parcel, a distance of 107.54 feet to the POINT OF BEGINNING for said easement;

thence North 17° 05' 40" East, a distance of 119.27 feet;

thence North 89° 15' 27" East, a distance of 54.00 feet to POINT OF TERMINUS for said easement.

The sidelines of the above-described easement are to be lengthened or shortened to intersect at angle points and terminate at property lines.



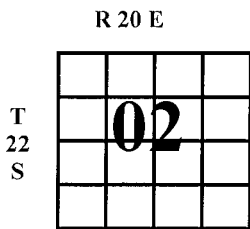
Line #	Direction	Length
L1	S82° 17' 09"E	500.27
L2	S89° 42' 51"W	573.96
L3	N89° 42' 51"W	407.54
L4	S17° 35' 43"E	119.27
L5	S89° 15' 27"E	54.33

When recorded mail to:

Jill Adams
City Clerk
The City of Sierra Vista
1011 N Coronado Dr.
Sierra Vista, Arizona 85635

This space reserved for recording information.

Underground Utility Right-of-Way Easement



KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, **CITY OF SIERRA VISTA, a Body Politic**, referred to as "Grantor", for good and valuable consideration, the receipt of which is hereby acknowledged grants unto **SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE, INC.**, herein after referred to as "Grantee", and to its successors or assigns, a right-of-way easement over, upon, under and across and the right to enter upon the land of the undersigned, situated in the County of Cochise, State of Arizona, described as follows:

SEE ATTACHED EXHIBIT "A"

All easements shown hereon are hereby dedicated, together with the right of ingress and egress, for the sole purpose of construction, inspection, repair, removal, replacement, and maintenance of said public utilities at will. No non-utility improvements shall be placed upon, over, or under the subject area including, but not limited to, buildings and structures aside from those existing, and except for improvements for street, road, driveway, or landscape purposes, which the grantor agrees shall not interfere or be inconsistent with grantees' exercise of the rights granted herein.

Grantee shall not be liable for any damage to said improvements placed upon the easement due to necessary utility operations using reasonable care. However, in the event that a grantee fails to use reasonable care in exercising its right of entry for construction, maintenance, or repairs of said utility system, the grantee shall be responsible for any damages caused to the grantor's improvements and shall restore the surface or the ground to its former state.

The grantor covenants that it is the owner of the above-described land and that said land is free and clear of encumbrances and liens.

IN WITNESS WHEREOF, the undersigned set his hand this _____ day
of _____, 20__.

FREDERICK W. MUELLER, *Mayor*
City of Sierra Vista

STATE OF _____)
) **ss**
COUNTY OF _____)

On this, the _____ day of _____, 20__, before me, the undersigned Notary
Public, personally appeared _____

known to me to be the person(s) whose name(s) is/are subscribed herein and acknowledged that
he executed said document for the purposes set forth therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

NOTARY PUBLIC

EXHIBIT "A"

PARCEL DESCRIPTION:

That portion of the Southwest quarter of the Southeast quarter of Section 36, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 36, said point being a mag nail in pavement in the centerline of Fry Boulevard from which the Southeast corner of said Section 36, said point being a brass cap survey monument in a hand well at the centerline intersection of Fry Boulevard and Highway 90, bears South $89^{\circ} 42' 51''$ East, a distance of 2,644.37 feet;

thence North $00^{\circ} 18' 07''$ East upon the West line of said Southwest quarter, a distance of 50.00 feet, said point lying upon the Northerly right of way of Fry Boulevard as shown on the Arizona Highway Dept. Right-of-way map, Ft. Huachuca-Bisbee Location, recorded in Book 000 of Maps and Plat, page390, records of Cochise County, Arizona;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 515.85 feet to the POINT OF BEGINNING;

thence continue upon said West line North $00^{\circ} 18' 07''$ East, a distance of 757.98 feet to the Northwest corner of said Southwest quarter;

thence upon the North line of said Southwest quarter South $89^{\circ} 43' 02''$ East, a distance of 1,197.05 feet to a point of curvature of a tangent curve, concave to the Southwest;

thence upon said curve to the right, having a radius of 25.00 feet and a central angle of $90^{\circ} 00' 00''$ for an arc distance of 39.27 feet to a point of tangency, said point lying upon the Westerly right of way line of Avenida Escuela, as recorded in Fee No. 0608-30153, records of Cochise County, Arizona;

EXHIBIT "A"

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thence North 00° 17' 09" East, a distance of 169.77 feet;

thence South 73° 59' 13" West, a distance of 415.13 feet;

thence North 89° 42' 51" West, a distance of 184.96 feet;

thence South 00° 17' 09" West, a distance of 17.28 feet;

thence North 89° 42' 51" West, a distance of 93.71 feet to the POINT OF BEGINNING.

EASEMENT DESCRIPTION:

A 20.00-foot-wide easement located within a portion of the above-described parcel lying 10.00 feet on each side of the following described centerline:

COMMENCING at the Southeast corner of the above-described parcel;

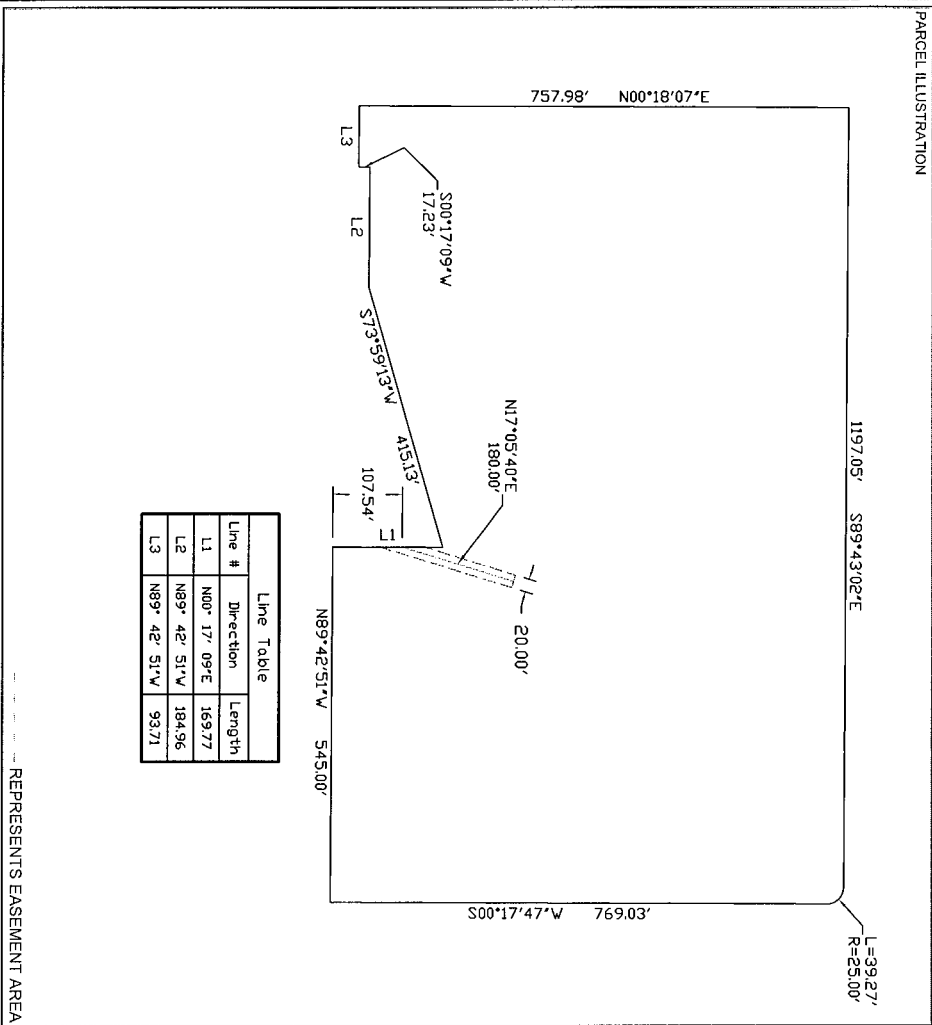
thence North 89° 42' 51" West, along the South line of said parcel, a distance of 545.00 feet;

thence North 00° 17' 09" East, along a West line of said parcel, a distance of 107.54 feet to the POINT OF BEGINNING for said easement;

thence North 17° 05' 40" East, a distance of 180.00 feet to the POINT OF TERMINUS for said easement.

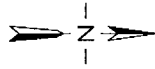
The sidelines of the above-described easement are to be lengthened or shortened to terminate the West property line.

PARCEL ILLUSTRATION



Line Table		
Line #	Direction	Length
L1	N00° 17' 09"E	169.77
L2	N89° 42' 51"W	184.96
L3	N89° 42' 51"W	93.71

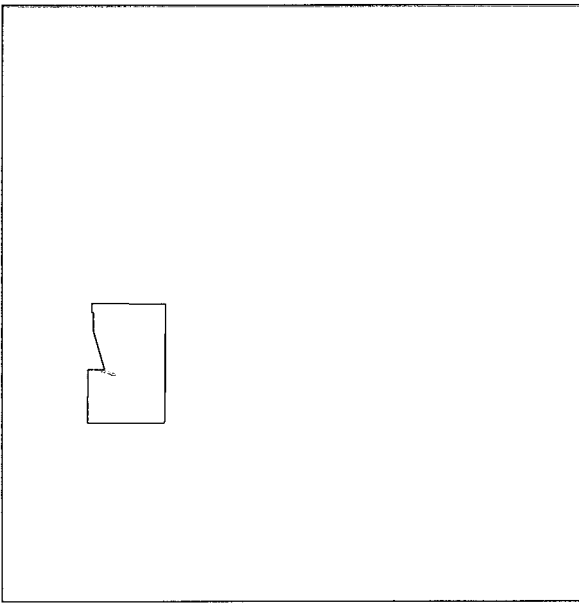
REPRESENTS EASEMENT AREA



T
21
S

SECTION REPRESENTATION

R 20 E



SECTION 36

EXHIBIT "A"

DRAWING NOT TO SCALE - FOR REPRESENTATION PURPOSES ONLY

GRANTOR: City of Sierra Vista	EASEMENT NO.	E16712
DRAWN BY: Ruth Bigelow	WORK ORDER NO.	93957
DATE DRAWN: May 10, 2021	FILE NO.	
REVISION: December 21, 2021 revised		



Sulphur Springs Valley
Electric Cooperative, Inc.

December 3, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Barbara Fleming, Human Resources Manager

FROM: Shanna Melanson, Human Resources Analyst

SUBJECT: Request for Agenda Item Placement
Resolution 2021-088
Appointment to SV Employee Benefit Trust

Recommendation:

The City Manager recommends approval.

The Human Resources Manager recommends approval.

Initiated by:

Shanna Melanson, Human Resources Analyst

Background

The Sierra Vista Employee Benefit Trust provides insurance benefits to eligible employees, retirees and their dependents. The Trust consists of five (5) persons appointed by the City Council as Trustees: one City Council member, one full-time employee of the City, and three City residents.

The Employee Benefit Trust has one City resident vacancy due to the expiration of trustee Debbie Perkinson's term on December 31, 2021. It is recommended to reappointment Ms. Perkinson with said term to expire December 31, 2024.

Budget Appropriations:

Not applicable.

/sm

RESOLUTION 2021-088

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAPPOINTMENT OF DEBBIE PERKINSON TO THE EMPLOYEE BENEFIT TRUST, SAID TERM TO EXPIRE DECEMBER 31, 2024; 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, City Council has created the Employee Benefit Trust to advise and make recommendations to the City Manager on subjects relating to the City's self-funded insurance plans; and

WHEREAS, the Trustees consist of one City Council member, one full-time City employee and three City residents; and

WHEREAS, one City resident vacancy now exists on the Trust; and

WHEREAS, it is in the best interest of the City that this Trust continues to function with a full body of members.

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

SECTION 1

That the Council policy of filling vacancies on boards and commissions when qualified applicants are available, most recently affirmed be, and hereby is, reaffirmed.

SECTION 2

The Mayor and City Council hereby reappoint Debbie Perkinson to the Employee Benefit Trust, said term to expire December 31, 2024.

SECTION 5

The City Manager, City Clerk, and 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 9TH DAY OF DECEMBER 2021.

Frederick W. Mueller
Mayor

Approval as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared by:
Shanna Melanson, Human Resources Analyst



City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635
520/458-3315 - fax 520/458-0584 - www.ci.sierra-vista.az.us

APPLICATION TO CITY BOARD/COMMISSION

DATE: DECEMBER 1, 2021

BOARD/COMMISSION: CITY OF SIERRA VISTA EMPLOYEE BENEFIT TRUST (ONE PER FORM)

NAME DEBRA PERKINSON TELEPHONE [REDACTED]

E-MAIL ADDRESS: [REDACTED]

ADDRESS: [REDACTED] : SIERRA VISTA ZIP: 85635

MAILING ADDRESS: SAME

CITY RESIDENT? YES REGISTERED TO VOTE IN CITY? YES

EDUCATION: ASSOCIATE DEGREE, COCHISE COLLEGE

OCCUPATION: RETIRED, HUMAN RESOURCES MANAGER, CHIRICAHUA COMMUNITY HEALTH CENTERS, 4 YEARS, HUMAN RESOURCES ANALYST, COCHISE COUNTY, 11 YEARS
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: FOOD DRIVE WITH COUNTY, TOY DRIVE AT CHRISTMAS, PEACHES PANTY, UNFORTUNATELY DUE TO HEALTH CONDITION AND COVID MOST VOLUNTEER WORK STOPPED DURING 2020 AND 2021. I CONTINUED TO SERVE ON THE CITY OF SIERRA VISTA EMPLOYEE BENEFIT TRUST BOARD FOR THE PAST TWO YEARS.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: MY BACKGROUND FOR 30 YEARS WAS WORKING IN HUMAN RESOURCES. I UNDERSTAND THE BENEFIT COMPONENT OF HUMAN RESOURCES. DURING MY CAREER IN HR I STRIVED TO BRING THE BEST BENEFITS TO MY EMPLOYEES WHILE PROVIDING ORGANIZATIONAL NEEDS TO MY EMPLOYER. I BELIEVE BECAUSE OF THIS I AM A GOOD CANDIDATE USING MY KNOWLEDGE AND SKILLS FOR THIS VOLUNTEER POSITION.

- REFERENCES:
- 1. LINDA NICHOLS, [REDACTED], [REDACTED], AZ
(NAME) (ADDRESS) (PHONE)
 - 2. BONNE GOMEZ, [REDACTED], [REDACTED], AZ
(NAME) (ADDRESS) (PHONE)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office

December 03, 2021

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Tony Boone, Economic Development Manager
SUBJECT: Request for Agenda Item Placement
Resolution 2021-089
Creation of Economic Development Commission

Recommendation:

The City Manager recommends approval.

Initiated by:

Councilmember Greg Johnson.

Background

There have been several discussions of standing up a commission on economic development and specifically to enhance ongoing efforts through identifying and supporting opportunities complimentary with the character of the City. After several work sessions the council came to a consensus on a nonregulatory departmental commission as identified and defined in the Board and Commission Practice and Procedures Guidelines approved on June 11, 2020 by Resolution 2020-035 and published on June 25, 2020. This commission will work collectively to maximize opportunities for economic development of the city with citizen engagement and public input. Additionally, the commission will review and support efforts to achieve the City Council approved goals within the Economic Development Framework/Strategy and specific initiatives within the current Council Strategic Plan.

Commission Mission Statement: The Economic Development Commission works to enhance and enable the City's economic development efforts through public input and partnership to maximize opportunities identified from a diverse group of stakeholders.

The City Manager will direct the creation of the Economic Development Commission with the Economic Development Manager serving as the Staff Liaison.

Expected Duties:

1. Enhance and serve as a resource to the City on economic opportunities that may be collectively achieved to maximize the impact to the economy.

2. Review and support the approved Economic Objectives in the General Plan, City Council Economic Development framework/Strategy and initiatives identified by Council in their approved Strategic Plan.
3. Provide a forum for the Community and public input to address matters of concern or interest relating to economic opportunities.
4. Foster cooperation among the many stakeholders working and supporting the economic vitality of the city in actions such as supporting local businesses.
5. Commission membership should reflect wide representation and rotation across the many sectors of the City's economy such as defense, retail, medical, hospitality, nonprofits, construction, professional services, and other sectors in partnership with education and workforce leaders.
6. Promote the City's initiatives directly and indirectly impacting economic development.
7. Operate within the guidelines of the Nonregulatory Departmental Commission as identified within the City Administrative Directive, Board and Commission Practice and Procedure Guidelines as approved by Resolution 2020-035 on June 11, 2020 and published on June 25, 2020.

Applicable section of the City Administrative Directive has been included below:

NON-REGULATORY DEPARTMENTAL COMMISSIONS

Pursuant to Resolution 2020-028 Non-regulatory commissions assigned to City departments are governed by City Manager Administrative Directive. Non-Regulatory Departmental Commissions are not subject to open meeting law requirements that relate to public meetings, agendas, and minutes. ¹ [City Administrative Directive](#)

ROLES, RESPONSIBILITIES, AND MEMBERSHIP

Non-regulatory commissions are comprised of five members appointed by the City Manager. A complete list of City Boards and Commissions and their respective missions is attached hereto. The primary role of these commissions is to provide public input and citizen participation on City projects and policy development. Non-regulatory commissions may advise the City staff on policy but should not represent themselves as policy-making bodies.

Individual members of commissions may not speak publicly on behalf of a commission or the City without preclearance by the City Manager and should be careful that any actions are not perceived as speaking on behalf of an official commission, the Council, or the City.

Each board or commission has a mission statement, a copy of which is attached hereto. These mission statements, approved by the City, provide general direction to the members regarding the nature of their commission activities.

SELECTION AND TERMS

Applications for membership shall be accepted and maintained for a period of one year. Appointments to fill vacancies shall be made from this standing list.

Potential candidates may be screened, interviewed, and recommended by the commission but it is not required.

Voting members of regulatory commissions shall be appointed by Council Resolution by a majority of members present.

Appointments are for two-year terms. Members are eligible to serve up to three consecutive terms. Partial terms do not count against the term limits. Members having reached their three-term limit may reapply for appointment after a period of not less than one year.

MEETINGS AND AGENDAS

Non-regulatory commissions shall meet a minimum of four times per year. The meetings are open to the public and agendas and notices will be posted by the City Clerk's Office. Commission members are expected to attend all meetings. Regular absence may result in removal from the commission.

Agendas and meeting notices shall be prepared and distributed by the staff liaison. Non-regulatory commissions are not subject to the provisions of the open meeting law but shall endeavor to operate as transparently as possible.

PUBLIC RECORD LAWS

Meeting minutes are not required of non-regulatory commissions, but records and/or documents created by the commission relating to its activities are considered public records and must be maintained as such.

ADMINISTRATIVE SUPPORT

General staff and administrative support to members of the commissions is provided through the staff liaison of the department each Commission is assigned.

Budget

Commissions do not participate in the preparation of the City Budget. Staff liaisons assigned to non-regulatory commissions may solicit and consider budget recommendations that pertain to the mission of the commission and include them in their proposed operating budget if appropriate.

Budget Appropriation:

Not applicable.

RESOLUTION 2021-089

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DIRECTING THE CREATION OF A NONREGULATORY DEPARTMENTAL ECONOMIC DEVELOPMENT COMMISSION AND MISSION STATEMENT; 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 is a pro-business community and focused on increasing the economic vitality of the City into the future; and

WHEREAS, the City desires to create a new Nonregulatory Departmental Commission, henceforth to be known as the Sierra Vista Economic Development Commission; and

WHEREAS, the Mission Statement of the new commission shall be: The Economic Development Commission works to enhance and enable the City's economic development efforts through public input and partnership to maximize opportunities identified from a diverse group of stakeholders.

WHEREAS, said Commission will provide an opportunity for citizen participation and public input that allows interested parties to bring opportunities from their sector and work together to maximize those objectives in support of a vibrant and diverse economy; and

WHEREAS, working together as business owners/chief executive officers/leaders with businesses/organizations located within the city from representative sectors such as defense, retail, medical, hospitality, nonprofits, and professional services in partnership with education and workforce leaders on opportunities to enhance the economy of Sierra Vista directly or indirectly.

WHEREAS, the Commission will operate under the guidelines of the Nonregulatory Departmental Commission as identified within the City Administrative Directive, Board and Commission Practice and Procedure Guidelines as approved by Resolution 2020-035 on June 11, 2020 and published as amended on June 25, 2020.

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

SECTION 1

The City Council policy of citizen participation in the form of advisory bodies is reaffirmed.

SECTION 2

The City Council hereby creates the Sierra Vista Economic Development Commission.

SECTION 3

The City Manager, City Clerk, and 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 9TH DAY OF DECEMBER 2021.

FREDERICK W. MUELLER
Mayor

ATTEST:

JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN J. WILLIAMS
City Attorney

Prepared by:
Tony Boone, Economic Development Manager

RESOLUTION 2021-089
PAGE TWO OF TWO

November 23, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Sharon Flissar, P.E., Director of Public Works

FROM: Irene Zuniga, P.E., Capital Improvement Projects & Development Manager

SUBJECT: REQUEST FOR AGENDA ITEM
PLACEMENT RESOLUTION 2021-090

RECOMMENDATIONS:

The Director of Public Works recommends approval.

The Assistant City Manager recommends approval.

The City Manager recommends approval

INITIATED BY:

Public Works Department

BACKGROUND:

On March 31st, 2021, staff submitted an application through the Arizona State Parks Non-Motorized Grant Program for funding to construct a stabilized ADA loop trail at Garden Canyon Linear Park off of St. Andrews Drive.

This project will be considered phase 2 of the buildout effort at this location utilizing State Park funds. This application requested funding to construct ADA Accessible Trails around the newly constructed trailhead parking lot (completed in phase 1), the construction of five 400 SF ramada pads, one 2037 SF Group Ramada Pad, and a concrete pad for the future Wild life Education Area. A water service tap will also be installed to service future restrooms at this location.

The mostly natural area was master planned several years ago and is anticipated to eventually include ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail.

BUDGET APPROPRIATIONS:

The awarded grant amount is \$150,000 with an in-kind City match of \$18,780.94.

IZ/iz
Attachment

RESOLUTION 2021-090

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE CITY TO ACCEPT THE GRANT OFFER FROM THE ARIZONA STATE PARKS NON-MOTORIZED GRANT PROGRAM; 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 proposes to improve ADA compliant trails and related improvements at Garden Canyon Linear Park off St. Andrews Dr.; and

WHEREAS, the Congress of the United States has authorized the Recreational Trails Program (RTP) as a federal-aid assistance program to help states provide and maintain recreational trails for motorized and non-motorized recreational use, and the State of Arizona has established the Off-Highway Vehicle (OHV) Recreation Fund to fund a variety of off-highway vehicle recreations projects, and these funds are available to eligible project sponsors for acquiring lands and developing facilities for public off-highway vehicle purposes; and

WHEREAS, On March 31st, 2021, City staff submitted an application to the Arizona State Parks Non-Motorized Grant Program; and

WHEREAS, Arizona State Parks (Parks) is responsible for the administration of the Statewide OHV and RTP Programs within the State, setting up necessary rules and procedures governing application by eligible project sponsors under the program; and

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 Federal funding assistance, be, and hereby is, reaffirmed.

SECTION 2

That the City of Sierra Vista:

1. Approves the acceptance of non-motorized assistance, and
2. Certifies that the application is consistent and compatible with all adopted plans and programs for non-motorized trails facility development; and

RESOLUTION 2021-090

PAGE ONE OF TWO

- 3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the Parks as a part of the application process; and
- 4. Certifies that the City will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and
- 5. Certifies that the City has matching funds; and
- 6. Appoints the City's Chief Procurement Officer as the agent of the City of Sierra Vista to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 9TH DAY OF DECEMBER 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:
IRENE ZUNIGA, P.E.
Capital Improvement Projects
& Development Manager



Application

10157 - 2022 Non-Motorized Application for All Agencies - Final Application

11213 - 2022 Non-Motorized Application for All Agencies
Recreational Trails Program

Status: Submitted Submitted Date: 03/31/2021 4:23 PM Submitted By: Irene Zuniga

Applicant Information

Primary Contact:

Name:* Ms. Irene Zuniga
Salutation First Name Middle Name Last Name

Title: Senior

Email:* irene.zuniga@sierravistaaz.gov

Address:* 401 Giulio Cesare Ave

* Sierra Vista Arizona 85635
City State/Province Postal Code/Zip

Phone:* 520-458-5775 Ext.

Organization Information

Organization Name:* Sierra Vista, City of

Organization Type: Municipal Government

Enter State Vendor Number. 1. If you do not have a vendor number please register now. 2. The last possible date to register in Procurement is 30 days after award has been approved by the Parks Board. 3. In order to be reimbursed your agency must be registered within the State Procurement system.

VENDOR NUMBER

Remit Address is the address where Parks would send the payment to your agency.

The Remit Address must match what the AZ Procurement System has. If these addresses don't match reimbursement may be delayed weeks or longer.

ADDRESS CODE:

Organization Website: <http://www.sierravistaaz.gov/>

Address:* 1011 N. Coronado Drive

* Sierra Vista Arizona 85635
City State/Province Postal Code/Zip

County: Cochise County

Phone:* 520-458-5775 Ext.

Fax:

E-mail Address* jing.luo@sierravistaaz.gov

SECTION I. GRANT APPLICATION

PROJECT SPONSOR NAME:* City of Sierra Vista

PROJECT SPONSOR ADDRESS:* 1011 N. Coronado Drive

City* Sierra Vista 85635
 city zip

WEBSITE:* www.sierravistaaz.gov

PROJECT COORDINATOR:* Irene Zuniga Senior Civil Engineer
 Title

E-MAIL:* irene.zuniga@sierravistaaz.gov

PHONE:* 520-458-5775

CELL:

SECONDARY PROJECT COORDINATOR:* Sharon Flissar Public Works Director
 Title

E-MAIL:* sharon.flissar@sierravistaaz.gov

PHONE:* 520-458-5775

CELL:

All applicants are required to communicate project activities to the land manager's archaeologist prior to submitting the application. If you represent a non-profit group communication to the land manager's project coordinator will not suffice -the agency archaeologist must be part of the discussions.

AGENCY ARCHAEOLOGIST (IF APPLICABLE):* David Barr SWCA Environmental Consultants - Principal Investigator
 Title

E-MAIL:* dbar@swca.com

PHONE:* 520-325-9194

CELL:* 520-325-9194

Project Information

Provide nearest town/city to project location:* Sierra Vista, Az

CONGRESSIONAL DISTRICT:* 2
 Congressional/Legislative Districts

If project crosses over more than 1 congressional district enter additional district here.

ADDITIONAL CONGRESSIONAL DISTRICT:

AZ LEGISLATIVE DISTRICT:* 14

If project crosses over more than 1 legislative district enter additional district here.

ADDITIONAL LEGISLATIVE DISTRICTS ENTER HERE:

COUNTY:* Cochise County

Brief Description of Project:*

Summarize the project proposal including scope and nature of what is to be accomplished. What will be accomplished with the funds that you will receive?

This field is limited to 1,750 characters.

The City of Sierra Vista would like to submit an application for the current Non-Motorized grant cycle. Funds requested will be utilized at a master planned 148 Acre natural park. This park includes an approximately 1.5 mile stretch of the Garden Canyon Wash. There is a nearly 4 mile existing trail system located onsite created by local volunteers and other users. Attention will be focused at the St. Andrews Drive Area, and will be considered phase 2 of the buildout effort at this location utilizing State Park funding. This application will focus on the construction of ADA Accessible Trails around the new trailhead recently constructed as part of Phase 1 at the St Andrews location. This is expected to ensure accessibility for all users. In addition, the construction of five 400 SF ramada pads, one 2037 SF Group Ramada Pad, and a concrete pad for the future Wild life Education Area. A water service tap will also be installed to service future restrooms at this location. The ultimate plan for the area surrounding this parking lot includes a natural playground, restrooms, additional ramadas, educational areas, and sitting areas.

SECTION III. BUDGET SECTION Renovation and Maintenance of Existing Trails

Breakdown	Quantity	Unit	Unit	Total	Match/In-	Total Grant
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		Type	Cost	Cost	kind	Request
Construction Mobilization	1.0	Each	\$12,250.00	\$12,250.00	\$0.00	\$12,250.00
Traffic Control	1.0	Each	\$500.00	\$500.00	\$0.00	\$500.00
Surveying Services	1.0	Each	\$5,000.00	\$5,000.00	\$0.00	\$5,000.00
Removal of Existing Improvements	1.0	Each	\$2,500.00	\$2,500.00	\$0.00	\$2,500.00
Sugrade Preparation	1.0	Each	\$12,500.00	\$12,500.00	\$0.00	\$12,500.00
2" Asphalt Pavement (Square Yard)	3148.0	Yard(s)	\$17.00	\$53,516.00	\$0.00	\$53,516.00
Civil Drafting Tech	200.0	Hour(s)	\$26.83	\$5,366.00	\$5,366.00	\$0.00
Procurement Staff	24.0	Hour(s)	\$26.83	\$643.92	\$643.92	\$0.00
Finance - Grant Administrator	24.0	Hour(s)	\$26.83	\$643.92	\$643.92	\$0.00
Civil Design/Construction Manager - Civil PE	250.0	Hour(s)	\$26.83	\$6,707.50	\$6,707.50	\$0.00
Construction Inspector	120.0	Hour(s)	\$26.83	\$3,219.60	\$3,219.60	\$0.00
4" Aggregate Base Course (Square Yard)	3148.0	Yard(s)	\$9.00	\$28,332.00	\$0.00	\$28,332.00
				\$131,178.94	\$16,580.94	\$114,598.00

Protect Access to Trails / Acquire Land for Public Access

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
				\$0.00	\$0.00	\$0.00

Mitigate and Restore Damage to Areas Surrounding Trails

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Storm Water Pollution Protection Plan	1.0	Each	\$2,500.00	\$2,500.00	\$0.00	\$2,500.00
				\$2,500.00	\$0.00	\$2,500.00

Provide Educational Programs

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Signs	1.0	Each	\$150.00	\$150.00	\$150.00	\$0.00
				\$150.00	\$150.00	\$0.00

Enforce Existing Rules and Regulations

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Signs	1.0	Each	\$150.00	\$150.00	\$150.00	\$0.00
				\$150.00	\$150.00	\$0.00

Provide and Install Trail Signs

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Signs	1.0	Each	\$150.00	\$150.00	\$150.00	\$0.00
				\$150.00	\$150.00	\$0.00

Develop Support Facilities

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Concrete Ramada Pads & Wildlife Educational Pad (Square Foot)	4302.0	Feet	\$5.00	\$21,510.00	\$0.00	\$21,510.00
Schedule 40 PVC under Pavement for Future Utilities	100.0	Feet	\$16.00	\$1,600.00	\$1,600.00	\$0.00
Water Service Tap for Future Restroom	1.0	Each	\$2,000.00	\$2,000.00	\$0.00	\$2,000.00
Waterline to future restroom area	345.0	Feet	\$12.00	\$4,140.00	\$0.00	\$4,140.00
				\$29,250.00	\$1,600.00	\$27,650.00

Construct New Trails

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
2" Asphalt Pavement (Square Yard)	202.0	Yard(s)	\$17.00	\$3,434.00	\$0.00	\$3,434.00
4" Aggregate Base Course (Square Yard)	202.0	Yard(s)	\$9.00	\$1,818.00	\$0.00	\$1,818.00
				\$5,252.00	\$0.00	\$5,252.00

Provide Maps and Trail Information

Breakdown	Quantity	Unit Type	Unit Cost	Total Cost	Match/In-kind	Total Grant Request
Signs	1.0	Each	\$150.00	\$150.00	\$150.00	\$0.00
				\$150.00	\$150.00	\$0.00

Totals

Total Grant Request	\$150,000.00
Total Match/In-kind	\$18,780.94
Total Cost	\$168,780.94
Total Match Percentage	11.13%

Certification

GRANT CRITERIA RESPONSE

Select One:	Written description of the proposed scope items (Max 1750 Characters)	Scope Item Timeline State Date	End Date
Bonus - American with Disabilities Access/Standards	<u>Includes ADA Access/Standards</u> This project include the construction of an ADA trail loop to/from the recently constructed ADA Accessible trailhead.	07/01/2021	06/30/2022
Bonus - Diversity of Trail Us	<u>Diversity of Trail Use -</u> This park features an abundance of riparian and upland Sonoran desert vegetation which provides habitat for a variety of mammal, bird, reptile, and amphibian species. The existing trail system offers hikers, mountain bikers, birders, and equestrian users, trails that lead into the nearby Coronado National Forest Trails to the west. Additional Trail improvements will be made on future phases not on this grant.	07/01/2021	06/30/2022
Bonus - Matching funds at least 10%	<u>Project Includes Matching funds of at least 10%</u> Although project will be constructed by a contractor, the City will design, procure, and manage construction and grant administration for this project under the guidance of State Parks. City Staff has special training needed to accomplish their assigned tasks. In addition to these functions, City staff has provided and installed additional necessary signage, benches and receptacles at the project site.	07/01/2021	06/30/2022
Bonus - All SHPO/NEPA documentation included in application	<u>All required SHPO NEPA Documents</u> In preparation for the previous grant application, the City acquired the services of SWCA Environmental Consultants to provide proper documentation needed for this submittal.	07/01/2021	06/30/2022

First Level - Mitigate and Restore Damage to Areas Surrounding Trails	<p>Mitigate and Restore Damage to Surrounding Trails</p> <p>In addition to providing a stable ADA compliant trail and future ramada pads, we intend to promote environmental protection, by limiting vehicular access to the site within the designated parking area, and installing signage and receptacles that promote "Leave No Trace" Carry In/Carry Out. Previously illegal dumping was an issue. With the recent construction of the trail head parking lot, and these improvements, we expect to discourage illegal dumping activities.</p>	07/01/2021	06/30/2022
First Level - Renovation and Maintenance of Existing Trails	<p>Renovation and Maintenance of Existing Trails:</p> <p>This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy. Upgrades to these trails and improvements to access and parking will greatly enhance the educational and recreational benefits of the area and make it more accessible to all residents.</p>	07/01/2021	06/30/2022
Second Level - Construct New Trails	<p>Construct New Trails:</p> <p>This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy. Upgrades to these trails and improvements to access and parking will greatly enhance the educational and recreational benefits of the area and make it more accessible to all residents. This will involve the construction of new trail segments leading to future ramadas planned for this project.</p>	07/01/2021	06/30/2022
Second Level - Develop Support Facilities	<p>Develop Support Facilities:</p> <p>This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy.</p> <p>A new water meter and water line will be installed from the public waterline to the future Restroom location.</p>	07/01/2021	06/30/2022
Second Level - Enforce Existing Rules and Regulations	<p>Enforce Existing Rules and Regulations:</p> <p>The City post signage at all parks outlining park hours and rules. These rules commonly outline limitations/prohibition to activities such as: Discharge of firearms or fireworks, dogs must be kept on a leash, no hunting, no overnight camping or campfires, use of trash receptacles, etc. Signage of this nature will be installed at the parking lot. City Police, Sherriff's office, and Border Patrol commonly patrol this corridor, so signage will help keep everyone well informed.</p>	07/01/2021	06/30/2022
Second Level - Provide Educational Programs	<p>Provide Educational Programs and Trail Etiquette</p> <p>At the trail entrance, signage for eligible activities will be made clear for all users, limiting use to pedestrians, non-motorized bikes, and equestrians. Park hours will also be posted.</p> <p>Beyond the trailhead, motorized vehicles will not be allowed. Signage will be provided in English and Spanish to better communicate with all users, as this location is within a close proximity of the international border.</p>	07/01/2021	06/30/2022
Second Level - Provide and Install Trail Signs	<p>-</p> <p>Provide and Install Trail Signs:</p> <p>At the Trail entrance and along the trail, signage for eligible activities will be made clear for all users, limiting use to pedestrians, non-motorized bikes, and equestrians.</p> <p>Beyond the trailhead, motorized vehicles will not be allowed. Signage will be provided in English and Spanish to better communicate with all users, as this location is within a close proximity of the international border.</p>	07/01/2021	06/30/2022
Second Level - Provide Maps and Trails Information	<p>Provide Maps and Trail Information:</p> <p>The City of Sierra Vista's Public Information Office has kept residents informed regarding current and upcoming projects in our area, including the construction improvements at this specific location. See website link below:</p> <p>https://engage.sierravistaaz.gov/garden-canyon-linear-park-improvements</p> <p>As we progress with this project, additional maps will be formally offered to visitors and residents with information regarding existing amenities available at the park. Credit is being given to AZ State Parks in helping us fund our improvement efforts at our parks.</p>	07/01/2021	06/30/2022

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Additional Project Information

Will this project involve youth participation (volunteers)? If yes, please provide details in the narrative of the applicable scope item (s) above. * No

Instructions for selecting more than 1 item (i.e. Boating, Dirt Bike and Hiker, etc...) using a Mac

Mac Computers: Command (hold)+ Click (selected item)

Uses Allowed on Trail:* Accessible Access, Equestrian, Hiker, Mountain Bike, Pack Animals, Other

Select Categories that most clearly describe the type of project proposed.

Eligibility Category:* ADA trail development, Develop of trailside/trailhead facilities, Maintenance of existing trails, Safety & Education, ADA trail development, Develop of trailside/trailhead facilities, Maintenance of existing trails, Safety & Education

Additional Criteria

Response Information (news articles, examples of educational materials to be developed, etc...) GCLP Final Master Plan.pdf
 If you want to upload more than 1 document please combine all documents into 1 file and save as PDF, then upload here.

PROJECT AREA MAPS & PHOTOS

Note: You may be logged out the 1st time you click on an attachment . Please log back in and return.

1. Please download the State Map form & mark the location of your project area; when complete upload the State Map below.

State Map:* ASPStateMapINEW (1) MAP.pdf

2. Provide a legible and detailed series of maps showing the project area in close detail.

Use Google Earth (Satellite) to show both entire project area and close-up shots.

Please combine all maps into 1 file, convert to pdf and upload. See instructions above on map support and recommendations using the Game & Fish map program.

Combined Maps: Area Maps.pdf

3. Please upload at least eight (8) color photographs that show the project area, land acquisition or specific features.

- Photographs should document as many of the proposed scope items as possible. Please provide a short, written description of each photo. Attach photos of project area to document condition, particularly of those areas that have experienced impacts.
 - If there any buildings or structures (including mines, bridges, dams, canals, etc.) that are 50 years or older in or adjacent to the project area please include photos of the building/structure and identify as such.
 - Submit all your pictures on one (1) PDF file, save to your computer and upload PDF here.
- Click here for an example of the types of photos required.

Color Photographs: Garden Canyon Linear Park - St Andrews Area Pictures.pdf

Trail Information Table

Trail Name/Number:	Uses Allowed:	Length of work:	Trail Work:	Condition of Current Ground	Trail Location – Township, Range, Section	Trail Map:	Detailed Photo:
Garden Canyon Linear Park St Andrews ADA Pathways	Equestrian, Bike, Hiker	0.6	Other (Explain when attaching map/photos)	disturbed natural terrain	Township 22S Range 20E Section 24	Garden Canyon Linear Park - Ste Andrews Phase 2 - ADA Pathway and Improvements.pdf	Garden Canyon Linear Park - St Andrews Area Pictures.pdf
		0.60					

Kiosks, Signs & Support Facilities (Trailhead, Restrooms)

Kiosk/ Facility Location Name: (i.e. name of trail,	Township, Range, Section	Action	Condition of Current Ground	Will Original Footprint of	Upload Map:	Photo Upload:
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trailhead, milepost, road where activity to take place)				disturbance change?		
Garden Canyon Linear Park - St Andrews Phase 2 - ADA Pathways	Township 22S Range 20E Section 24	Other	disturbed gravel/natural terrain	No	Garden Canyon Linear Park - St Andrews Area Pictures.pdf	Disturbance expected is minimal needed to meet ADA Compliance within existing trails, and to provide a path to concrete pads for future Ramada areas, water tap and water line to future restroom.

Cultural Clearance Review Form: Section I. Attachments

Note: Even if you are submitting an education only project you are still required to respond to all questions on this form. For most text box areas below you may state -and repeat: "Education Project Only, No Ground Disturbance."

Check here if this is an education only project and no disturbance will occur (Note: installing signs & trash-removal are considered disturbance)

Programmatic Agreement

[Click Here for a description of the Programmatic Agreement \(Section 106\)](#)

Is the applicant a signatory to the Programmatic Agreement Pursuant to Section 106 of the National Historic Preservation Act Regarding Implementation of Federal-Aid Transportation Projects in the State of Arizona (PA), executed December 16, 2015?

No

If yes, which PA Stipulation is applicable to the current project?

If yes, please explain why the project meets the criteria for the selected PA Stipulation.

1. At least two (2) legible, detailed and labeled maps:

a) Has a detailed map showing all project activities/other related project actions (e.g., staging areas, the location of riprap, new access roads, etc.)been uploaded?

Yes

b) Has a legible 7.5' USGS map showing the project area been uploaded?

Yes

2. A copy of the cultural resources survey report(s) if a survey of the property has been conducted must be uploaded.

Survey report(s) 51869_CR_revised_070919.pdf

3. A copy of any comments regarding eligibility, findings of effect, and any conditions associated with findings made by the land managing agency/landowner and archaeologist (i.e. state, federal, county, municipal) on potential impacts of the project on archaeological and/or historical cultural resources.

A copy of any comments

4. A copy of SHPO comments, if the survey report has already been reviewed by SHPO.

SHPO comments 472009 SHPO concur 5-29-19.pdf

5. If applicable to the project, attach a current agency Decision Memo.

A copy of a Decision Memo

ADDITIONAL DOCUMENTS:

Upload additional surveys and any other documents related to cultural resources here:

472009 Garden Canyon Park Cultural Closeout 7-1-19.pdf

Section II.

Biggest Mistake Made: Failure to list all land managers within the project area. Example: Applicant submits trail project and all trails exist within land owned by applicant except for a 1/4 mile section of one of the project trails. A small section crosses over a small parcel owned by ASLD (or Reclamation). If an agreement allowing you to develop/maintain that ASLD-owned parcel exists between your agency and ASLD please attach document directly above (Additional Documents). If no agreement is in place or the agreement has expired please stop working on the application and contact ASPT to discuss issue. Projects must be shovel ready-if you do not have permission from all land managers to conduct work your project is not shovel ready.

Current Land Owner/Manager(s): City of Sierra Vista

Project Location, including Township, Range and Section: T22S R20E Section 24

1. Total project area in acres (or total miles if trail): 2.0 Acres

2. Does the proposed project have the potential to disturb the surface and/or subsurface of the ground? Yes

3. Project Description and Impacts:

a. Please provide a description (what, where, why, and how) of the proposed project, and specifically identify any surface and/or subsurface impacts that are expected.

The project proposes to properly construct an ADA Accessible trails for visitors to hike at this existing park. This area will lead off from the recently constructed ADA Compliant Trailhead, and will eventually tie into a masterplanned area that offers ADA Accessible ramadas, restrooms, and natural play area among a few of its features.

Trails will be properly graded and stabilized and constructed with aggregate base and asphalt. Concrete Pads at future ramada sites and a water tap/line for a future restroom will also be installed.

b. Provide measurements for anticipated surface (areal) and subsurface (depth) disturbances that will be part of the proposed project. Grading will be kept to a minimum, just enough to accommodate ADA slopes and requirements, Pavement section 2" Asphalt over 4" Aggregate Base.

This area should be sufficient to accommodate the contractors staging area.

c. Discuss both direct and indirect impact areas, such as staging areas and access routes that will be used as part of the project.

An newly constructed parking lot provides direct access to the project improvement area. Construction work can be limited to the disturbance area mentioned above. Impacts to this area are expected to be minimal.

4. Ground Surface Information

a. Describe the condition of the current ground surface within the entire project boundary area (for example, is the ground in a natural undisturbed condition, or has it been bladed, paved, graded, etc.). Existing ground in this area is a mix of natural and disturbed soils. This is generally the same area that will be replaced with a more stable ADA compliant surface.

b. Estimate horizontal and 600 ft x 400 ft

vertical extent of existing disturbance

5. Are there any known prehistoric and/or historical archaeological sites in or adjacent to the project area?

No

If yes, please indicate where the sites are in respect to the project area. (e.g. The historic site is adjacent to the project area and is roughly 400 feet outside the project area).

6. Has the project area been previously surveyed for cultural resources by a qualified archaeologist?

Yes

If yes, please submit a copy of the survey report above in Section I. Please attach any comments on the survey report made by the land managing agency and/or SHPO

If no, please provide a rationale for survey not being necessary (e.g. previously disturbed).

7. Are there any buildings or structures (including mines, bridges, dams, canals, etc.) that are 50 years or older in or adjacent to the project area?

No

If YES, contact Parks staff to receive an Arizona Historic Property Inventory Form. The form will be provided in a Word version.

8. Is your project area within or adjacent to a historic district?

No

If YES, name of district:

9. List type of equipment to be used (Foot Traffic and Hand Tools, Mechanized Equipment Only or Combination).

Combination (Hand tools and mechanized)

If using equipment you may use this space to provide short description:

Grading, paving and compaction equipment expected

Section III

Purchase of trail maintenance equipment materials, and supplies (i.e., mowers, tractors, shovels, hammers, etc.)

No

Trail Bridge rehabilitation or replacement No

Signs, kiosks, and markers replacement or installation Yes

Upgrading the trail and or parking lot from dirt to stone or woodchips, or stone or woodchips to a paved (asphalt, concrete, or other paved surface) or boardwalk surface; Yes

Fencing, guardrail, retaining wall, or berm replacement or installation No

Drainage Yes

Landscaping No

Compliance under the Americans with Disabilities Act (ADA) including the following:

a. Ramps; No

b. Railings; No

c. Resurfacing (to pavement or boardwalk); Yes

d. Parking and trail access; Yes

e. Signage; Yes

f. Portable Toilets No

Permanent installation of ancillary facilities such as port-a-potties, bike racks, lighting, benches, trash receptacles, and trail course design features (jumps, water hazards, par course equipment, picnic benches). Yes

Renovation and restoration of trails and trail access routes, in-kind within an established path or trail way Yes

Regrading of trail and/or parking areas within established trail way Yes

Striping and restriping No

Debris removal Yes

Educational materials Yes

Connector trails within boundaries of existing property Yes

Repair of existing signs, kiosks markers, bridges, fences, guardrails, retaining walls, and berms Yes

If yes to any items from SECTION III please provide a short description of the work to be done.

There is an newly constructed ADA Compliant parking lot at the Trailhead. This project will provide a stablized ADA Compliant Pathway for those looking to enjoy the area. Project will grade to provide ADA compliant path for visitors to begin their journey into the park. Concrete pads for future ramada and educational areas will be included as well as a new water main tap and line for the future restroom.

This field is limited to 500 characters.

Signatures

**Archaeologist Printed
Name and Title Here:**

*Agency Archaeologist must provide a short statement, on agency letterhead, indicating support for the project. Archaeologist must sign the letter. **Note: Non-profits must have the land manager's archaeologist complete this step.***

**Archaeologist Approval
Letter**

Application will not be processed and reviewed by Park staff, committees and Parks Board if a signed letter of approval from agency's archaeologist is not provided here.

**Applicant Printed Name
and Title Here:**

Categorical Exclusion-CE Checklist I. Project Identification

Project Sponsor: City of Sierra Vista
 Project Title: Garden Canyon Linear Park St Andrews Drive Phase 2 - ADA Pathways
 Grant Amount: \$150,000.00
 Sponsor Match Source: \$18,780.94
 Project Cost: \$168,780.94

RTP Project Category:

If this box is checked then Section IV does not need to be evaluated and the CE can be approved.

Educational/Safety or
Administration

II. Location and Limits

The proposed project is located on land owned by the City of Sierra Vista located at the southeast corner of Garden Canyon Wash and St. Andrews Drive in Sierra Vista, Cochise County, Arizona. This project is part of the Garden Canyon Linear Park Master Plan. The project area is located in a partially disturbed area south of Garden Canyon Wash, outside of the active wash. The elevation of the project area is approximately 4,655 to 4,660 feet above mean sea level (amsl). The project area is located in Section 24, Township 22 South, Range 20 East, Gila and Salt River Baseline and Meridian, as depicted on the Fort Huachuca, Arizona U.S. Geological Survey 7.5-minute topographic quadrangle.

III. Purpose and Description

- **Project Description:**

The City of Sierra Vista would like to submit an application for the current Non-Motorized grant cycle. Funds requested will be utilized at a master planned 148 Acre natural park. This park includes an approximately 1.5 mile stretch of the Garden Canyon Wash. There is a nearly 4 mile existing trail system located onsite created by local volunteers and other users. Attention will be focused at the St. Andrews Drive Area, and is expected to involve several phases. This application will focus on phase 2 improvements of paved ADA Compliant Pathways, concrete pads at future ramada areas, and a water tap/line to the future restroom. An ADA Compliant Trailhead Parking lot was recently constructed with use of AZ State Parks Non Motorized Funding. Full build out of this park area is expected in several phases and will function as the main trailhead area for the park. Accommodations will be made for standard and ADA vehicles, school buses, RV's, and Trucks with horse trailers. The ultimate plan for the area surrounding this parking lot includes a natural playground, restrooms, ramadas, educational areas, sitting areas, and a paved ADA accessible loop trail of approximately 1/2 mile.

- **Includes ADA Access/Standards**

This project include the construction of an ADA trail loop to/from the recently constructed ADA Accessible trailhead.

- **Diversity of Trail Use -**

This park features an abundance of riparian and upland Sonoran desert vegetation which provides habitat for a variety of mammal, bird, reptile, and amphibian species. The existing trail system offers hikers, mountain bikers, birders, and equestrian users, trails that lead into the nearby Coronado National Forest Trails to the west. Additional Trail improvements will be made on future phases not on this grant.

- **Project Includes Matching funds of at least 10%**

Although project will be constructed by a contractor, the City will design, procure, and manage construction and grant administration for this project under the guidance of State Parks. City Staff has special training needed to accomplish their assigned tasks. In addition to these functions, City staff has provided and installed additional necessary signage, benches and receptacles at the project site.

- **All required SHPO NEPA Documents**

In preparation for the previous grant application, the City acquired the services of SWCA Environmental Consultants to provide proper documentation needed for this submittal.

- **Mitigate and Restore Damage to Surrounding Trails**

In addition to providing a stable ADA compliant trail and future ramada pads, we intend to promote environmental protection, by limiting vehicular access to the site within the designated parking area, and installing signage and receptacles that promote "Leave No Trace" Carry In/Carry Out. Previously illegal dumping was an issue. With the recent construction of the trail head parking lot, and these improvements, we expect to discourage illegal dumping activities.

- **Renovation and Maintenance of Existing Trails:**

This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy. Upgrades to these trails and improvements to access and parking will greatly enhance the educational and recreational benefits of the area and make it more accessible to all residents.

- **Construct New Trails:**

This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy. Upgrades to these trails and improvements to access and parking will greatly enhance the educational and recreational benefits of the area and make it more accessible to all residents. This will involve the construction of new trail segments leading to future ramadas planned for this project.

- **Develop Support Facilities:**

This area is formally master planned to serve ramadas, picnic tables, a natural playground, restrooms, educational areas, and a stabilized ADA compliant loop trail, for all to enjoy.

A new water meter and water line will be installed from the public waterline to the future Restroom location.

- **Enforce Existing Rules and Regulations:**

The City post signage at all parks outlining park hours and rules. These rules commonly outline limitations/prohibition to activities such as: Discharge of firearms or fireworks, dogs must be kept on a leash, no hunting, no overnight camping or campfires, use of trash receptacles, etc. Signage of this nature will be installed at the parking lot. City Police, Sherriff's office, and Border Patrol commonly patrol this corridor, so signage will help keep everyone well informed.

- **Provide Educational Programs and Trail Etiquette**

At the trail entrance, signage for eligible activities will be made clear for all users, limiting use to pedestrians, non-motorized bikes, and equestrians. Park hours will also be posted.

Beyond the trailhead, motorized vehicles will not be allowed. Signage will be provided in English and Spanish to better communicate with all users, as this location is within a close proximity of the international border.

- **Provide and Install Trail Signs:**

At the Trail entrance and along the trail, signage for eligible activities will be made clear for all users, limiting use to pedestrians, non-motorized bikes, and equestrians.

Beyond the trailhead, motorized vehicles will not be allowed. Signage will be provided in English and Spanish to better communicate with all users, as this location is within a close proximity of the international border.

- **Provide Maps and Trail Information:**

The City of Sierra Vista's Public Information Office has kept residents informed regarding current and upcoming projects in our area, including the construction improvements at this specific location. See website link below:

<https://engage.sierravistaaz.gov/garden-canyon-linear-park-improvements>

As we progress with this project, additional maps will be formally offered to visitors and residents with information regarding existing amenities available at the park. Credit is being given to AZ State Parks in helping us fund our improvement efforts at our parks.

IV. CE Checklist

1. Does the project involve any permanent easement or acquisition of right-of-way? No

2. Are there National Register listed or eligible sites in the Project Area? No

3. Will the project affect any National Register listed or eligible sites? No

If "yes" to question #2 or #3, briefly summarize and attach the following: survey reports, determinations and concurrences from the State Historic Preservation Office or Tribal Historic Preservation Office, and any agreements for resolution of adverse impacts.

Attachment

4. Does the project require a U.S. Army Corps of Engineers Section 404 permit? No

Click Here to help determine if you may need a permit.

If you believe a permit might be needed please describe the activity that may trigger a permit.

5. Are there threatened or endangered species or critical habitat designated or proposed under the Endangered Species Act present? Yes

6. If "yes" does the project have a determination of "may affect, likely to adversely affect" ? No

Describe impacts and attach the most relevant biology survey and documentation of consultation with U.S. Fish & Wildlife Service or Tribal Wildlife Service. No Impact

To assist you in answering questions concerning potential impacts on resources in the project area please follow this link to Game and Fish's Environmental Review Tool. Use the site to create a map of the project area and then attach here.

*Also, you may contact the managers/staff of the Game & Fish Review Tool directly -they are available to help each applicant develop the report, plus maps needed for the application:
Sabra Tonn: 623-236-7618 - stonn@azgfd.gov or
Cheri Boucher: 623-236-7615 - cboucher@azgfd.gov*

Attachment Biological Evaluation 51869_Garden Canyon Parking Area_BE_110718.pdf

7. Does the project involve construction in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers?

No

8. Will the project result in 1 or more acres of ground disturbance?

No

If "yes" describe the impacts, list permits, and attach documentation of consultations.

Attachment

9. Does the project involve any other impacts that may be considered unusual?

No

If "yes" explain:

V. Applicant Certification

Type Printed Name and Title: Irene Zuniga, Senior Civil Engineer
 Contact Information: City of Sierra Vista 520-458-5775
 Date: 03/31/2021

DISABILITIES ACT AND COMPLIANCE

Authorized Agent:* Irene Zuniga
 Title:* Senior Civil Engineer
 Date:* 03/31/2021

RESOLUTION

Is your organization a federal, state, or tribal agency?*

No

If answer is 'Yes', mark this form as complete as it only pertains to local government agencies and non-profits.

RESOLUTION (For Non-Federal Entity Project Sponsors ONLY)

APPROVING THE APPLICATION FOR A NON-MOTORIZED OR MOTORIZED GRANT

WHEREAS, the Congress of the United States has authorized the Recreational Trails Program (RTP) as a federal-aid assistance program to help states provide and maintain recreational trails for motorized and non-motorized recreational use, and the State of Arizona has established the Off-Highway Vehicle Recreation Fund to fund a variety of off-highway vehicle recreations projects, and these funds are available to eligible project sponsors for acquiring lands and developing facilities for public off-highway vehicle purposes; and

WHEREAS, Arizona State Parks (Parks) is responsible for the administration of the Statewide OHV and RTP Programs within the State, setting up necessary rules and procedures governing application by eligible project sponsors under the program; and

WHEREAS, said adopted procedures established by Parks require the project sponsor to certify by resolution the approval of applications, signature authorization, the availability of local matching funds (if applicable), and authorization to sign a Project Agreement with the Parks prior to submission of said applications to the Parks; and

NOW, THEREFORE, BE IT RESOLVED THAT THE PROJECT SPONSOR'S GOVERNING BODY hereby:

1. Approves the filing of an application for motorized or non-motorized assistance, and
2. Certifies that the application is consistent and compatible with all adopted plans and programs of: for motorized/non-motorized trails facility development; and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the Parks as a part of the application process; and
4. Certifies that Project Sponsor will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and
5. If applicable, certifies that Project Sponsor has matching funds
6. Appoints the agent listed below as agent of (Project Sponsor's Governing Body) to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

I, the undersigned being the duly appointed and qualified project sponsor, certify that the foregoing Resolution No. is a true, correct and accurate copy of the Resolution No. Passed and adopted at a regular meeting of the Project Sponsor, held on the date listed below at which a quorum was present and voted in favor of said Resolution.

Resolution No. Pending
 Project Sponsor Name: City of Sierra Vista
 Project Sponsor's Governing Body (if different from Sponsor Name) :
 Project Title: Garden Canyon Linear Park St Andrews Dr. Phase 2 ADA Pathways
 Signed by: Pending
 Date:

A draft resolution may be submitted with the application. The final resolution must be provided before the Project Sponsor Agreement can be signed. The application will be ineligible if a resolution is not submitted.

If you have a completed Resolution please upload it here: DRAFT Resolution - State Parks NMV Grant Phase 2 St Andrews GCLP.pdf

NONPROFIT CERTIFICATION STATEMENT

Is your agency a non-profit or club? No
If answer is 'No', mark this form as complete as it only pertains to non-profit organizations and clubs.

Authorized Agent:

Title

Certification

Completed by:* Irene Zuniga, PE Senior Civil Engineer
Name Title

Date:* 03/31/2021

I acknowledge and understand that this grant program operates on a reimbursement basis. Reimbursement occurs only after an expense is paid.

Reimbursement Acknowledgment * Yes

I acknowledge and understand that our agency will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application.

Compliance Acknowledgement* Yes

I acknowledge and understand that our agency has access to the required matching funds.

Matching Funds Acknowledgement* Yes

I hereby certify that the information in this application is true and correct and that our agency agrees to comply with all appropriate procedures, guidelines, and requirements established by Arizona State Parks & Trails.

Signature Here (Either type authorized official name here or hand-write signature and attach below): Irene Zuniga

Signature Page Optional

Attachment

File Name	Description	File Size
DRAFT Resolution - State Parks NMV Grant Phase 2 St Andrews GCLP.pdf (140 KB)	All Right Of Way information within attachment.	140 KB

CORRESPONDENCE (Phone/Email, Meeting)

Type	Date Sent	To	From	Subject	Message	Attachment	Attachment
MEETING	03/02/2021	Mickey Rogers	Irene Zuniga	Site Visit	Scheduled Site Visit for Mickey to view the project area for this phase.		
EMAIL	03/15/2021	Mickey Rogers	Irene Zuniga	Garden Canyon Linear Park - St Andrews ADA Paths	Recap of site visit with Mickey and our interest in petitioning this cycles Non-Motorized Grant for \$150,000.		

Pre-Project Site Photos

File Name	Description	File Size
Garden Canyon Linear Park - St Andrews Area Pictures.pdf (1.6 MB)	Site photo's and descriptions included in attachment.	1.6 MB

Arizona State Parks
 23751 N 23RD Ave, Phoenix, AZ 85085
PROJECT SPONSOR AGREEMENT

This Agreement is entered into by and between the Arizona State Parks Board (BOARD) and the City of Sierra Vista (PROJECT SPONSOR) and shall become effective on the date of signature by the authorized representative of Arizona State Parks.

PROJECT TITLE: Garden Canyon Wash Phase II			PROJECT NUMBER: ASPT #: 472212 ADOT #: M472212P FHWA #: RTP-E-106		
THIRD PARTY PARTICIPANT'S NAME:			FY OF REVENUE: 2022		
PROJECT PERIOD: All expenses and match to be submitted prior to <u>12/31/2024</u>					
GRANT PROGRAM: Recreational Trails Program	GRANT AMOUNT: \$150,000.00	% 88.8%	PARTICIPANT MATCH: \$18,780.94	% 11.2%	TOTAL PROJECT COST: \$168,780.94
APPROVED SCOPE OF WORK AND SPECIAL CONDITIONS: Attachment A & B					
AUTHORITIES TO ENTER INTO THIS AGREEMENT: (statute, resolution, minutes, etc.) STATUTE: A.R.S. §28-1176(E)(3) RESOLUTION: 2021-03					
AWARDING OFFICIAL ON BEHALF OF THE ARIZONA STATE PARKS BOARD: _____ Signature: Kevin Brock, Assistant Director Date: _____					
ACCEPTANCE OF ALL TERMS OF THIS AGREEMENT AND ITS ATTACHMENTS IS ACKNOWLEDGED BY THE PROJECT SPONSOR'S SIGNATURE BELOW.			PARTICIPANT ATTORNEY APPROVAL AS TO FORM AND AS BEING WITHIN THE AUTHORITY OF THE PROJECT SPONSOR (optional)		
_____ Frederick W. Muller, Mayor Date			_____ Nathan Williams Date		

The most recent version of the General Provisions based on the Project Sponsor and project type are attached and incorporated into this agreement.

**Arizona State Parks
PROJECT SPONSOR AGREEMENT**

**Attachment A
Approved Project Scope and Special Conditions**

PROJECT SPONSOR: City of Sierra Vista

PROJECT TITLE: Garden Canyon Wash Phase II

PROJECT NUMBER: 472212

PROJECT DESCRIPTION: The City of Sierra Vista will utilize grant funds at a master planned 148 Acre natural park. This Park includes an approximately 1.5 mile stretch of the Garden Canyon Wash. There is a nearly 4-mile existing trail system located onsite created by local volunteers and other users. Attention will be focused at the St. Andrews Drive Area, and will be considered phase 2 of the buildout effort at this location utilizing State Park funding. This application will focus on the construction of ADA Accessible Trails around the new trailhead recently constructed as part of Phase 1 at the St Andrews location. This is expected to ensure accessibility for all users. In addition, the construction of five 400 SF ramada pads, one 2037 SF Group Ramada Pad, and a concrete pad for the future Wild life Education Area. A water service tap will also be installed to service future restrooms at this location. The ultimate plan for the area surrounding this parking lot includes a natural playground, restrooms, additional ramadas, educational areas, and sitting areas.

APPROVED PROJECT SCOPE:

Renovation and Maintenance of Existing Trails	\$ 131,178.94
Mitigate and Restore Damage	\$ 2,500.00
Provide Educational Programs	\$ 150.00
Enforce Existing Rules and Regulations	\$ 150.00
Provide and Install Trail Signs	\$ 150.00
Develop Support Facilities	\$ 29,250.00
Construct New Trails	\$ 5,252.00
Provide Maps and Trail Information	\$ 150.00
Total	\$ 168,780.94

DESCRIPTION AND SOURCE(S) AND AMOUNTS FOR APPROVED MATCH

The City of Sierra Vista will provide up to \$18,780.94 in volunteer, staff and cash match for this project. A minimum of 5.7 % match will be required for each reimbursement.

SPECIAL CONDITIONS:

The administration of this grant agreement is additionally subject to the contents of the “Administrative Guidelines for Awarded Grants” found at:

https://d2umhuunwbec1r.cloudfront.net/gallery/0004/0052/D62247549698431D8BA6D58F75C2E98D/Admin_Guidelines_12_03_2020.pdf

Project applications are submitted as “shovel-ready” and project activities must begin immediately upon final execution of the project sponsor agreement.

Detailed status quarterly reporting in ASPT's on-line system is required. Failure to provide these reports when requested will result in points being deducted in future funding requests and project funds being withdrawn. Failure to provide status reports when required may result in funds being withdrawn. (End of September, December, March and June)

See the General Provisions – Attachment B

OTHER CONDITIONS

Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the 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 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.

It is recommended that the sponsor coordinate with Cochise County Flood Control District to ensure compliance with local floodplain regulations.

Allocated project funds can only be expended on the designated scope items.

Arizona State Parks and Trails
GRANT PROJECT SPONSOR AGREEMENT
Attachment B
General Conditions Applicable to Non-Motorized Project Grants

This Agreement applies to grants for non-motorized projects awarded pursuant to the Recreational Trails Program.

PART I – DEFINITIONS

For purposes of this Agreement:

- A. “Agreement” means the Grant Project Sponsor Agreement and its attachments.
- B. “AORCC” is the Arizona Outdoor Recreation Coordinating Committee. Together, AORCC and the Board are “the Parties.”
- C. “BOARD” means the Arizona State Parks BOARD. Together, AORCC and the Board are “the Parties.”
- D. “Conversion” means the replacement of grant-funded facilities with new facilities that are of reasonably equivalent usefulness and location as the original.
- E. “Eligible Costs” mean direct costs attributed to the project grant program, such as: 1) compensation of hired employees for the time and efforts devoted specifically to the execution of the grant; 2) cost of materials acquired, consumed, or expended specifically for the purposes of the grant; 3) equipment and other capital expenditures; 4) other items of expense incurred specifically to carry out the participant agreement; and 5) direct services furnished specifically for the grant program by other agencies. These costs are identified by the PROJECT SPONSOR in the Estimated Project Cost Sheet that is submitted with the Certified Application Form and application packet. The costs are then approved by the BOARD or by an amendment to this Project Agreement. Generally, eligible costs are identified in the applicable grant manual.
- F. “Facilities” mean capital improvements.
- G. “Fund” means the Federal Recreational Trails Program.
- H. “Guidelines” mean the Administrative Guidelines for Awarded Grants and any other applicable program directives adopted by the BOARD.
- I. “Ineligible Costs” are those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives of the project.
- J. “Match” includes cash, in-kind contributions, or donations, including volunteer time or materials contributed to the project with no intention of reimbursement.
- K. “Obsolescence” means that an area or facility may be determined obsolete during the Term of Public Use if (1) reasonable maintenance and repairs are not sufficient to keep the facility or equipment operating; (2) changing needs dictate a change in the type of facilities or equipment provided; (3) operating practices dictate a change in the type of facilities or equipment required; or (4) the facility or equipment is destroyed by fire, natural disaster, or vandalism. Declaring the facility obsolete means that the PROJECT SPONSOR receives a waiver of the replacement requirements. No later than 90 days after a facility or equipment is taken out of public use, the PROJECT SPONSOR may request a waiver of repayment or replacement requirements in writing. A determination of obsolescence may be made at the sole discretion of the BOARD.
- L. “PROJECT SPONSOR” means an eligible applicant that has been awarded a grant to develop a project or coordinate an education program.
- M. “Project” means the sum of the activities identified with specific costs in the grant application packet that are eligible under the referenced grant application manual and have been approved by the BOARD.
- N. “Project Period” means the period of time during which all approved work and related expenditures associated with development of the project are to be completed by the PROJECT SPONSOR.
- O. “Repayment” means returning grant money to the Fund in the event the PROJECT SPONSOR expends advanced funds for ineligible costs or fails to expend the advanced funds for eligible project costs during the term of this grant.
- P. “Sub-contract” means a contract between the PROJECT SPONSOR and another individual or entity whereby labor, work, services, or other responsibilities are supplied or performed in furtherance of the PROJECT SPONSOR’S responsibilities under this Agreement.

- Q. "Term of Public Use" means the time required for public use. The Term of Public Use of the grant-assisted facilities must be at least:
1. Equipment (personal property) grant investment of more than \$50,000 per item: 25 years
 2. Facilities (real property): 25 years
 3. Land: 99 years unless obsolescence applies. The Term of Public Use will begin on the date of completion identified in the Completion Certification Letter.

PART II – PERFORMANCE

A. ADMINISTRATION

1. Conditions - This Agreement is subject to the availability of grant funds and appropriate approvals, and is subject to the Constitution of the State of Arizona, the Arizona Revised Statutes, the Arizona Administrative Code, other acts of the Arizona Legislature, executive orders of the Governor, and the decisions and policies of the BOARD.
2. Incorporation of Application, Grant Manual, and Administrative Guidelines - The following documents are incorporated by reference into this agreement: The PROJECT SPONSOR'S grant application packet; the applicable grant manual; and the most recent revision of the Administrative Guidelines for Awarded Grants. In the event of a conflict or ambiguity, the terms of this Agreement and Attachments A and B to this Agreement must take precedence.
3. Use of Grant Funds - Awarded grant funds must be used solely for eligible purposes of the funding program, as defined by statute and as approved by the BOARD.
4. Transfer of Grant Funds - Awarded grant funds will be transferred to the PROJECT SPONSOR according to the terms of this Agreement. Staff will not process reimbursements requests for less than \$1,000 unless it is the final request.
5. Grant Retention - Ten percent (10%) of the grant amount will be retained from reimbursement until Staff notifies the PROJECT SPONSOR in writing that the project is officially closed and completed.
6. Grant Accountability - Grant funds must be managed separately within the PROJECT SPONSOR'S accounting system that identifies the name and number of this project. The funds must only be expended as authorized under the terms of this Agreement.
7. Accomplishment of Project - The project must be accomplished according to the terms of this Agreement and applicable State laws.
8. Amendments - This Agreement may be amended in writing by the Parties of the Agreement upon written request of the PROJECT SPONSOR, good cause shown, and approval by the BOARD. Eligible amendments include adjustments to the project period, funding amount, or minor changes to the scope items.
9. Use of Project - Project accomplishments must be open or available to the public as specified in the Term of Public Use. If the grant funded capital improvements are not maintained and kept open for public use for the term specified in the Term of Public Use, the PROJECT SPONSOR must refund to the BOARD the awarded grant amount within six (6) months of the date the improvements are no longer maintained or kept open for public use, unless the BOARD agrees that obsolescence or conversion is appropriate.
10. Special Conditions - Special conditions to this agreement are binding upon and inure to the benefit of the successors and assigns of each of the Parties to this agreement. Breach of any condition will be enforceable by any remedies available under applicable Federal or State law.
11. Conversion - No land or facilities acquired or developed with State assistance will, without the approval of the BOARD, be converted to other than public use during the Term of Public Use. The BOARD will approve such conversion only if it finds the replacement property to be in accord with the current grant statute. Conversions will require the substitution of other properties of at least equal fair market value and of reasonably equivalent usefulness and location, and concurrence of the landowner. The replacement property will then become subject to this agreement. In lieu of conversion, the PROJECT SPONSOR may apply for a declaration of obsolescence. In the event the BOARD provides grant assistance for the acquisition and/or development of real property subject to reversionary interests, with full knowledge of those reversionary interests and with written notice of those reversionary interests, conversion of said

property to other than public uses as a result of such reversionary uses being exercised may be approved. The PROJECT SPONSOR must notify the BOARD of the conversion as soon as possible and seek approval of replacement property in accord with the conditions set forth in this agreement. The PROJECT SPONSOR must accomplish such replacement within a reasonable time, acceptable to the BOARD, after the conversion of the property occurs. This paragraph also applies to (1) leased properties acquired and/or developed with Fund assistance, where such lease is terminated prior to its full term pursuant to lease provisions known and agreed to by the BOARD; and (2) properties subject to other outstanding rights and interests known to and agreed to by the BOARD.

B. RELATIONSHIP OF PROJECT COSTS TO THE PROJECT PERIOD

Except for pre-agreement costs approved by the BOARD, only those costs associated with approved project work incurred during the project period will be eligible for reimbursement according to the terms of this agreement. Combined pre-agreement and design and engineering costs must not exceed 10% of the approved grant award.

C. ACQUISITION

Values of property purchased with grant assistance must be appraised by an appraiser with active State certifications according to the Uniform Standards of Professional Appraisal Practice. This appraisal must be prepared within one year prior to the acquisition. Grant participation must be according to the grant award amount, the approved market value, or the purchase price, whichever is less.

D. CARE AND DISPOSITION OF EQUIPMENT

Equipment purchased with grant funds to develop a project may remain in the possession of the PROJECT SPONSOR for as long as the equipment is being used for eligible project work, at the sole discretion of State Parks. State Parks reserves the right to claim equipment purchased under this Agreement when it is no longer being used for the purpose for which it was purchased.

E. SUB-CONTRACTS

1. Sub-contracts awarded to accomplish the project must incorporate by reference, in each sub-contract, the provisions of this Agreement. The PROJECT SPONSOR bears full responsibility for acceptable performance under each sub-contract.

2. The PROJECT SPONSOR must pay when due any claim of a sub-contractor, employee, independent contractor, or any other employed individual performing the approved work for services pursuant to this Agreement.

3. The PROJECT SPONSOR indemnifies and holds harmless the State of Arizona, its employees, and the BOARD and its members from any claim(s) for services pursuant to this Agreement, or damages relating thereto, of a sub-contractor or other employed individual performing the approved work.

4. Any sub-contract for employment by the PROJECT SPONSOR must be in writing and contain a provision whereby a person so employed or with whom a sub-contract has been entered acknowledges that the State of Arizona and the BOARD are not be liable for any costs, claims, damages, reimbursement, or payment of any kind relating to such sub-contract.

F. PROJECT REPORTING, REVIEWS, AND ON-SITE INSPECTIONS

1. The PROJECT SPONSOR must submit a project status report not less than quarterly. The status report will include, at a minimum, the following: (a) progress toward completing the approved scope of work; and (b) any problems encountered and solutions to problems regarding completion of the project. Failure to submit the reports will result in delays in grant reimbursement or advance processing. The PROJECT SPONSOR must consult with the BOARD, as needed, to review progress. The BOARD reserves the right to review the progress of the project and to conduct on-site inspections, as applicable and as needed, at any reasonable time during the project period or required Term of Public Use in order to assure compliance with the terms of this agreement.

2. The PROJECT SPONSOR must certify compliance with the Project Agreement every five years, until the end of the Term of Public Use, on a form to be provided by the BOARD. In addition, on-site inspections will be conducted periodically at the discretion of the BOARD. The following will be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use; appearance, and maintenance.

3. The PROJECT SPONSOR must provide the Board with written consent of the landowner to conduct on-site inspections; failure to do so is a failure to keep or maintain the property for public use.

G. EARNED INTEREST ON ADVANCED FUNDS

Interest generated from funds advanced to the PROJECT SPONSOR during the project period must be used to further the purposes of the specified project. Funds advanced, but not spent to complete the project, must be returned to the BOARD at the completion of the project.

H. PRODUCT OR PUBLISHABLE MATTER OWNERSHIP

With written permission from the BOARD or Arizona State Parks, the PROJECT SPONSOR may use products or publishable matter produced with grant assistance the BOARD will have nonexclusive license to use and reproduce, without payment, such materials. The PROJECT SPONSOR must receive written permission from State Parks prior to utilizing publishable material for commercial or public purposes. This paragraph is not applicable to architectural or engineering plans produced with grant assistance.

I. FUND SOURCE RECOGNITION

The PROJECT SPONSOR must permanently and publicly acknowledge the grant program(s) that assisted project accomplishments (including, but not limited to: final documents; audio-visual recordings; photographs; plans; drawings; publications; advertisements; and project plaques). At a minimum, this acknowledgment must include the following: "This program was financed in part (or in full) by a grant from the Federal Recreational Trails Program administered by the Arizona State Parks."

J. PROJECT COST VERIFICATION

The PROJECT SPONSOR must submit project expenditure documents to the BOARD or State Parks for verification or audit purposes, upon request.

K. TRANSFER OF CONTRACTUAL RESPONSIBILITY

The PROJECT SPONSOR may transfer responsibilities under the terms of this agreement to another eligible participant, provided that approval has been granted by the BOARD in writing prior to the transfer.

PART III – COMPLIANCE

A. ANTI-TRUST

Vendor and purchaser recognize that, in actual economic practice, overcharges from anti-trust violations are borne by purchaser. Therefore, the PROJECT SPONSOR hereby assigns to BOARD any and all claims for such overcharges.

B. ARBITRATION

To the extent required pursuant to A.R.S. § 12-1518 and any successor statute(s), the Parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve disputes arising out of this Agreement. Venue shall be in Maricopa County, Arizona.

C. INDEMNIFICATIONS AND CLAIMS AGAINST THE STATE

The PROJECT SPONSOR indemnifies, saves and holds harmless the BOARD, the State of Arizona, and Arizona State Parks, its agents, departments, officers, and employees from any and all claims, losses, damages, liabilities, expenses, costs, and charges incident to or resulting in any way from any injuries, death, or damage to any person, or any damage to any property caused by or resulting from the issuance or performance of services rendered as a part of this Agreement, except those claims, losses, damages, liabilities, expenses, costs, and charges arising from the sole negligence of the BOARD, the AORCC, or the State of Arizona, its agents, departments, officers, or employees.

D. NON-DISCRIMINATION -- EMPLOYMENT

The PROJECT SPONSOR agrees to comply with Executive Order Number 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulation, including the Americans with Disabilities Act. The PROJECT SPONSOR shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

E. ARIZONANS WITH DISABILITIES ACT OF 1992 AND AMERICANS WITH DISABILITIES ACT

The PROJECT SPONSOR shall comply with all applicable provisions of the Arizonans with Disabilities Act of 1992, A.R.S. §41-1492, et. seq. and the Americans with Disabilities Act, (Public Law 101-336, 42 U.S.C. 12101-12213 and 47 U.S.C. §225 and 611), and applicable state rules and federal regulations under the Acts.

F. RECORDS RETENTION AND AUDITS

1. Complete financial records and all other documents pertinent to this Agreement must be retained by the PROJECT SPONSOR and made available to the Staff, if requested, for review and/or audit purposes for a period of five (5) years after this Agreement expires.
2. The PROJECT SPONSOR may substitute electronic copies in place of original records, but only after project costs have been verified.

G. STATE CONTRACT CANCELLATION

1. The State or its political subdivisions or any department or agency of either may cancel this Agreement without penalty or further obligation, pursuant to A.R.S. § 38-511.
2. Every payment obligation of the BOARD under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated or appropriated for the continuance of this Agreement, this Agreement may be terminated by the BOARD at the end of the period for which the funds are available. No liability shall accrue to the BOARD or the State of Arizona in the event this provision is exercised, and the BOARD shall not be obligated or liable for any future payments or for any damages resulting as a result of termination under this paragraph.

H. REMEDIES

1. The BOARD may temporarily suspend grant assistance obligated to the PROJECT SPONSOR pending required corrective action by the PROJECT SPONSOR or pending a decision to terminate the grant by the BOARD.
2. The PROJECT SPONSOR may unilaterally terminate this Agreement at any time before the first payment is made. After the initial payment, this Agreement may be terminated, modified, or amended by the PROJECT SPONSOR only by written mutual agreement of the Parties.
3. The BOARD may terminate this Agreement in whole or in part at any time before the date of completion if it determines that the PROJECT SPONSOR has failed to comply with the terms or conditions of the grant. The BOARD will promptly notify the PROJECT SPONSOR in writing of the determination and the reasons for the termination, including the effective date. All payments made to the PROJECT SPONSOR must be returned to the BOARD if this Agreement is terminated for cause.
4. The BOARD or PROJECT SPONSOR may terminate this Agreement in whole or in part at any time before the date of completion when both Parties agree that the continuation of the development project would not produce beneficial results commensurate with the further expenditure of funds. The two Parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The PROJECT SPONSOR must not incur new obligations for the terminated portion after the effective date and must cancel as many outstanding obligations as possible. The BOARD may allow full credit to the PROJECT SPONSOR for the grant share of properly incurred obligations that cannot otherwise be cancelled before the effective termination date.
5. The BOARD may require specific performance of the terms of this Agreement or take legal steps necessary to recover the funds granted if the PROJECT SPONSOR fails to comply with the terms of the grant or breaches any condition or special condition of this Agreement.
6. The BOARD may request and the PROJECT SPONSOR must deliver repayment of funds advanced under this agreement in conjunction with the remedies in this section.
7. The remedies expressed in this Agreement do not limit the rights of the BOARD. This Agreement does not in any way abridge, defer, or limit the BOARD'S right to any right or remedy under law or equity that might otherwise be available to the BOARD.

I. CULTURAL RESOURCES

The PROJECT SPONSOR must meet the requirements of the State Historic Preservation Act (A.R.S. §41-861 to 41-864) before project initiation.

J. COMPLIANCE WITH FEDERAL IMMIGRATION LAWS AND REGULATIONS RELATING TO THE HIRING OF UNAUTHORIZED WORKERS.

The PROJECT SPONSOR must meet the compliance requirements for A.R.S. § 41-4401, Government Procurement: E-Verify Requirement.

1. The PROJECT SPONSOR and anyone contracted by the PROJECT SPONSOR warrant compliance with all Federal immigration laws and regulations relating to employees and warrants compliance with Section A.R.S. § 23-214, Subsection A.

2. A breach of a warranty regarding compliance with immigration laws and regulations is a material breach of the contract and the PROJECT SPONSOR may be subject to penalties up to and including termination of the contract.

3. Failure to comply with a State audit process to randomly verify the employment records of PROJECT SPONSOR and sub-contractors is a material breach of the contract and the PROJECT SPONSOR may be subject to penalties up to and including termination of the contract.

4. The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the PROJECT SPONSOR or subcontractor is complying with the warranty under paragraph J-1.

K. DISCLOSURE REQUIREMENTS

PROJECT SPONSOR must comply with the terms of A.R.S. § 35-181.03 or its successor statute(s) regarding audited financial statements provided to the BOARD.

L. INSURANCE REQUIREMENTS

PROJECT SPONSOR and sub-contractors must procure and maintain occurrence-based insurance policies that cover claims for injury or death to persons or damage to property that may arise from or in connection with the performance of the work hereunder by the PROJECT SPONSOR, its agents, representatives, employees or sub-contractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the PROJECT SPONSOR from liabilities that might arise out of the performance of the work under this contract by the PROJECT SPONSOR, its agents, representatives, employees or sub-contractors, and PROJECT SPONSOR is free to purchase additional insurance.

Minimum Scope and Limits of Insurance: PROJECT SPONSOR shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability – Occurrence Form

Policy shall include bodily injury, property damage, personal injury and broad form contractual liability coverage.

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Personal and Advertising Injury \$1,000,000
- Blanket Contractual Liability – Written and Oral \$1,000,000
- Fire Legal Liability \$50,000
- Each Occurrence \$1,000,000

a. The policy must be endorsed to include the following additional insured language: “The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the PROJECT SPONSOR.”

b. Policy shall contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the PROJECT SPONSOR.

2. Business Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.

- Combined Single Limit (CSL) \$1,000,000

a. The policy must be endorsed to include the following additional insured language: “The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be

named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the PROJECT SPONSOR, involving automobiles owned, leased, hired or borrowed by the PROJECT SPONSOR."

b. Policy must contain a waiver of subrogation against the State of Arizona, as departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the PROJECT SPONSOR.

3. Worker's Compensation and Employers' Liability

- Workers' Compensation Statutory

Employers' Liability

- Each Accident \$ 500,000
- Disease – Each Employee \$ 500,000
- Disease – Policy Limit \$1,000,000

a. Policy must contain a waiver of subrogation against the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the PROJECT SPONSOR.

b. This requirement does not apply to: Separately, EACH PROJECT SPONSOR or sub-contractor exempt under A.R.S. 23-901, and when such PROJECT SPONSOR or sub-contractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

Additional Insurance Requirements: The policies must include, or be endorsed to include, the following provisions:

1. The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees wherever additional insured status is required. Such additional insured shall be covered to the full limits of liability purchased by the PROJECT SPONSOR, even if those limits of liability are in excess of those required by this Contract.
2. The PROJECT SPONSOR’S insurance coverage shall be primary insurance with respect to all other available sources.
3. Coverage provided by the PROJECT SPONSOR shall not be limited to the liability assumed under the indemnification provisions of this Contract.

Notice of Cancellation: With the exception of (10) day notice of cancellation for nonpayment of premium, any changes material to compliance with this contract in the insurance policies above require thirty (30) days’ written notice to the State of Arizona. Such notice must be sent directly to Arizona State Park Board, State Procurement Office located at 1300 W. Washington, Phoenix, AZ 85007 via certified mail, return receipt requested. Acceptability of Insurers: Insurance is to be placed with duly licensed or approved non-admitted insurers in the state of Arizona with an “A.M. Best” rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the PROJECT SPONSOR from potential insurer insolvency.

Verification of Coverage: PROJECT SPONSOR must furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project and any claims arising therefrom. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract. All certificates required by this Contract must be sent directly to Arizona State Park Board, State Procurement Office located at 1300 W. Washington, Phoenix, AZ 85007. The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time. DO NOT SEND CERTIFICATES OF INSURANCE TO THE STATE OF ARIZONA’S RISK MANAGEMENT DIVISION.

Sub-contractors: PROJECT SPONSOR's certificate(s) must include all subcontractors as insureds under its policies or PROJECT SPONSOR shall furnish to the State of Arizona separate certificates and endorsements for each subcontractor. All coverages for sub-contractors shall be subject to the minimum requirements identified above.

Approval: Any modification or variation from the insurance requirements in this Contract must be made by the contracting agency in consultation with the Department of Administration, Risk Management Division. Such action will not require a formal Contract amendment, but may be made by administrative action.

Acceptance of all terms and conditions of this Agreement and its attachments is acknowledged by the signature on the cover sheet of this Agreement by an authorized agent of the PROJECT SPONSOR.

December 9, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Sharon Flissar, P.E., Director of Public Works

FROM: Chanel Kirkpatrick, External Services Manager

SUBJECT: Request for Agenda Item Placement, Resolution
2021-091 Approval of the Public Transportation
Agency Safety Plan (PTASP)

Recommendation:

The City Manager recommends approval.
The External Services Manager for Vista Transit recommends approval.
The SVMPO Director recommends approval.

Initiated by:

Karen L. Lamberton, SVMPO Director

Background:

In July 2018, pursuant to CFR Part §673.11, the Federal Transit Administration published the Public Transportation Agency Safety Plan (PTASP) Final Rule. This rule requires certain operators of public transportation systems that receive federal transit funds to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). The City has been, and continues to, receive funds under the Federal transit aid and grant programs.

The initial PTASP was developed jointly with all other Arizona rural 5307 transit services by the Arizona Department of Transportation per CFR Part §673(d). This first PTASP was approved by the City Council on December 14, 2021. To remain compliant, the PTASP must be updated and certified by the transit agency's Board of Directors or Equivalent Authority annually per Part §673(a)(1). This first PTASP Update is required to be submitted to the Federal Transit Administration by December 31, 2021.

The 2021 PTASP Update was prepared by the City of Sierra Vista/Vista Transit in partnership with the Sierra Vista Metropolitan Planning Organization. The Final Draft PTSAP Update, pending approval of the City Council, is attached to Resolution 2021-089 for City Council's approval.

The plan includes, among other provisions, that transit operators certify they have a safety plan, which includes safety performance targets and meets all the applicable requirements and standards as set forth in the Federal Transit Administration's Public Transportation Safety Program and the National Public Transportation Safety Plan.

BUDGET APPROPRIATION:

Not applicable

RESOLUTION 2021-091

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA APPROVING THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN (PTASP) UPDATE PREPARED BY THE SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION ON BEHALF OF THE CITY OF SIERRA VISTA PER THE FEDERAL TRANSIT ADMINISTRATION'S REGULATION 49 CFR PART 673; 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, pursuant to 49 US Code 5329 Part §673, the Federal Transit Administration requires public transportation providers for rural 5307 transit services receiving Federal transit funds to develop and submit a Public Transportation Agency Safety Plan (PTASP); and,

WHEREAS, the City of Sierra Vista, Vista Transit system, a 5307 transit service, receives, and continues to seek, federal transit funding annually through Federal aid and grant programs; and

WHEREAS, the City of Sierra Vista/Vista Transit in partnership with the Arizona Department of Transportation had, pursuant to §673.11(d), participated in the preparation of an Arizona joint rural transit services PTASP which was approved by the Sierra Vista City Council on December 14, 2020; and,

WHEREAS, the City of Sierra Vista/Vista Transit in partnership with the Sierra Vista Metropolitan Planning Organization has, pursuant to §673.11(d), prepared a PTASP update, required under the Federal regulations to be completed annually; and

WHEREAS, approval and submission of the attached PTASP Update is required to establish compliance and continuation of the Federal aid and grant funding.

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

SECTION 1

The Vista Transit Public Transportation Agency Safety Plan attached hereto is approved.

SECTION 2

That the City Manager or designee is authorized to execute and submit the Public Transportation Agency Safety Plan Update to the Arizona Department of Transportation Transit Group Manager and Federal Transit Administration.

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 9th DAY OF DECEMBER 2021.

FREDERICK W. MUELLER
MAYOR

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
CITY CLERK

NATHAN J. WILLIAMS
CITY ATTORNEY

PREPARED BY:
KAREN L. LAMBERTON, AICP
SVMPO DIRECTOR



Sierra Vista Metropolitan Planning Organization Memorandum

To: Mayor Mueller, Mayor Pro Tem Gray and City of Sierra Vista City Council Members
From: Karen L. Lamberton, AICP, SVMPO Director
Date: December 7, 2021
Subject: Sierra Vista Transit 2021 Public Transportation Agency Safety Plan Update

This pending action item is related to the mandated 2021 Update to the Public Transportation (Transit) Agency Safety Plan.

The SVMPO Director and Consultant Study Team staff will brief the members of City Council on the Safety Plan effort completed on behalf of City of Sierra Vista/Vista Transit required by the Federal Transit Administration for federal transit funding. A consulting firm, Michael-Baker, was contracted by the SVMPO to assist with the development of this 2021 Safety Plan Update. Both the SVMPO and the consultant team have coordinated closely with the City of Sierra Vista/Vista Transit staff to complete this update.

The Safety Plan Update was undertaken, in partnership with the SVMPO, immediately after adoption of the Short-Range Transit Plan. This Safety Plan is a new requirement for all 5307 transit agencies. The first year this requirement was due was last year: 2020. The Arizona Dept. of Transportation volunteered to work with the rural 5307 transit agencies to complete a combined initial Safety Plan to meet that requirement. The 2020 Safety Plan was completed in September of 2020 and accepted by the City of Sierra Vista for Vista Transit on December 14, 2020.

The 2020 Safety Plan identified nine deficiencies for the Vista Transit agency to meet the four primary components required under 49 US Code 5329, Public Transportation Safety Program and the current implementation rules under 49 CFR Part §673,21-25 which included:

- Safety Management Policies
- Safety Risk Management
- Safety Assurances
- Safety Promotion

It was not expected by the Federal Transit Administration or ADOT's Transit Dept. that all rural 5307 transit systems would be compliant with all required elements immediately. None of Arizona's rural transit agencies met all the requirements and the City Council members are advised that these deficiencies are only a reflection of action items to work towards and not a reflection of any failure on the part of Vista Transit to have met all these new reporting, policy and procedures that were

part of new regulatory requirements. Vista Transit is also a fairly new 5307 transit service (previously a 5311 service until October of 2014) so as a rural transit agency they are still working to fully develop compliant processes for this type of a rural transit agency operating within a small, urbanized area.

The nine specific deficiencies that the updated Vista Transit Public Transportation (Transit) Agency Safety Plan 2021 Update addressed were:

- 1) **PTASP Requirement 7:** Updated the existing City of Sierra Vista adopted Public Works Directive PW-2007-02, Emergency Evacuation Plan, to ensure references or procedures identify the roles and responsibilities of Vista Transit employees, and any additional roles and responsibilities for Vista Transit for administering emergency management functions required to satisfy the PTASP Requirement 7.
- 2) **PTASP Requirement 8:** Validated existing document retention policies describing the process for preserving documents related to the implementation of Safety Management Systems and the PTASP. Ensured document retention policies included guidance on timeframes for retaining and archiving documents as well as provisions for making documents available to federal entities such as the Federal Transit Administration.
- 3) **PTASP Element 6:** Guided and facilitated the improvement of the existing Emergency, Accident and Incident Procedures in the Vista Transit Driver's Handbook to ensure the supporting documentation provided adequate clarification on safety event notification, investigation and reporting process for PTASP compliance.
- 4) **PTASP Element 11:** Identifies need to update documentation of procedures that identify passenger and employee safety protocols and associated monitoring activities. Provides guidance on the development of potentially new or updated procedures required to comply with the PTASP safety assurance rules. The existing Safety and Emergency Programs document was developed under the old 5311 transit system and is identified for the City of Sierra Vista/Vista Transit to update and adopt procedures for the existing 5307 transit system.
- 5) **PTASP Element 12:** Ensured all proper documentation on the maintenance planning, inspections and audit process in Vista Transit's approach to implementing a regular cycle of inspections and maintenance for transit facilities, and safety-related equipment and systems are included in the PTASP update. Developed a list of exactly which items are subject to inspection and maintenance, along with the required timelines and reporting procedures.
- 6) **PTASP Element 13:** Confirmed existing processes and procedures, or any newly developed processes or procedures, coordinated that procurement documentation had been reviewed and subject to comment by designated safety representatives. Validated processes and procedures reflect the most current safety principles and requirements.
- 7) **PTASP Element 14:** Identifies need to update the existing Vista Transit Employee Handbook to include the materials within the 2020 Public Works Employee Manual. This future update would ensure the Vista Transit Driver's Handbook addressed the requirements for the maintenance of training documents and continue to verify compliance and effectiveness of transit training programs to ensure compliance with the PTASP Element 14.
- 8) **PTASP Element 16:** Evaluated existing processes and procedures, or any newly developed processes or procedures for communicating safety and safety performance information throughout the City of Sierra Vista: Vista Transit and confirmed that they incorporate

applicable local, state, and federal safety requirements, including: safety requirements that employees must follow when working on, or in close proximity to, transit agency property and, processes for ensuring the employees know and follow the requirements. The safety processes and procedures included information on hazards and safety risks relevant to employees' roles and responsibilities and informed employees of safety actions to be taken in response to reports submitted through an employee safety reporting program.

- 9) **PTASP Element 17:** Ensured existing City of Sierra Vista/Vista Transit Hazardous Materials Program(s) were compliant with PTASP Element 17 by validating or drafting policies or procedures that described the hazardous materials, safety risks relevant to employees' roles and responsibilities, and informed employees of safety actions to be taken in response to reports submitted through an employee safety reporting program, as is set out in the City's Public Works Dept. Hazardous Materials policies and documents.

These updates are due annually until all required elements are compliant and then a certification can be sent to ADOT stating that no changes or updates are needed. However, in most years, updates will be useful to keep Vista Transit policies, processes and procedures current. It is anticipated that the 2022 PTSAP update will include the completion of work tasks to provide 2022 performance targets (Element 3); Updated Passenger and Employee Safety procedures (Element 11) and Updated Vista Transit Handbook (Element 14).

These annual updates require approvals from the transit agency authorized representatives, in this case the City of Sierra Vista City Manager, the identified Safety Officer and the Sierra Vista City Council, who oversees the Vista Transit agency.

This certification of acceptance and approval of this 2021 Vista Transit Public Transportation (Transit) Agency Safety Plan provides Vista Transit with compliance with this FTA requirement in order to continue to receive rural 5307 transit agency funding.

This first Vista Transit specific Safety Plan is due by the end of this calendar year (December 2021). It is recommended that the 2022 update be undertaken by the City of Sierra Vista/Vista Transit in late Spring of next year to move adoption timeframes into early Fall to avoid the Nov/Dec holiday Council meeting schedule limitations.

Attachments: PTASP Presentation Handout
Pending preliminary draft PTASP Report

Action Requested: An action item to approve the Public Transportation (Transit) Agency Safety Plan will be brought to City Council on Thursday, December 9, 2021, with a request for City Council to formally accept the Public Transportation (Transit) Agency Safety Plan for transmittal to ADOT/FTA by end of this calendar year. **[Resolution 2021-086]**

The Work Session is an opportunity for City Council members will have an opportunity to ask questions about the presented materials and to discuss the Vista Transit Public Transportation (Transit) Agency Safety Plan with the consultant team.



Sierra Vista Metropolitan Planning Organization Memorandum

To: Mayor Mueller, Mayor Pro Tem Gray and City of Sierra Vista City Council Members
From: Karen L. Lamberton, AICP, SVMPO Director
Date: December 9, 2021
Subject: Vista Transit: Public Transportation (Transit) Agency Safety Plan 2021 Update

The Federal Transit Administration requires that all 5307 transit system have a Public Transportation (Transit) Agency Safety Plan that is compliant with the requirements of 49 US Code 5329 and implementation rules under 40 CFR Part §673.21-25 in order to remain eligible to receive and use Federal transit funding. The City of Sierra Vista/Vista Transit system is a 5307 transit service, receives and uses Federal transit funds, and is thus required to have an approved Safety Plan.

The Arizona Dept. of Transportation volunteered to work with the rural 5307 transit agencies to complete a combined initial Safety Plan to meet that requirement in 2020. This first Public Transportation Agency Safety Plan (PTASP) was approved by the City of Sierra Vista for Vista Transit on December 14, 2020. These PTASP's are required to be reviewed, updated and approved annually to remain compliant and eligible for continued Federal transit funding.

The 2021 Safety Plan Update addresses the four primary components of this required document:

- Safety Management Policies: Chapter 2
- Safety Risk Management: Chapter 3
- Safety Assurances: Chapter 4
- Safety Promotion: Chapter 5

The 2021 PTASP Update also addressed each of the nine specific elements identified in last year's plan. Updated policies or procedures have been developed and existing supporting documents for incorporation into future updates have been identified.

City Council members are advised that the Federal Transit Administration and the Arizona Dept. of Transportation's Transit Division did not expect that all rural transit agencies would immediately meet all of the PTASP requirements. Areas identified for improvement are not a reflection of the failure of Vista Transit to meet all reporting, policy and procedures but should be viewed as action items to work towards continual improvement towards full compliance on each of these regulatory safety components.

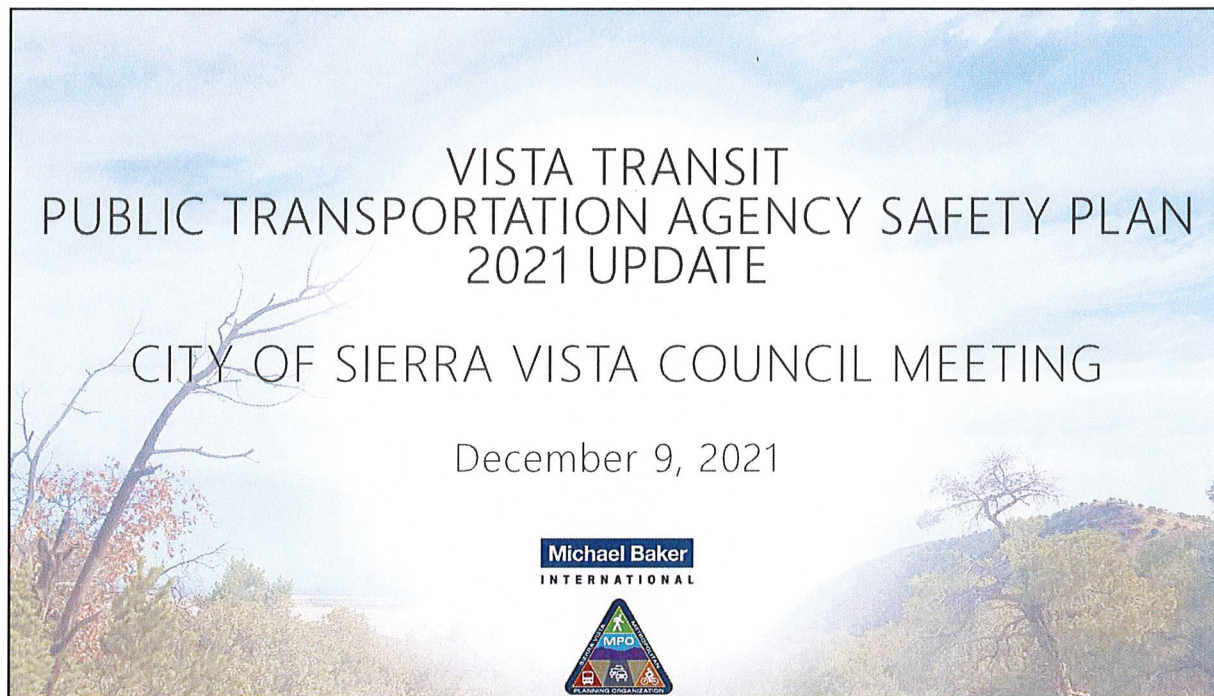
PTASP annual updates require approvals from the transit agency authorized representatives, in this case, the City of Sierra Vista City Manager, the identified Safety Officer, and the Sierra Vista City Council, who oversees the Vista Transit agency.

This certification of acceptance and approval of this 2021 Vista Transit Public Transportation (Transit) Agency Safety Plan provides Vista Transit with compliance with this Federal Transit Administration requirement in order to continue to receive, and use, Federal 5307 transit agency funding.

Attachments: PTASP Presentation Handout; Vista Transit Public Transportation (Transit) Agency Safety Plan 2021 Update; Resolution 2021-089

Action Requested: City Council is requested to formally move to approve the City of Sierra Vista/Vista Transit Public Transportation (Transit) Agency Safety Plan 2021 Update.

City Council is requested to pass and approve **Resolution 2021-086** to approve the Vista Transit Public Transportation (Transit) Agency Safety Plan 2021 Update; designate authority to execute and submit the PTASP document; authorize appropriate staff and agents to take any steps necessary to complete the purposes of this Resolution.



1

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN UPDATE

- Public Transportation (Transit) Agency Safety Plan (PTASP) are required of all 5307 transit agencies by the Federal Transit Administration and must be updated and submitted annually.
- The 2020 PTASP was developed in coordination with ADOT and other rural 5307 transit agencies and was adopted by Sierra Vista City Council on December 14, 2020.
- The 2020 combined rural 5307 Safety Plan identified nine specific elements in the Vista Transit system policies and processes that were required to be addressed in future Safety Plan updates.
- The Sierra Vista Metropolitan Planning Organization (SVMPO) partnered with the City of Sierra Vista/Vista Transit to complete this first 2021 PTASP update.
- This 2021 Update addresses the four required components and regulatory elements, with a specific focus on the areas that were identified in 2020 for updating to meet the compliance standards for a rural 5307 transit system.

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PUBLIC TRANSPORTATION AGENCY SAFETY PLAN UPDATE

The four components in this City of Sierra Vista/Vista Transit 2021 Public Transportation (Transit) Agency Safety Plan Update include:

- Safety Management Policy: Chapter 2
 - Safety Risk Management: Chapter 3
 - Safety Assurance: Chapter 4
 - Safety Promotion: Chapter 5
- *Appendices of all supporting documents will be included with the transmitted approved PTASP Update to Federal Transit Administration through ADOT's Transit Division.*

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COMPLETION OF AGENCY SAFETY PLAN UPDATE

In partnership with the Sierra Vista MPO, the consultant firm that completed the Short-Range Transit Plan (Michael-Baker), was contracted with to assist with the development of the 2021 Vista Transit Safety Plan Update:

- ✓ Created a specific Vista Transit Public Transportation (Transit) Agency Safety Plan that could be updated internally, or by a consultant firm, for future annual updates;
- ✓ Compiled all existing documents related to the safety operations and reporting available within the City for the Vista Transit agency;
- ✓ Satisfied or identified future action items for all compliance elements;
- ✓ Identified documents or procedures to update for the next annual update;
- ✓ Created, where needed, reporting forms for future compliance reporting.

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ADOPTION OF AGENCY SAFETY PLAN UPDATE

After review and consideration of the presented 2021 Safety Plan Update for City Council acceptance, this mandated document will be finalized with the signature page and formatted for submittal to ADOT and FTA by the end of December 2021 .



Presentation for approval of the Vista Transit Public Transportation (Transit) Agency Safety Plan Update at Sierra Vista City Council Meeting of December 9, 2021.

Recommend City Council acceptance of presented PTASP 2021 Update.

Resolution #2021-089

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QUESTIONS & REQUEST FOR MOTION FOR APPROVAL

www.svmpto.org/transportation-planning/short-range-transit-plan-update/

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