

SHOW LOW CITY COUNCIL
REGULAR MEETING - TUESDAY, SEPTEMBER 17, 2024

PURSUANT to A.R.S. Section 38-431.02, notice is hereby given to the Show Low City Council and to the general public, that a **Regular Meeting** of the Show Low City Council will be held on Tuesday, September 17, 2024, at 7:00 PM in the City Council Chambers, 181 North 9th Street, Show Low, Navajo County, Arizona. The agenda for this meeting is as follows:

1. Call to Order.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.
5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

6. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming September 17 through 23, 2024 as **CONSTITUTION WEEK** in the City of Show Low (Rachael Hall)
- B. Consideration of Resolution No. R2024-27 Rescinding Resolution No. R2022-04 and Adopting Revised Title VI Policy Statement and Implementation Plan Regarding Non-Discrimination in City Programs and Activities (Lisa Robertson)
- C. Consideration of Minutes of Show Low City Council meetings:
 1. Regular Meeting of September 3, 2024

7. **NEW BUSINESS:**

- A. Consideration of Award of Contract for Carpet and Tile Cleaning Services for City Buildings, City of Show Low Project No. FM-5924 (Rick Austin)
- B. Consideration of Approval of Agreement for Air Services with Corporate Flight Management, Inc. D/B/A Contour Airlines, and Authorize Associated Budget Transfers (Jacob Allen)

- C. Consideration of Approval of Commercial Airport Lease and Operating Agreement with Corporate Flight Management, Inc. D/B/A Contour Airlines at Show Low Regional Airport (Jacob Allen)

8. **SUMMARY OF CURRENT EVENTS:**

- A. Council Members
- B. Mayor
- C. City Manager

9. **SCHEDULE OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

10. **EXECUTIVE SESSION:**

- A. Confidentiality Statement.
- B. City Council may hold an executive session pursuant to A.R.S. § 38-431.03(A)(3), (4) & (6), discussion or consultation with the attorney or attorneys of the public body for legal advice; to consider its position and instruct its attorneys regarding contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation; or negotiations with members of a tribal council.

(1) Discussion regarding the Tyco and BASF water settlements

11. **POST EXECUTIVE SESSION:**

- A. Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

12. **ADJOURNMENT:**

SCHEDULED MEETINGS/EVENTS:

DATE	TIME	EVENT NAME
09/17/2024	7:00 P.M.	CITY COUNCIL - REGULAR MEETING
09/24/2024	7:00 P.M.	P&Z COMMISSION - REGULAR MEETING

NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Show Low makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Show Low City Council regular meetings are recorded and may be viewed on the City of Show Low's website. If you permit your child to attend/participate in a televised City Council meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

Pursuant to the Americans with Disabilities Act (ADA), the City Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need accommodation for a meeting, please call the City Clerk's office at (928) 532-4061 at least 48 hours prior to the meeting for accommodation.

Council Chambers will open at least fifteen minutes prior to the meeting to allow public access to the room. Council Chambers has a maximum occupancy of 139 people.

Rachael Hall, City Clerk

I, Rachael Hall, do hereby certify that the foregoing notice was posted on September 13, 2024.



Proclamation

*City of Show Low
Office of the Mayor and City Council*

WHEREAS, we the People, in order to form a more perfect Union, did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, it is important that all citizens fully understand the provisions, principles, and meaning of the Constitution so they can support, preserve, and defend it against encroachment; and

WHEREAS, we must always remember those who risked and sacrificed their lives to protect our freedoms and honor those who stand ready to take action every day to defend our nation, both here and abroad; and

WHEREAS, the 236th commemoration of the adoption of the U.S. Constitution on September 17, 1787, provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week to commemorate the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, the people of the City of Show Low, Navajo County, Arizona, do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it.

NOW, THEREFORE, I, John Leech, Jr., Mayor, on behalf of the Show Low City Council, do hereby join our state and nation and proclaim the week of **September 17 through 23, 2024**, as

♣ Constitution Week ♣

in the City of Show Low and invite every citizen and institution to join in the national commemoration.

Dated this **17th** day of **September, 2024**.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of Show Low.

John Leech, Jr.
Mayor

MTG DATE: 9/17/2024
ITEM: 6.B

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Consideration of Resolution No. R2024-27 Rescinding Resolution No. R2022-04 and Adopting Revised Title VI Policy Statement and Implementation Plan Regarding Non-Discrimination in City Programs and Activities (Lisa Robertson)

RECOMMENDATION

I **MOVE** to rescind Resolution No. R2022-04 and adopt Resolution No. R2024-27 the revised Title VI policy statement and implementation plan that supports the Federal Transit Administration Title VI statutes and regulations for non-discrimination in all City of Show Low programs and activities; authorize the Mayor to sign the policy statement; and authorize the City Manager or his designee to oversee and implement the program.

BACKGROUND

At the February 15, 2022 meeting, the City Council approved a Civil Rights Title VI policy statement and implementation plan required by the Federal Transit Authority (FTA) and the Arizona Department of Transportation (ADOT) as part of the 5311 application for public transit funds. Adopting the plan assures FTA and ADOT that the City will fully comply with the provisions contained in Title VI of the Civil Rights Act of 1964 to prevent discrimination to minority populations when delivering City programs and activities.

On August 27, 2024, ADOT notified City staff that FTA required an update to the 2022 Title VI Implementation Plan, to supersede the version the Council adopted in 2022. The revised 2024 Title VI plan updates the demographic census data for Language Spoken at Home by Ability to Speak English. ADOT's Civil Rights Department reviewed the updated Implementation Plan and deemed it meets the required regulatory criteria needed to award the ADOT transit contract to the City. Resolution No. 2024-27 will rescind the previous version and approve the updated plan.

ATTACHMENTS

1. Resolution No. R2024-27
2. ResR2024-27 Exhibit A - TITLE VI 2024 - FINAL

FISCAL IMPACT

N/A

CITY OF SHOW LOW RESOLUTION NO. R2024-27

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, RESCINDING RESOLUTION NO. R2022-04 AND ADOPTING A REVISED TITLE VI POLICY STATEMENT AND IMPLEMENTATION PLAN THAT SUPPORT THE FEDERAL TRANSIT ADMINISTRATION TITLE VI STATUTES AND REGULATIONS FOR NONDISCRIMINATION IN ALL CITY OF SHOW LOW PROGRAMS AND ACTIVITIES

RECITALS:

WHEREAS, the contract between the Arizona Department of Transportation and the City of Show Low (hereinafter known as “City”) for transit services was renewed and becomes effective October 1, 2024; and

WHEREAS, the contract provisions, as set forth by the Federal Transit Administration, mandate the City of Show Low rescind Resolution No. R2022-04, adopted on February 15, 2022, that approved a Title VI policy statement and implementation plan and adopt a revised Title VI policy statement and implementation plan to assure full compliance with Title VI of the Civil Rights Act of 1964 and other federal statutes; and

WHEREAS, the City of Show Low declares that every effort will be made to prevent discrimination to minority and low-income populations in delivering City programs and activities.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Show Low, Arizona rescind Resolution No. R2022-04 and adopt a revised Title VI policy statement and implementation plan, attached as Exhibit “A”, that supports the Federal Transit Administration Title VI statutes and regulations for non-discrimination in all City of Show Low programs and activities.

BE IT FURTHER RESOLVED to authorize the Mayor to sign the Title VI policy statement and authorize the City Manager or his designee to oversee and implement the program.

PASSED AND ADOPTED this 17th day of September, 2024, by the Mayor and Council of the City of Show Low, Arizona.

John Leech, Jr., Mayor

ATTEST:

Rachael Hall, City Clerk

APPROVED AS TO FORM:

Anna Atencio, City Attorney

EXHIBIT A

Title VI Plan



CITY OF SHOW LOW 2024

Title VI Contact: Lisa Robertson, Grants & Transit Manager

Title VI Contact Phone: 928-532-4097

Title VI Contact Email: lrobertson@showlowaz.gov

Address: 180 N. 9th Street, Show Low, AZ 85901

Web Address: showlowaz.gov

Para Información en Español: Jay Brimhall, Community Services Director

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Executive Summary

Show Low is located in Navajo County along the Mogollon Rim in east central Arizona. The city was established in 1870 and incorporated in 1953. The Four Seasons Connection (FSC) bus line began in 1996 with a 5311 rural public transportation agreement between the City of Show Low and the Arizona Department of Transportation. The FSC transit system is further supported by an intergovernmental agreement with the Town of Pinetop-Lakeside that provide 50% of the local match. The Four Seasons Connection continues to operate two daily routes (51 stops), Monday through Saturday, serving the public transportation needs for Show Low, Pinetop-Lakeside and the White Mountain Apache Tribal members. During its first year of operation, annual boardings totaled 2,600; in 2023, boardings totaled 60,360. The city continues to partner with a variety of community agencies to make public transit available to their clients with transportation needs, and with the Senior Bus Pass Program sponsored by the Area Agency on Aging, the transportation needs of seniors 60+ is met with this free bus pass program.

In 2009, the White Mountain Connection (WMC) regional commuter bus line was added, and intergovernmental agreements established with Navajo County, and the towns and colleges served by this service. WMC operates Monday through Friday, making 3 round trips that connect Show Low, Pinetop-Lakeside, Taylor, Snowflake, Navajo County Government offices, Northland Pioneer College-Painted Desert Campus, and the city of Holbrook. The WMC bus also connects with Greyhound Bus Lines in Holbrook thereby providing transportation outside the WMC service area for Southern Navajo County citizens. Annual WMC boardings in 2023 totaled 7,035.

The FSC and WMC transit lines deliver reliable public transportation to a broad service area in Southern Navajo County. The City and its transit partners actively strive to promote regional coordination and cost-sharing for a reliable and inexpensive transit service that provides connectivity beyond local boundaries. Our transit system provides an opportunity for all population groups within our community to have safe, dependable and affordable transportation access to major commercial, medical, government and recreation centers throughout our service area.

What type of program fund(s) did you apply for?

- ☐ 5310
- ☒ 5311
- ☐ Other (please explain) _____

Type of Funding Requests? (Check all that apply)

- ☐ Vehicle Funds
- ☒ Operating Funds
- ☒ Other (please explain) Administration and Capital Improvements

Is your agency receiving direct funds from FTA?

☐ If yes, please attach a copy of your FTA letter of approval of Title VI Plan.

☒ No

Non Discrimination Notice to the Public

Notifying the Public of Rights Under Title VI and ADA CITY OF SHOW LOW

CITY OF SHOW LOW operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the **CITY OF SHOW LOW**.

For more information on the **CITY OF SHOW LOW**'s civil rights program, and the procedures to file a complaint, contact **Lisa Robertson, Grants & Transit Manager, 928-532-4097; email lrobertson@showlowaz.gov**; or visit our administrative office at **180 N. 9th Street, Show Low, AZ 85901**. For more information, visit **showlowaz.gov**.

Complaints may be filed directly with the Arizona Department of Transportation (**ADOT**) **Civil Rights Office**. ATTN: Title VI Program Coordinator 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 or with the Federal Transit Administration (**FTA**). ATTN: Title VI Program Coordinator, 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, contact **928-532-4014**. *Para información en Español llame: **Jay Brimhall, Community Services Director**

Non Discrimination Notice to the Public - Spanish

Aviso Público Sobre los Derechos Bajo el Título VI Y ADA CITY OF SHOW LOW

CITY OF SHOW LOW (y sus subcontratistas, si cualquiera) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán proveídos sin consideración a su raza, color, país de origen, o discapacidad.

Para obtener más información sobre el programa de Derechos Civiles de **CITY OF SHOW LOW**, y los procedimientos para presentar una queja, contacte **Lisa Robertson, Grants & Transit Manager 928-532-4097**, o visite nuestra oficina administrativa en **180 N. 9th Street, Show Low, AZ 85901**. Para obtener más información, visite **showlowaz.gov**

Una queja puede ser presentada con la oficina de Derechos Civiles del Departamento de Transporte de Arizona (**ADOT**). Atención: Title VI Program Manager, 206 S. 17th Ave MD 155A Phoenix AZ, 85007 o con la Administración Federal de Transporte (**FTA**). Atención: Title VI Coordinator, 1200 New Jersey Ave., SE Washington DC 20590.

The above notices are posted in the following locations: **Show Low City Hall; Show Low Public Library; Show Low Aquatics Center; Show Low website @ showlowaz.gov; and all Public Transit Vehicles.**

This notice is posted online at **showlowaz.gov**

Non Discrimination ADA/Title VI Complaint Procedures

These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) as they relate to any program or activity that is administered by **CITY OF SHOW LOW** including consultants, contractors and vendors. Intimidation or retaliation as a result of a complaint is prohibited by law. In addition to these procedures, complainants reserve the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints at the lowest possible level.

- (1) Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
- (2) Formal complaints must be filed within **180** calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
- (3) Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.
- (4) Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.
- (5) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
- (6) Once submitted **CITY OF SHOW LOW** will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the **CITY OF SHOW LOW** or submitted to the State or Federal authority for guidance.

- (7) **CITY OF SHOW LOW** will notify the ADOT Civil Rights Office of ALL Discrimination complaints within 72 hours via telephone at 602-712-8946; or email at civilrightsoffice@azdot.gov.
- (8) **CITY OF SHOW LOW** has 5 business days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 5 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 5 business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
- (9) After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Discrimination violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.
- (10) A copy of either the closure letter or LOF must be also be submitted to ADOT within **72** hours of that decision. Letters may be submitted by hardcopy or email.
- (11) A complainant dissatisfied with **CITY OF SHOW LOW** decision may file a complaint with the Arizona Department of Transportation (**ADOT**) or the Federal Transit Administration (**FTA**) offices of Civil Rights: **ADOT**: ATTN ADA/Title VI Program Coordinator 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: Attention Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590
- (12) A copy of these procedures can be found online at: **showlowaz.gov**.

*If information is needed in another language, contact 928-532-4014. *Para información en Español llame:*
Jay Brimhall, Community Services Director

Discrimination ADA/Title VI Complaint Form

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	☐ Large Print	☐ Audio Tape
	☐ TDD	☐ Other
Section II:		
Are you filing this complaint on your own behalf?	☐ Yes*	☐ No
<i>*If you answered "yes" to this question, go to Section III.</i>		
If not, please supply the name and relationship of the person for whom you are complaining.		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	☐ Yes	☐ No
Section III:		
I believe the discrimination I experienced was based on (check all that apply):		
☐ Race	☐ Color	☐ National Origin ☐ Disability
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. _____ _____ _____		
Section VI:		
Have you previously filed a Discrimination Complaint with this agency?	☐ Yes	☐ No

If yes, please provide any reference information regarding your previous complaint.

Section V:

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency: _____

☐ Federal Court: _____ ☐ State Agency: _____

☐ State Court : _____ ☐ Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI:

Name of agency complaint is against: _____

Name of person complaint is against: _____

Title: _____

Location: _____

Telephone Number (if available): _____

You may attach any written materials or other information that you think is relevant to your complaint.

Your signature and date are **required** below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

CITY OF SHOW LOW

Lisa Robertson, Grants & Transit Manager

180 N. 9th Street, Show Low, AZ 85901

928-532-4097

lrobertson@showlowaz.gov

A copy of this form can be found online at **showlowaz.gov**

Discrimination ADA/Title VI Investigations, Complaints, and Lawsuits

If no investigations, lawsuits, or complaints were filed select the option below.

☒ **CITY OF SHOW LOW** has not had any ADA nor Title VI Discrimination complaints, investigations, or lawsuits in **2023-2024**.

Complainant	Date (Month, Day, Year)	Basis of Complaint (Race, Color, National Origin or Disability)	Summary of Allegation	Status	Action(s) Taken	Final Findings?
Investigations						
1)						
2)						
Lawsuits						
1)						
2)						
Complaints						
1)						
2)						

Public Participation Plan

CITY OF SHOW LOW is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys.

As an agency receiving federal financial assistance, **CITY OF SHOW LOW** made the following community outreach efforts and activities to engage minority and Limited English Proficient populations since the last Title VI Plan submittal to ADOT CRO.

- ☒ Added the Transportation Rider's Guide and the Title VI Implementation Plan on the city website which provides ridership information and other important city affairs in English and Spanish.
- ☒ Advertised public announcements through newspapers and social media.
- ☒ Posted the Nondiscrimination Public Notices to the following locations:
 - ☒ Within transportation vehicles
 - ☒ Lobby of Show Low City Hall
 - ☒ Show Low Public Library
 - ☒ Show Low Aquatic Recreational Center
- ☒ City Council conducts public meetings to discuss decision-making and planning processes on the 1st and 3rd Tuesday of each month.
- ☒ Updated Transit Rider's Guide and Schedule to be more user-friendly.
- ☒ List other: Transit Advisory Committee Meetings; Rider Satisfaction Surveys; Regional Transit Planning Meetings; Student Shadow Day; KIDS Rock Day; City Council Meetings.

CITY OF SHOW LOW will make the following community outreach efforts for the **upcoming year**:

- ☒ Advertise public meetings via local newspaper, city and town websites, and social media platforms.
- ☒ Post the Nondiscrimination Public Notices in the following locations:
 - ☒ Within transportation vehicles
 - ☒ Lobby of Show Low City Hall
 - ☒ City Aquatic Center
 - ☒ Show Low City Library
- ☒ Partner with other County municipalities and educational institutions to promote utilization of local public transit.
- ☒ Host quarterly public information meetings via the Transit Advisory Committee, and host public hearings, as appropriate.
- ☒ Utilize the Show Low Public Information Office to market transit activities, weather related schedule disruptions and announcements of Transit Advisory Council meetings.
- ☒ List other Rider Satisfaction Surveys; Regional Transit Planning Meetings; Student Shadow Day; KIDS Rock Day; City Council Meetings.

Limited English Proficiency Plan

CITY OF SHOW LOW has developed the following Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to **CITY OF SHOW LOW** services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training to staff, notification to LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining the **CITY OF SHOW LOW**'s extent of obligation to provide LEP services, the **CITY OF SHOW LOW** undertook a U.S. Department of Transportation four-factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in the **CITY OF SHOW LOW** service area who may be served or likely to encounter by **CITY OF SHOW LOW** program, activities, or services;

Service Area Demographic Chart

The following demographic information was obtained from the U.S. Census Bureau, American Fact Finder, LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER – 2022 – C16001 Estimates Detailed Tables

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER					
	Show Low	Pinetop	Taylor	Snowflake	Holbrook
Population (over 5 years)	10,949	3,980	3,631	5,716	4,611
Speak Only English	91%	88%	89%	93%	70%
Limited English Speaking	9%	12%	11%	7%	30%

Table: C16001 - 2022

	Holbrook city, Arizona	Pinetop- Lakeside town, Arizona	Show Low city, Arizona	Snowflake town, Arizona	Taylor town, Arizona
label	Estimate	Estimate	Estimate	Estimate	Estimate
Total:	4,611	3,980	10,949	5,716	3,631
Speak only English	3,208	3,492	9,966	5,307	3,247
Spanish:	567	319	824	330	291
Speak English "very well"	477	263	710	289	256
Speak English less than "very well"	90	56	114	41	35
French, Haitian, or Cajun:	0	0	25	0	0
Speak English "very well"	0	0	16	0	0
Speak English less than "very well"	0	0	9	0	0
German or other West Germanic languages:	38	27	14	0	0
Speak English "very well"	38	27	14	0	0
Speak English less than "very well"	0	0	0	0	0
Russian, Polish, or other Slavic languages:	6	107	11	0	0
Speak English "very well"	4	46	11	0	0
Speak English less than "very well"	2	61	0	0	0
Other Indo-European languages:	0	1	0	0	45
Speak English "very well"	0	0	0	0	45
Speak English less than "very well"	0	1	0	0	0
Chinese (incl. Mandarin, Cantonese):	30	0	0	0	0
Speak English "very well"	30	0	0	0	0
Tagalog (incl. Filipino):	0	0	82	0	0
Speak English "very well"	0	0	64	0	0
Speak English less than "very well"	0	0	18	0	0
Other and unspecified languages:	762	34	27	79	48
Speak English "very well"	590	34	7	58	48
Speak English less than "very well"	172	0	20	21	0

2) The frequency with which LEP individuals come in contact with **CITY OF SHOW LOW** services

The general public comes in contact with city staff on an infrequent basis. All residents and visitors are welcome to attend City Council and public meetings. To facilitate public participation, the City of Show Low now provides all citizen information on the city website in both English and Spanish. City website: www.showlowaz.gov

- 3) The nature and importance of the program, activities or services provided by the **CITY OF SHOW LOW** to the LEP population. Public transit and transportation planning are vital to a community and directly affect the lives of those living in the service area. Bus schedules and rider information are posted on the city website and are easily translated into Spanish using the translation feature provided. The city website provides regular updates on community projects and events of interest to citizens and visitors, alike.
- 4) The resources available to **CITY OF SHOW LOW** and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

The City of Show Low offers competent, individualized bilingual services free of charge to the general public during normal business hours. The City of Show Low website provides Title VI information to the general public in both English and Spanish that includes Notice to the Public, Title VI Complaint Procedures and Complaint Form.

CITY OF SHOW LOW will make every effort to provide vital information to LEP individuals in the language requested.

Safe Harbor Provision for written translations

CITY OF SHOW LOW complies with the Safe Harbor Provision, as evidenced by the number of documents available in the Spanish language. With respect to Title VI information, the following shall be made available in Spanish:

- (1) Non Discrimination Notice
- (2) Discrimination Complaint Procedures
- (3) Discrimination Complaint Form

In addition, we will conduct our marketing (including using translated materials) in a manner that best reaches area LEP individuals. Outreach includes the following:

- (1) Notices of free language assistance for persons with LEP
- (2) Notice of Non-Discrimination and Reasonable Accommodation
- (3) Outreach Materials
- (4) Bus Schedules
- (5) Route Changes
- (6) Public Hearings

1) **CITY OF SHOW LOW** provides language assistance services through the below methods:

- ☒ The city offers bilingual staff at City Hall to assist LEP callers and visitors with questions or assistance. Due to the volume of visitors to City Hall, customer service staff and other **CITY OF SHOW LOW** staff who regularly take phone calls from the general public are knowledgeable on how to respond to an LEP caller or visitor.
- ☒ Instructions are provided to vehicle operators, station managers, and others who regularly interact with the public on how to respond to an LEP customer.
- ☒ Bilingual versions of the following documents are available to LEP persons:
 - ☒ The transit Rider's Guide

☒ A wide range of forms, zoning ordinances, permits and other community information and events are available in English and Spanish on the city's website at, www.showlowaz.gov.

2) **CITY OF SHOW LOW** has a process to ensure the competency of interpreters and translation service through the following methods:

CITY OF SHOW LOW will ask the interpreter or translator to demonstrate that he or she can communicate or translate information accurately in both English and Spanish. **CITY OF SHOW LOW** will instruct the interpreter or translator that he or she should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator. **CITY OF SHOW LOW** will ask the interpreter or translator to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services.

3) **CITY OF SHOW LOW** provides notice to LEP persons about the availability of language assistance through the following methods:

- ☒ Posting signs in intake areas and other points of entry
- ☒ Statements in outreach documents that language services are available on the city website.
- ☒ Working with community-based organizations and other stakeholders to inform LEP individuals of the Recipients' services, including the availability of language assistance services
- ☒ Announcements at community meetings
- ☒ Signs and handouts available in vehicles and at stations
- ☒ Agency websites

4) **CITY OF SHOW LOW** monitors, evaluates and updates the LEP plan through the following process:

CITY OF SHOW LOW will monitor the LEP plan by conducting an informal, annual Four-Factor analysis, establishing a process to obtain feedback from internal staff and members of the public and conducting internal evaluations to determine whether the language assistance measures are working for staff. **CITY OF SHOW LOW** will make changes to the language assistance plan based on ADOT and Civil Rights recommendations and mandates. **CITY OF SHOW LOW** may take into account the cost of proposed changes and available resources. Depending on the aforementioned evaluation, **CITY OF SHOW LOW** may choose to disseminate more widely those language assistance measures that are particularly effective or modify or eliminate those measures that have not been effective. **CITY OF SHOW LOW** will consider new language assistance needs when expanding transit service into areas with high concentrations of LEP persons and will consider modifying the implementation plan to provide language assistance measures to areas not previously served by the agency.

5) **CITY OF SHOW LOW** makes city staff aware of their obligations to provide meaningful access to information and services for LEP persons. **CITY OF SHOW LOW** will implement processes for training of staff through the following procedures:

CITY OF SHOW LOW staff in all city departments come into contact with LEP persons as well as management staff that have frequent contact with LEP persons. Staff assist LEP persons in locating the information they need on the city website or referring them to a bilingual staff member for assistance.

CITY OF SHOW LOW has implemented mandatory Title VI training through the Vector Training Modules for all city staff. **CITY OF SHOW LOW** will include this training as part of the orientation for new employees and existing employees, especially managers and those who work with the public, and may periodically require re-training to keep up-to-date on their responsibilities under the Title VI Implementation Plan.

CITY OF SHOW LOW staff training includes:

- A summary of the **CITY OF SHOW LOW** responsibilities under the Civil Rights Act;
- Strategies for compliance with non-discriminatory practices;
- An overview of Title VI legislation, coordination and enforcement guidelines;
- Non-Discrimination Notice, Procedures and Form in both English and Spanish available on the Show Low website.

Non-elected Committees Membership Table

Subrecipients who select the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

☒ **CITY OF SHOW LOW** does not select the membership of any transit-related committees, planning boards, or advisory councils.

BODY	CAUCASIAN	HISPANIC	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN	TWO OR MORE
Transit Advisory Committee	14	1	0	0	0	0

Subrecipients who select the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

Efforts to Encourage Minority Participation

To encourage participation on its board, committees, and councils, the City of Show Low will make every effort to encourage minority participation on the boards. Efforts shall include:

- Social Media
- City of Show Low website
- Public Announcements in local newspaper

Monitoring for Subrecipient Title VI Compliance

Describe how you monitor your subrecipients. This can be through site visits, submissions of Title VI Plans annually, or training and surveys.

☒ **CITY OF SHOW LOW** does not have subrecipients and thus does not monitor subrecipients for Title VI compliance.

Title VI Equity Analysis

A subrecipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. “Facilities” in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the subrecipient organization receives any FTA dollars, it must comply with this requirement.

☒ **CITY OF SHOW LOW** has no current or anticipated plans to develop new transit facilities covered by these requirements.

Fixed Route Transit Provider Analysis

Fixed Route: Public transit service (other than by aircraft) provided on a repetitive, fixed-schedule basis along a specific route, with vehicles stopping to pick up passengers.

A subrecipient providing fixed route service, as defined above, must determine the distribution of transit amenities or the vehicle assignments for each mode in a non-discriminatory manner. The subrecipient must develop policies to ensure service is not distributed on the basis of race, color, or national origin.

Effective practices to fulfill the Service Standards requirements include developing written policies covering each of the following service indicators: (can be expressed in writing or in table format – see Circular Appendix G & H pp. 87-91)

1) **Vehicle Load for Each Mode**

The Four Seasons Connection (FSC) bus line operates on a repetitive, fixed-schedule basis along a defined route in Pinetop-Lakeside and Show Low. Buses operating the Four Seasons Connection have a maximum passenger capacity of 22 with capacity for two wheelchairs.

2) **Vehicle Headway for Each Mode**

Headway for FSC is 60 minutes with deviation services offered to the general public up to a 3/4 mile from the fixed route.

3) **On Time Performance for Each Mode**

The Four Seasons Connection bus maintains an on-time pull out performance rate of 100% and buses consistently operate on-time throughout the day during normal road conditions. At an elevation of 6300 feet, snow and ice conditions in the White Mountains are prevalent during winter months and delays do occur at this time of year; however, the safety of our passengers and drivers is never compromised. FSC defines “on-time” route performance as 0-10 minutes to allow sufficient time for bus drivers to safely facilitate wheelchair boarding’s.

4) **Service Availability for Each Mode:**

The FSC bus operates Monday through Saturday from 6:30 AM to 6:30 PM. The last pickup is 5:30 PM. Buses do not run on Thanksgiving Day, Christmas Day and New Year’s Day. FSC offers deviation services to the general public within ¾ miles of the designated route if road conditions and accessibility are not a safety hazard.

The White Mountain Connection commuter bus (WMC) operates Monday through Friday from 6:30 AM to 6:30 PM. The bus does not run on Thanksgiving Day, Christmas Day and New Year’s Day. The WMC makes 3 round trips per day from Pinetop to Holbrook, connecting with the FSC buses at the transfer station in Show Low before each trip to Holbrook.

5) **Transit amenities for each mode**

Shelters are provided at all stops, where permitted. Some Four Seasons Connection bus stops are located on private property and require owner consent and/or recorded easement for the construction of a covered shelter. All shelters are wheelchair accessible and include waste receptacles, route schedules and bus stop signage.

6) Vehicle assignments for each mode

The Four Seasons Connection operates two buses, Monday through Saturday. With a total fleet of 4 buses, vehicles are alternated throughout the week to maximize their useful life. Buses are serviced and inspected every 5,000 miles to ensure their safety, longevity and reliability.

Board Approval for the Title VI Plan

***(INSERT A COPY OF THE BOARD MEETING MINUTES AFTER
CONDITIONAL CRO APPROVAL. BOARD MINUTES MUST BE FOR THE
YEAR OF THE GRANT APPLICATION CYCLE)**

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, SEPTEMBER 3, 2024, AT 7:00 PM IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. Call to Order.

Mayor Leech called the meeting to order at 7:00 p.m.

2. Roll Call.

COUNCIL MEMBERS PRESENT: Mayor Leech, Vice Mayor Kakavas, Councilman Adams, Councilman Judd, and Councilman Whipple.

COUNCIL MEMBERS ABSENT: Councilman Clark and Councilman Hatch.

STAFF MEMBERS PRESENT: F. Morgan Brown, City Manager; Anna Atencio, City Attorney; Justin Johnson, Deputy City Manager; Jeff McNeil, Police Commander; Bill Kopp, Public Works Director; Shane Hemesath, City Engineer; and Rachael Hall, City Clerk.

GUESTS: Brian Shintaku, Mina Henning, and others.

3. Invocation.

Councilman Adams gave the invocation.

4. Pledge of Allegiance.

Councilman Judd led the Council and audience in the pledge of allegiance.

5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

Brian Shintaku, 1440 North 40th Drive, discussed issues regarding drainage and flooding at his property. Mr. Brown said staff was aware of the issue.

6. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming September 2024 as **NATIONAL PREPAREDNESS MONTH** in the City of Show Low (Rachael Hall)

- B. Proclamation by the Mayor Proclaiming September 11, 2024 as **NATIONAL 9/11 PATRIOT DAY, A DAY OF SERVICE AND REMEMBRANCE** in the City of Show Low (Rachael Hall)
- C. Proclamation by the Mayor Proclaiming September 11-14, 2024 as **NAVAJO COUNTY FAIR WEEK** in the City of Show Low (Rachael Hall)
- D. Consideration of Appointment of Director to Show Low Industrial Development Authority (Morgan Brown)
- E. Consideration of Acceptance of 12-Inch Slipline Installation, City of Show Low Project No. FM-6824 (Bill Kopp)
- F. Consideration of Acceptance of Construction of City Campus Restroom, City of Show Low Project No. FM-6224 (Bill Kopp)
- G. Consideration of Minutes of Show Low City Council meetings:
 - 1. Regular Meeting of August 20, 2024

COUNCILMAN ADAMS MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY VICE MAYOR KAKAVAS; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

Ms. Hall read the Navajo County Fair Week Proclamation aloud.

7. **NEW BUSINESS:**

- A. Consideration of Award of Construction Contract for Cemetery Expansion 2024, City of Show Low Project No. FM-1325 (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2024 Capital Improvements Plan budget included \$100,000.00 for an improvement project labeled "Cemetery Expansion." The scope of work included clearing approximately 0.70 acres of property in the City's Cemetery, installation of an irrigation system, placement of topsoil and the installation of approximately 32,000 square feet of grass sod. The sod was purchased in a separate transaction directly by the City at a cost of \$26,863.20 to save costs on the project.

Mr. Hemesath said the City's engineering staff designed the project with a construction estimate of \$48,000.00. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Tim's Landscape Creations LLC	\$48,166.46
It's Magic Inc.	\$59,561.25

Mr. Hemesath said staff recommended awarding the construction contract for

the Cemetery Expansion 2024, City of Show Low Project Number FM-1325 to Tim's Landscape Creations LLC in an amount not to exceed \$48,166.46.

COUNCILMAN ADAMS MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE CEMETERY EXPANSION 2024, CITY OF SHOW LOW PROJECT NUMBER FM-1325 TO TIM'S LANDSCAPE CREATIONS LLC IN AN AMOUNT NOT TO EXCEED \$48,166.46; SECONDED BY COUNCILMAN WHIPPLE; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- B. Consideration of Award of Construction Contract for East Mills Parking Lot Landscaping Project, City of Show Low Project No. FM-1225 and Authorization of Associated Budget Transfers (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2024 Capital Improvements Plan budget included \$25,000.00 for an improvement project labeled "Landscaping for Mills Parking." The scope of work included clearing approximately 0.25 acres of property at the parking lot located at East Mills and East Owens, installation of an irrigation system, placement of decorative rock, installation of small bushes and 13 trees, placement of topsoil and the installation of approximately 3,000 square feet of grass sod. The landscape design was intended to match the recently placed landscaping for the City Campus along East McNeil.

Mr. Hemesath said the City's engineering staff designed the project with a construction estimate of \$47,000.00. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Tim's Landscape Creations LLC	\$42,188.36
It's Magic Inc.	\$57,520.00

Mr. Hemesath said project savings from the construction phase of the parking lot would be used to cover the overage above the budgeted funding.

Mr. Hemesath said staff recommended awarding the construction contract for the East Mills Parking Lot Landscaping, City of Show Low Project Number FM-1225 to Tim's Landscape Creations LLC in an amount not to exceed \$42,188.36 and authorizing the associated budget transfers.

VICE MAYOR KAKAVAS MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE EAST MILLS PARKING LOT LANDSCAPING, CITY OF SHOW LOW PROJECT NUMBER FM-1225 TO TIM'S LANDSCAPE CREATIONS LLC IN AN AMOUNT NOT TO EXCEED \$42,188.36 AND AUTHORIZE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN JUDD; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- C. Consideration of Award of Construction Contract for Old Linden Road Reconstruction, City of Show Low Project Number R-0825 and Authorization of Associated Budget Transfers (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2024 Capital Improvements Plan budget included \$443,000.00 for a roadway improvement project labeled "Old Linden Road from DOC to Central." The scope of work included the reconstruction of 2,800 linear feet of roadway, including portions of Old Linden Road between North Central Avenue and the Deuce of Clubs. The intersection of Old Linden Roadway and Central Avenue would also be reconstructed. The work included the removal of approximately 8,700 square yards of existing asphalt roadway, subgrade preparation and compaction, reshaping the roadway grade, installing new four-inch asphalt pavement overlay, re-establishing roadway markings, and adjusting water valves and manholes.

Mr. Hemesath said the City's engineering staff designed the project with a construction estimate of \$525,000.00. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
W.W. Clyde and Co.	\$518,505.00
Western Grade LLC	\$595,623.35
Sundland Asphalt and Construction	\$652,701.00
Surface Contracting Inc.	\$668,090.00
Gunner Contracting LLC	\$717,029.00
Perkins Cinders Inc.	\$830,511.54

Mr. Hemesath said project savings from the Streets Improvement Budget would be utilized to make up the difference between the budgeted amount and the low bid.

Mr. Hemesath said staff recommended awarding the construction contract for the Old Linden Road Reconstruction, City of Show Low Project No. R-0825, to W. W. Clyde and Co. in an amount not to exceed \$518,505.00 and authorizing the associated budget transfers.

Mr. Hemesath said W.W. Clyde and Co. had just acquired Hatch Construction.

Mayor Leech asked if the project would be completed by the end of the year. Mr. Hemesath said yes, staff would like the project to be completed by the end of the year and would express that to the contractor.

COUNCILMAN JUDD MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE OLD LINDEN ROAD RECONSTRUCTION, CITY OF SHOW LOW PROJECT NO. R-0825 TO W. W. CLYDE AND CO. IN AN AMOUNT NOT TO EXCEED \$518,505.00 AND AUTHORIZE THE

ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- D. Consideration of Award of Construction Contract for Savage Sewer Replacement Phase 1, City of Show Low Project No. S-2624 (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2024 Capital Improvements Plan budget included \$1,500,000.00 for a sewer improvement project labeled "Savage Sewer Replacement Phase 1." The scope of work included the removal of an existing sewer main and the installation of approximately 2,500 linear feet of new 18-inch SDR-35 PVC sewer main. The project also included the installation of nine polymer sewer manholes, sewer services, and the replacement of asphalt and concrete removed to perform the work.

Mr. Hemesath said Ironside Engineering designed the project with a construction estimate of \$1,050,000.00. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Apache Underground & Excavating LLC	\$ 924,036.00
Central Arizona Civil Construction Co.	\$ 999,575.00
Western Grade LLC	\$1,230,612.00
Ted Walker Construction LLC	\$1,660,865.00

Mr. Hemesath said this project was partially funded by a Congressional Direct Spending grant obtained by the City. The grant award was for up to \$800,000.00, requiring a 20% match. Due to a low bid of approximately \$925,000.00, the City's required match was \$185,000.00, only utilizing \$740,000.00 of the grant award. With the Federal Project Manager's approval, the City may expand the scope of work during construction to expend the remaining grant award funding estimated at \$60,000.00, requiring a City match of \$12,000.00. That scope would be awarded as a change order.

Mr. Hemesath said staff recommended awarding the construction contract for the Sewer Replacement Phase 1, City of Show Low Project No. S-2624, to Apache Underground & Excavating LLC. in an amount not to exceed \$924,036.00.

Councilman Adams asked how old the sewer lines were. Mr. Hemesath said the sewer lines were over 40 years old.

COUNCILMAN WHIPPLE MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE SAVAGE SEWER REPLACEMENT PHASE 1, CITY OF SHOW LOW PROJECT NO. S-2624, TO APACHE UNDERGROUND &

EXCAVATING LLC. IN AN AMOUNT NOT TO EXCEED \$924,036.00; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- E. Consideration of Award of Contract for City Landscape Maintenance, City of Show Low Project No. FM-1825 (Bill Kopp)

Mr. Kopp said the City employed a contractor to provide maintenance of lawns and landscaping at 21 city facilities. The current contract was due to expire at the end of September 2024. The previous contract began in 2020 with a term of two years with two one-year extensions. The new contract term would be for three years with two one-year extensions. The contract also had provisions for cost increases based on the published Construction Cost Index.

Mr. Kopp said the project was publicly bid according to statutory requirements and a single bid was received.

<u>Contractor</u>	<u>Total Bid</u>
Tim's Landscape Creations, LLC	\$73,161.00

Mr. Kopp said staff felt that the bid amount was a fair price from a local and reputable contractor. In fiscal year 2024, the charges for these services were just under \$75,000.00 and additional areas were also added to this year's bid.

Mr. Kopp said staff recommended awarding the contract for City Landscape Maintenance, City of Show Low Project No. FM-1825, to Tim's Landscape Creations, LLC, in an amount not to exceed \$73,161.00 for year one with Construction Cost Index adjustments in subsequent years.

VICE MAYOR KAKAVAS MOVED TO AWARD THE CONTRACT FOR CITY LANDSCAPE MAINTENANCE, CITY OF SHOW LOW PROJECT NO. FM-1825, TO TIM'S LANDSCAPE CREATIONS, LLC IN AN AMOUNT NOT TO EXCEED \$73,161.00 FOR YEAR ONE WITH CONSTRUCTION COST INDEX ADJUSTMENTS IN SUBSEQUENT YEARS; SECONDED BY MAYOR LEECH; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- F. Consideration of Award of Contract for City Campus Training Building Remodel Design Build, City of Show Low Project FM-0425 (Bill Kopp)

Mr. Kopp said the City of Show Low solicited Statements of Qualifications from qualified parties for the design and renovation of an existing city building to house the City's recreation department; City Campus Training Building Remodel Design Build, City of Show Low Project FM-0425. The project scope included design and renovations for a building of approximately 9,050 square feet. The selection process for the design-build team followed A.R.S. Title 34 requirements.

Mr. Kopp said the existing building had a new roof and windows. All the plumbing and electrical would be replaced as part of the project. The building would have offices, cubicles, a break room, restrooms, classrooms, a public foyer, a file storage / copier room and other spaces identified during the programming process. Pre-Construction services would include Schematic Design, Design Development and Construction Documents based on the preliminary floor plan provided in the Request for Qualifications. The plan set would be completed with all required building elements included.

Mr. Kopp said this was a qualifications-based selection. A Guaranteed Maximum Price (GMP) would be established in the pre-construction phase of the project and a second contract for construction would be presented to the City Council for approval upon completion of the Pre-Construction phase.

Mr. Kopp said staff advertised a Request for Qualifications for the project. A single Statement of Qualifications was received from LD&B, LLC. This contractor had completed multiple projects for the City.

Mr. Kopp said staff recommended awarding the Pre-Construction Contract for City Campus Training Building Remodel Design Build, City of Show Low Project FM-0425 in an amount not to exceed \$75,725.00.

VICE MAYOR KAKAVAS MOVED TO AWARD THE PRE-CONSTRUCTION CONTRACT FOR THE CITY CAMPUS TRAINING BUILDING REMODEL DESIGN BUILD, CITY OF SHOW LOW PROJECT FM-0425, TO LD&B, LLC IN AN AMOUNT NOT TO EXCEED \$75,725.00; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

8. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

None.

B. Mayor

Mayor Leech said Council members attended the League of Arizona Cities and Towns last week.

C. City Manager

Mr. Brown said the City would host a shred-a-thon event for residents on October 12, at the City Hall parking lot. This shredding event would be a way for residents to discard and shred confidential paperwork they no longer want. Participants were limited to five boxes. Residents could simply drive through the City Hall south parking lot, where event volunteers would take the papers

to be shredded from the trunk of the participants' vehicle and place them into the shredder container.

Mr. Brown said the City was busy with public works projects. Senior Field was under construction and Owens and 30th Avenue would be paved this week. Work was continuing on the Cooley roadway improvements. The Woolford Reconstruction project was scheduled to start September 23. Staff was working on notices for closures to notify residents. He thanked the citizens for their patience as improvements were made around the City.

9. **SCHEDULE OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

None.

VICE MAYOR KAKAVAS MOVED TO RECESS INTO EXECUTIVE SESSION FOR DISCUSSION WITH THE CITY ATTORNEY REGARDING A.P. NO. 210-14-058 AND REVIEW THE EXECUTIVE SESSION MINUTES OF MARCH 5, 2024, MARCH 19, 2024, APRIL 2, 2024, APRIL 16, 2024, MAY 21, 2024, JUNE 4, 2024, AND JUNE 18, 2024; SECONDED BY COUNCILMAN ADAMS PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

The Show Low City Council recessed into Executive Session at 7:31 p.m.

10. **EXECUTIVE SESSION:**

A. Confidentiality Statement.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body or with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property pursuant to A.R.S. Sections 38-431.03(A)(3) and 38-431.03(A)(7).

(1) A.P. No. 210-14-058

C. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. Pursuant to A.R.S. Section 38-431.03(A)(2)

(1) Executive Session Minutes of March 5, 2024

(2) Executive Session Minutes of March 19, 2024

(3) Executive Session Minutes of April 2, 2024

(4) Executive Session Minutes of April 16, 2024

(5) Executive Session Minutes of May 21, 2024

- (6) Executive Session Minutes of June 4, 2024
- (7) Executive Session Minutes of June 18, 2024

11. POST EXECUTIVE SESSION:

A. Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

- 1. Consideration of Approval of the Minutes of the Executive Session of the Show Low City Council Held on March 5, 2024, March 19, 2024, April 2, 2024, April 16, 2024, May 21, 2024, June 4, 2024, and June 18, 2024.

The Show Low City Council reconvened to Open Session at 7:49 p.m.

COUNCILMAN JUDD MOVED TO APPROVE THE MINUTES OF THE EXECUTIVE SESSIONS OF THE SHOW LOW CITY COUNCIL HELD ON MARCH 5, 2024, MARCH 19, 2024, APRIL 2, 2024, APRIL 16, 2024, MAY 21, 2024, JUNE 4, 2024, AND JUNE 18, 2024; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCILMAN ADAMS, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

12. ADJOURNMENT:

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF SEPTEMBER 3, 2024, AT 7:49 P.M.**

ATTEST:

APPROVED:

Rachael Hall, City Clerk

John Leech, Jr., Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Show Low held on September 3, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Rachael Hall, City Clerk

MTG DATE: 9/17/2024
ITEM: 7.A

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Consideration of Award of Contract for Carpet and Tile Cleaning Services for City Buildings, City of Show Low Project No. FM-5924 (Rick Austin)

RECOMMENDATION

I **MOVE** to award the contract for the City's carpet and tile cleaning services, City of Show Low Project No. FM-5924, to The D. M. Caldwell Corporation, dba Environmental Management in the amount of \$15,815.10 annually for a four-year total of \$63,260.40.

BACKGROUND

On June 7, 2024, a Request for Sealed Quotes was posted to the City's website for carpet and tile cleaning services for nine City facilities. Two companies submitted sealed quotes with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Navapache ChemDry	\$23,847.20
The D.M. Caldwell Corporation, dba Environmental Management	\$15,815.10

Staff recommends awarding the services contract for the City's carpet and tile cleaning, City of Show Low Project No. FM-5924, to The D.M. Caldwell Corporation, dba Environmental Management in an amount of \$15,815.10 per year, \$63,260.40 for a four-year period.

ATTACHMENTS

1. BID TABULATION

FISCAL IMPACT

Anticipated cost: \$63,260.40 (\$15,815.10 year one)
Funding source (account no.): Other Contractual Services (11-445-430-3300-0000)

CARPET TILE CLEANING SERVICES FOR CITY BUILDINGS
PROJECT NO FM-5924

							NAVAPACHE CHEM DRY		THE D. M. CALDWELL CORP	
Item	Description	Unit	Type	Carpet Area	Cleanings Per Year	Total area per year	Price Per SF	Cost	Price Per SF	Cost
1a	City Hall-180 N 9th Street	SF	Carpet	15,600	2	31,200	\$0.16	\$4,992.00	\$0.09	\$2,808.00
1b	City Hall-180 N 9th Street	SF	Tile	1,730	1	1,730	\$0.75	\$1,297.50	\$0.30	\$519.00
1c	City Hall-180 N 9th Street	Each	Chairs	222	1	222	\$5.00	\$1,110.00	\$6.00	\$1,332.00
2	Public Safety Building-411 W Deuce of Clubs	SF	Carpet	10,050	2	20,100	\$0.18	\$3,618.00	\$0.09	\$1,809.00
3a	Public Safety-Dispatch Building-150 N 6th St	SF	Carpet	3,825	2	7,650	\$0.18	\$1,377.00	\$0.09	\$688.50
3b	Public Safety-Dispatch Building-150 N 6th St	SF	Tile	2,300	1	2,300	\$0.75	\$1,725.00	\$0.30	\$690.00
4a	Library-181 N 9th Street	SF	Carpet	9,650	2	19,300	\$0.16	\$3,088.00	\$0.09	\$1,737.00
4b	Library-181 N 9th Street	Each	Chairs	114	1	114	\$5.00	\$570.00	\$6.00	\$684.00
5	City Campus Vinyl Gym-760 E McNeil	SF	Vinyl	5,700	2	11,400	\$0.20	\$2,280.00	\$0.30	\$3,420.00
6	Airport-3150 E Airport Loop	SF	Carpet	4,000	2	8,000	\$0.20	\$1,600.00	\$0.09	\$720.00
7a	Council Chambers/SLTV-181 N 9th St	SF	Carpet	3,570	1	3,570	\$0.16	\$571.20	\$0.09	\$321.30
7b	Council Chambers/SLTV-181 N 9th St	Each	Chairs	119	1	119	\$5.00	\$595.00	\$6.00	\$714.00
8	Community Center-301 E McNeil	SF	Carpet	2,090	1	2,090	\$0.24	\$501.60	\$0.09	\$188.10
9	Museum-561 E Deuce of Clubs	SF	Tile	614	1	614	\$0.85	\$521.90	\$0.30	\$184.20
GRAND TOTAL								\$23,847.20		\$15,815.10

MTG DATE: 9/17/2024
ITEM: 7.B

City of Show Low STAFF SUMMARY REPORT

AGENDA TITLE: Consideration of Approval of Agreement for Air Services with Corporate Flight Management, Inc. D/B/A Contour Airlines, and Authorize Associated Budget Transfers (Jacob Allen)

RECOMMENDATION

I **MOVE** to approve the agreement for Air Services with Corporate Flight Management, Inc. D/B/A Contour Airlines, and authorize associated budget transfers.

BACKGROUND

On June 18, 2024, the City Council voted to approve the application to the United States Department of Transportation (DOT) requesting Alternate Essential Air Service (AEAS) through Contour Airlines.

On August 22, 2024, staff was notified of DOT Order 2024-8-17, approving the application submitted by the City of Show Low, Arizona, for the Show Low Regional Airport. The order issued by DOT states that the City of Show Low is eligible to receive grant funding for the requested air service outlined in the AEAS application, beginning October 1, 2024. The total amount of the grant will be \$24,312,381.00 for a four-year period. Contour Airlines has confirmed they are able to begin air service starting October 1, 2024. Southern Airways Express submitted their letter of termination as of September 30, 2024.

Before Contour Airlines can begin services, the airport sponsor (City of Show Low) must enter into an air service agreement with the air carrier directly. The costs associated with this agreement are 100% reimbursable via the AEAS grant. The grant agreement is currently processing, and Contour Airlines has agreed to begin operating "at risk" until the grant agreement is in place. The air service agreement with Contour Airlines contains minimum performance standards which will allow the city to terminate the agreement if performance standards are not being met.

Staff recommends approving the Agreement for Air Services with Corporate Flight Management, Inc. DBA Contour Airlines, and authorize associated budget transfers.

ATTACHMENTS

1. FINAL Order 2024-8-17 AEAS Show Low AZ 2024

FISCAL IMPACT

Anticipated cost: \$4,000,000 (100% reimbursed through AEAS Grant)
Funding source (account no.): 11-750-430-3300-2557 (Other Contractual Services - AEAS Carrier)

Description	Account	Approved Budget	Transfer	Amended Budget
Unanticipated Revenue	22-402-350-3903-0000	\$7,400,000	(4,000,000)	\$3,400,000
Unanticipated Expenditures	22-402-430-8150-0000	\$7,400,000	(4,000,000)	\$3,400,000
AEAS Carrier (Revenue)	11-750-360-3342-2257	\$0.00	4,000,000	\$4,000,000
Other Contractual Service - AEAS Carrier (Expense)	11-750-430-3300-2257	\$0.00	4,000,000	\$4,000,000
Total		\$14,800,000		\$14,800,000



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 22nd day of August, 2024

Essential Air Service at

SHOW LOW, ARIZONA
(FAIN 69A3452560562)¹

DOT-OST-1998-4409

under 49 U.S.C. § 41731 *et seq.*

**ORDER SETTING ANNUAL SERVICE LEVELS AND TOTAL COSTS UNDER THE
ALTERNATE ESSENTIAL AIR SERVICE PROGRAM**

Summary

By this Order, the U.S. Department of Transportation (the Department) approves the application submitted by the City of Show Low, Arizona (“Show Low”), for the Show Low Regional Airport (SOW), under the Alternate Essential Air Service (AEAS) program. The Department will enter into a grant agreement with the community to provide funding for public charter service to Phoenix Sky Harbor International Airport (PHX), as described below.

Year	Term	Weekly Segments and Route	Aircraft	Annual amount requested in AEAS Application
Year 1	October 1, 2024, through September 30, 2025	12 weekly round trips to PHX	30-seat Regional Jet	\$5,640,760
Year 2	October 1, 2025, through September 30, 2026	12 weekly round trips to PHX	30-seat Regional Jet	\$5,922,798
Year 3	October 1, 2026, through September 30, 2027	12 weekly round trips to PHX	30-seat Regional Jet	\$6,218,938
Year 4	October 1, 2027, through September 30, 2028	12 weekly round trips to PHX	30-seat Regional Jet	\$6,529,885

¹ FAIN = Federal Award Identification Number.

Background

By Order 2022-5-5 (May 10, 2022), the Department selected Southern Airways Express, LLC (Southern) to provide Essential Air Service (EAS) at Show Low, using 9-seat Pilatus PC-12 aircraft, for the two-year term from July 1, 2022, through June 30, 2024, with 18 weekly round trips to PHX. The annual subsidy was \$1,992,382 for the first year, and \$2,042,192 for the second year.

As the end of Show Low's EAS contract term approached, the Department issued Order 2023-12-13 (December 19, 2023), requesting proposals from air carriers interested in providing EAS at Show Low for a new contract term. The due date for proposals was January 22, 2024. In response, Boutique Air, Inc. (Boutique), Corporate Flight Management, Inc. d/b/a Contour Airlines (Contour), and Southern submitted proposals.

While the community considered the proposals and service options, the Department, by Order 2024-5-22 (May 23, 2024), extended the contract of Southern to provide EAS at Show Low, from July 1, 2024, through December 31, 2024, or until the current air carrier selection case concludes and service under a new contract commences, whichever is earlier. On June 24, 2024, Show Low submitted an application for participation in the AEAS program.

The community's application can be accessed, along with the complete public file for EAS at Show Low, through the Federal Docket Management System at <http://www.regulations.gov> by entering the community's docket number, captioned on the first page of this Order, in the "Search" field.

The Alternate Essential Air Service Program

Congress established AEAS as a pilot program to provide communities with an alternative to the traditional EAS-type service.² Typically, the EAS program pays subsidy to regional air carriers to provide a minimum level of air service to a major hub airport with twin-engine aircraft. The AEAS program provides that the Department, instead of paying compensation to an air carrier to provide EAS, may provide financial assistance directly to the eligible community to use for one of the purposes specified in 49 U.S.C. § 41745(a)(3).³

Eligible communities may use the assistance for the purposes spelled out in statute, such as more frequent service with smaller aircraft, on-demand air taxi service, scheduled or on-demand surface transportation, regionalized air service, or to pay for other transportation or related services that the Secretary may permit. Each community accepted into the AEAS program must execute a grant agreement with the Department before it begins spending funds under the program.

² See Notice: Establishment of Alternate Essential Air Service Pilot Program Pursuant to Vision 100 – 49 U.S.C. § 41745 ("AEAS Notice"), available at <https://www.regulations.gov/document?D=DOT-OST-2004-18715-0001>.

³ A community may not participate in both the traditional EAS program and the AEAS program at the same time. 49 U.S.C. § 41745(e). Communities choosing to withdraw from the AEAS program may request to be reinstated in the traditional EAS program, which could potentially result in a hiatus in air service.

Show Low's Alternate Essential Air Service Application

In its application for financial assistance under the AEAS program,⁴ Show Low requests a four-year AEAS grant to provide up to \$24,312,381 for the four-year term from October 1, 2024, through September 30, 2028. Show Low seeks to procure air service with 12 weekly round trips, at the level of annual funding described in the chart under the Summary section of this Order. The application proposes service to PHX, with air service to be provided by Contour.

In discussing the community's reasons for seeking AEAS, Show Low's application stated:

In response to DOT Order 2023-12-13, the most recent order soliciting EAS proposals for Show Low, three air carriers submitted bids . . . The community reviewed the proposals and the offerors' past performance, including in-person presentations from representatives of each air carrier. After careful consideration, the community chose to recommend Contour as its new air carrier.

In his letter to DOT dated March 6, 2024, the Honorable John Leech, Jr., Mayor of Show Low, discussed the community's conclusions regarding the three offerors. In rejecting [Southern Airways Express] SAE, Mayor Leech stated, in part: *"In 2022 and 2023 SAE's performance was so poor that cancellations and delays were causing passengers to miss their connecting flights at an alarming rate. City staff and council members received complaints daily. Due to the performance issues, passengers no longer had trust in SAE arriving in time to catch connecting flights in PHX. According to SAE data, in November of 2023, 95.2% of passengers were local meaning that they were not making connections in PHX. Since then, SAE has been experiencing increasingly poor load factors and monthly enplanements have been steadily declining. Needless to say, the community has not been satisfied with the level of service Southern Airways Express is providing. I fear that Southern's reputation has been damaged irreparably at this point."* In fact, Southern's performance has only further declined since the date of that letter. Southern's completion factor in March, April, and May 2024 was 63%, 58%, and 54%, respectively. The odds of a passenger's flight from Show Low departing are now hardly any better than a coin toss.

With regard to the offer from Boutique, the community concluded that, similarly to Southern, during their tenure as SOW's EAS provider they failed to meet expectations and severely underperformed in terms of reliability, on-time performance, and customer service, leaving their reputation irreparably tarnished and leading to the rejection of their current proposal.

Decision

After careful consideration of this matter, the Department has decided, pending the execution of the grant agreement, to approve the application submitted by Show Low for participation in the AEAS program.

⁴ City of Show Low, Arizona (Application for Inclusion into the Alternate Essential Air Service Program) June 25, 2024, available at <https://www.regulations.gov/document/DOT-OST-1998-4409-0160>.

Contour has a record of providing reliable AEAS at many other communities. With PHX being a large-hub airport, it enables passengers to sufficiently connect to the national air transportation system. The Department also finds that the community's proposal seeking annual funding of up to \$5,640,760 for the first year, up to \$5,922,798 for the second year, up to \$6,218,938 for the third year, and up to \$6,529,885 for the fourth year is reasonable.⁵ The maximum grant to Show Low will be \$24,312,381 to cover the 48-month grant period. The Department will not prescribe a service frequency or schedule but rather leaves it to the community and its contracted air carrier to develop a mutually acceptable service schedule.

Therefore, pending the execution of a grant agreement, the Department approves Show Low's application for AEAS as proposed. The Department finds that the service proposed in the application is eligible for funding under AEAS.⁶ In addition, the community's application satisfies the bulleted criteria set forth in the AEAS Notice; more specifically, Show Low provided a description of its existing air service, a synopsis of its air service history, a strategic plan for meeting its needs through the AEAS program, an analysis of the funding necessary for the AEAS project, an explanation of how the airport will ensure that grant funds are spent in the manner proposed, descriptions of how the airport will monitor the success of the grant, an explanation of how the community will continue to meet the EAS program's statutory eligibility criteria, and a description of the amount and duration of the grant sought.⁷

Additionally, as a result of approving AEAS at Show Low effective October 1, 2024, the Department will terminate the contract⁸ with Southern Airways Express, LLC effective at 11:59 pm on September 30, 2024.

Service Transition

The Department expects Contour and Southern to work together to make a smooth transition at Show Low with no service hiatus. Before Southern suspends service, the Department expects the air carrier to notify all passengers holding reservations for travel after the suspension date, to assist those passengers in making alternate air transportation arrangements, or to provide a full refund of the ticket price, without penalty, if requested.

Reminder About EAS Eligibility

Although Show Low is being awarded a grant under the Alternate EAS program, the community must adhere to all the applicable eligibility requirements of the EAS program.⁹ The Department notes that many of the eligibility requirements, including those below, do not apply for Fiscal Year 2024, pursuant to the Consolidated Appropriations Act, 2024, Pub. L. No. 118-42, 138 Stat 25, 303 (March 9, 2024). However, unless Congress renews these exemptions, compliance will resume at the beginning of Fiscal Year 2025 (October 1, 2024).

Title 49 U.S.C. § 41731(a)(1)(B) provides that a community must maintain an average of 10 enplanements per service day, as determined by the Secretary of Transportation, during the most recent fiscal year, to remain eligible for EAS. Communities, such as Show Low, that are not

⁵ See 49 U.S.C. §§ 41733(c), 41737.

⁶ 49 U.S.C. § 41745(a)(3)(f).

⁷ See AEAS Notice, p. 3.

⁸ See Order 2024-5-22, extending Southern's obligation to provide EAS at Show Low.

⁹ See AEAS Notice, pp 2-3.

more than 175 driving miles from the nearest large or medium hub airport are subject to this requirement under 49 U.S.C. § 41731(d).

As amended by FAA 2024, 49 U.S.C. § 41731(a)(1)(C)(iii)¹⁰ requires that EAS communities less than 175 miles from the nearest large or medium hub airport have an average subsidy per passenger, as determined by the Secretary, of less than \$650. Show Low is subject to this requirement, because it is fewer than 175 miles from the nearest large- or medium-hub airport.

EAS communities, except for those in Alaska and Hawaii, must have had an average subsidy per passenger of less than \$1,000 during the most recent fiscal year, regardless of the distance to the nearest large- or medium-hub airport.¹¹ Effective October 1, 2026, this amount is reduced to \$850.¹²

Under 49 U.S.C. § 41731(e)(1), the Secretary may waive, on an annual basis, subsections (a)(1)(B) and (a)(1)(C)(iii) with respect to an eligible place if such place demonstrates to the Secretary's satisfaction that the reason the eligibility requirements of such subsections are not met is due to a temporary decline in demand. Limitations on these waivers begin October 1, 2026, when the Secretary may not provide a waiver for any community (a) in more than two consecutive fiscal years; or (b) in more than five fiscal years within 25 consecutive years.¹³

The Department expects Contour and Show Low to work together to ensure that the community will comply with the applicable requirements. Communities that fail to comply with the applicable above requirements may risk having their eligibility in the EAS program terminated. In the event the Department terminates a community's eligibility for EAS due to lack of compliance, that action will supersede this Order.

Accordingly,

1. The Department approves the application as submitted by the City of Show Low, Arizona, for the Show Low Regional Airport, pending execution of a grant agreement with the Department with a term beginning October 1, 2024, through September 30, 2028, subject to compliance with all eligibility criteria;
2. The Department will enter into a grant agreement with the City of Show Low, Arizona, worth up to \$24,312,381, for 48-month period from October 1, 2024, through September 30, 2028, to be used for public charter air service contracted by it for service from the Show Low Regional Airport (SOW) to Phoenix Sky Harbor International Airport (PHX), using 30-seat regional jet aircraft;
3. Because the Department has approved AEAS at Show Low effective October 1, 2024, the Department will terminate the contract with Southern Airways Express LLC, extended to

¹⁰ Under 49 U.S.C. § 41731(c), this requirement does not apply to EAS eligible communities located in the states of Alaska and Hawaii.

¹¹ See 49 U.S.C. § 41731(a)(1)(C)(i), as amended by FAA 2024.

¹² See 49 U.S.C. § 41731(a)(1)(C)(ii), as amended by FAA 2024.

¹³ 49 U.S.C. § 41731(e), as amended by FAA 2024.

provide Essential Air Service at Show Low, Arizona, by Order 2024-5-22, effective at 11:59 pm on September 30, 2024;

4. The Department approves the AEAS application contingent upon receiving properly-executed certifications from the City of Show Low, Arizona, that it is in compliance with the Department's regulations regarding drug-free workplaces and nondiscrimination, as well as the regulations concerning lobbying activities;¹⁴

5. The Department directs Show Low, Arizona to retain all books, records, and other source and summary documentation to support claims for payment, including copies of flight logs for aircraft used to provide AEAS under this Order and sold or disposed of, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. This documentation shall be retained for three years from the last day of service under this Order, or such longer period as the Department may notify the air carrier. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. The air carrier may forfeit its compensation for any claim that is not supported under the terms of this Order;

6. This docket will remain open pending further Departmental action; and

7. The Department will serve this Order on the Mayor of Show Low, Arizona, the Airport Manager of the Show Low Regional Airport, Boutique Air, Inc., Southern Airways Express, LLC, and Corporate Flight Management, Inc. d/b/a Contour Airlines.

By:

CINDY A. BARABAN
Deputy Assistant Secretary
for Aviation and International Affairs

(SEAL)

An electronic version of this document is available at
www.regulations.gov

¹⁴ The certifications are available online under "Reports and Publications" at <http://www.transportation.gov/office-policy/aviation-policy/essential-air-service-reports>.

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Consideration of Approval of Commercial Airport Lease and Operating Agreement with Corporate Flight Management, Inc. D/B/A Contour Airlines at Show Low Regional Airport (Jacob Allen)

RECOMMENDATION

I **MOVE** to approve a Commercial Airport Lease and Operating Agreement with Corporate Flight Management, Inc. D/B/A Contour Airlines concurrent with the Alternative Essential Air Service contract with the United States Department of Transportation.

BACKGROUND

On August 22, 2024, the U. S. Department of Transportation awarded the City of Show Low a grant for Alternate Essential Air Service (AEAS) allowing the City to contract with Corporate Flight Management, Inc. D/B/A Contour Airlines (Contour) to provide scheduled commuter air service between Show Low and Phoenix using a 30-seat regional jet.

As a result, on September 30, 2024, the current EAS carrier, Southern Airways Express, will no longer be the carrier in Show Low and the commercial airport lease and operating agreement will expire. Contour is scheduled to begin service October 1, 2024, and will enter into a new Lease and Operating Agreement.

Contour will pay the City \$8,809.33 per month to lease the airline ticket counter, a portion of the baggage makeup area, and a small office. The lease includes applicable user fees, airport landing fees, and overnight parking fees. The lease will run for the duration of the AEAS contract with Contour.

ATTACHMENTS

1. Show Low Airport Terminal

FISCAL IMPACT

Anticipated Revenue: \$8,809.33 per month



Show Low Airport Terminal