



# PRESCOTT CITY COUNCIL VOTING MEETING AGENDA

**PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, MARCH 24, 2009  
3:00 P.M.**

**Council Chambers  
201 S. Cortez Street  
Prescott, AZ 86303  
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its Regular Voting Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **INTRODUCTIONS**
- ◆ **INVOCATION:** Pastor Jessie Liles, Willow Hills Baptist Church
- ◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Wilson	
Councilman Bell	Councilman Luzius
Councilman Lamerson	Councilman Roecker
Councilwoman Lopas	Councilwoman Suttles*

\*will be participating telephonically

- ◆ **SUMMARY OF CURRENT OR RECENT EVENTS**
- I. **PROCLAMATION**
  - A. *March 24, 2009 – Safety is Good Business Day*
  - B. *April 2009 – Water Awareness Month*
- II. **PRESENTATIONS**
  - A. Introduction of new businesses.
  - B. Recognition of Kiwanis for donation of water fountain at the Mike Fann Community Skate Park.

- C. [Presentation on 2008 Annual Water Reports to the Arizona Department of Water Resources.](#)

### III. **CONSENT AGENDA**

**CONSENT ITEMS A THROUGH I LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.**

- A. Approve grant funding as recommended by Prescott Area Arts and Humanities Council in the amount of \$52,354.00.
- B. Approve contract with Prescott Frontier Days, Inc. in the amount of \$51,054.00.
- C. Authorize purchase of one stationary breathing air compressor station from LN Curtis & Sons in the amount of \$30,865.50, tax included.
- D. Adopt Resolution No. 3947-0946 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona repealing Resolution No. 3923-0929 and adopting a new resolution to establish the *“Prescott: The Arizona Centennial City Committee”*.
- E. [Adopt Ordinance No. 4692-0935 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing purchase and acceptance of real property from Barbara J. Funk for the Downer Trail Pavement and Utility Reconstruction Project, and declaring an emergency.](#)
- F. Adopt Ordinance No. 4694-0937 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing purchase and acceptance of real property from various owners for right-of-way for the Demerse Avenue Reconstruction Project.
- G. Approve the Revision of Plat for the Ranch at Prescott Retail Center, Owner: Bullwhacker Assoc., Agent: Scott Lee, APN: 103-49-005. RP09-001.
- H. Adopt of Resolution No. 3945-0951 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map pertaining to that certain property generally located at the southwest corner of Fair Street and Gail Gardner Way and along the east side of Gail Gardner Way from Fair Street to Westridge Drive, described as Assessor Parcel Numbers: 111-11-001A, 111-11-067, 111-11-068, 111-11-069, 111-11-070, 111-11-071, 111-11-078, 111-11-079, 111-11-090, 111-11-092, 111-11-093, 111-16-001, 111-016-002, 111-16-003, 111-16-004, 111-16-005, 111-11-006, 111-16-007, and 111-16-011 (a portion thereof), from “Low-Density Residential (1-7 DUA)” to “Mixed Use”; and Assessor Parcel Numbers 115-08-033B (a portion thereof) and 155-08-081 (a portion thereof), from “Low-Density Residential (1-7 DUA)” to “Commercial”.

- I. Approval of the Minutes of the Prescott City Council Study Session of March 3, 2009 and the Regular Voting Meeting of March 10, 2009.

#### IV. REGULAR AGENDA

- A. Appointment of Don Shaffer as additional member to the *Prescott: The Arizona Centennial City Committee*.
- B. Consideration of request from Great Lakes Airlines for letter of endorsement to USDOT regarding changes to service destinations and further authorizing the Mayor and City Staff to execute any and all related documents.
- C. Award of bid and contract to A. Miner Contracting Inc. for the Zone 39 Water Mains and Pump Station Upgrade Project in an amount not to exceed \$3,167,367.00.
- D. Prescott Boulders – A Prescott Retirement Community:
  1. Public Hearing and adoption of Ordinance No. 4693-0936 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the zoning of certain property within the City of Prescott generally located at the north end of Canterbury Lane from Single-Family 9 (SF-9) to Multi-Family High (MF-H) consisting of approximately ±6.27 acres.
  2. Adoption of Resolution No. 3946-0952 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into a Development Agreement with Arcadia Housing, LLC as the Assignee of Forest Glen, Inc., for “The Boulders, a Prescott Retirement Community”, a Planned Area Development, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- E. Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation.

#### V. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on \_\_\_\_\_ at \_\_\_\_\_ .m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

\_\_\_\_\_  
Elizabeth A. Burke, City Clerk, MMC

# PROCLAMATION

## “Safety is Good Business Day” March 24, 2009

WHEREAS, the City of Prescott promotes safety among its employees and throughout the community; and

WHEREAS, accidents are the result of working in hazardous conditions and a workplace fatality occurs in the United States every two seconds; and

WHEREAS, each year billions of dollars are spent on the treatment of workplace illnesses and injuries; and

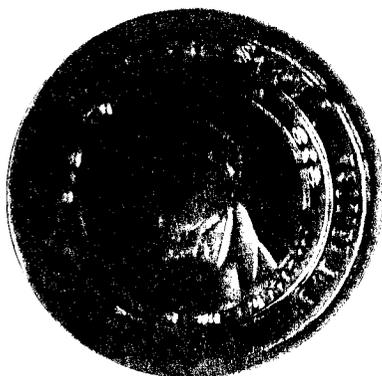
WHEREAS, safety training and awareness are proven ways to reduce accidents while performing daily activities, increase productivity and improve morale; and

WHEREAS, the City of Prescott is supportive of its business community, its diverse working environments and residents who understand the value of safety training and awareness; and

WHEREAS, the Safety Works Expo is an opportunity to promote workplace safety awareness, public safety awareness, learn skills that eliminate injuries and save lives throughout our community.

NOW THEREFORE, I, Jack D. Wilson, Mayor of Prescott, do hereby proclaim March 24, 2009 as “Safety is Good Business Day” in this community and encourage all residents to participate in and support programs and efforts of the Safety Works Expo that strive to improve safety and health of all Prescott and Arizona Workers.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 24<sup>th</sup> day of March, 2009.



A handwritten signature in black ink, appearing to read "Jack D. Wilson", is written over a horizontal line.

JACK D. WILSON, MAYOR  
City of Prescott

ATTEST:

A handwritten signature in black ink, appearing to read "Elizabeth A. Burke", is written over a horizontal line.

ELIZABETH A. BURKE, CITY CLERK  
City of Prescott

**PROCLAMATION**

***“Water Awareness Month”  
April 2009***

**WHEREAS**, water is one of our most vital and precious resources;  
and

**WHEREAS**, Arizona is a semi-arid state, and water is scarce; and

**WHEREAS**, while the City of Prescott’s water resources are limited, population growth continues to increase the demand for water; and

**WHEREAS**, all citizens of Prescott should use water efficiently and practice conservation to ensure a long-term water supply; and

**WHEREAS**, creating a culture of conservation will greatly reduce the impacts of drought on our resources, economy and quality of life; and

**WHEREAS**, water education is the cornerstone of any conservation program, and greater awareness of water issues can be gained through community education, action and celebration.

**NOW, THEREFORE**, I, Jack D. Wilson, Mayor of the City of Prescott, do hereby proclaim that the month of April 2009 be known as “WATER AWARENESS MONTH,” and call upon all citizens and businesses of Prescott to become fully informed of the fact that our water resources are limited, and we all play a part in living “water smart”, not only during the month of April, but all year round.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Seal of the City of Prescott to be affixed this 24th day of March 2009.



A handwritten signature in black ink, appearing to read "Jack D. Wilson", written over a horizontal line.

JACK D. WILSON, MAYOR  
City of Prescott

ATTEST:

A handwritten signature in black ink, appearing to read "Elizabeth A. Burke", written over a horizontal line.  
ELIZABETH A. BURKE,  
CITY CLERK

**COUNCIL PRESENTATION MEMO – March 24, 2009**

**DEPARTMENT:** City Manager

**AGENDA ITEM:** 2008 Annual Water Reports to the Arizona Department of Water Resources

**Approved By:**

**Date:**

**Deputy City Manager:** Craig V. McConnell

**City Manager:** Steve Norwood

*Craig McConnell for*

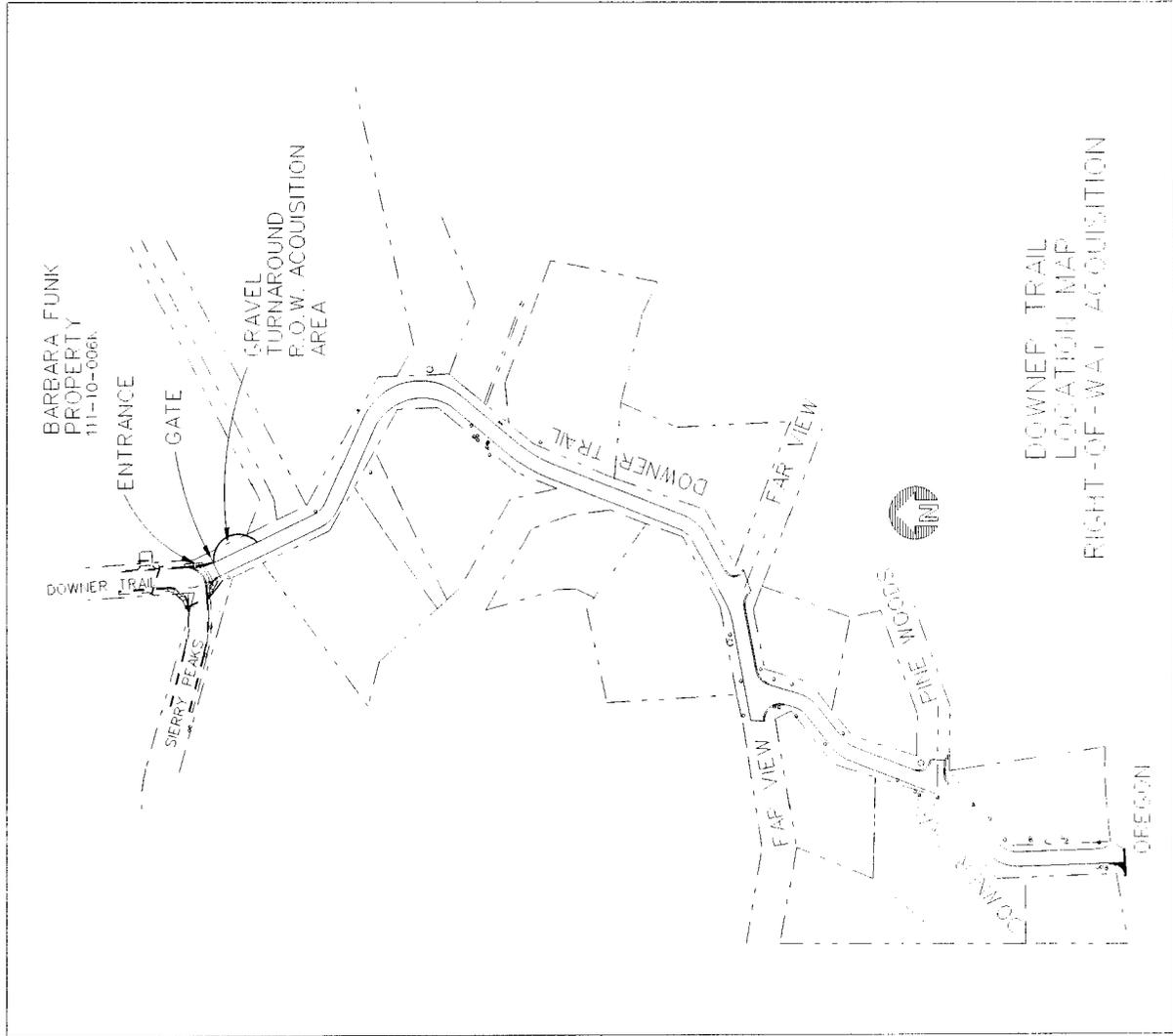
3-17-09

**Item Summary**

Connie Tucker, Water Management Analyst, will make a brief presentation on the 2008 Annual Reports to be submitted to the Arizona Department of Water Resources (ADWR) by March 31, 2009. These reports include the Annual Withdrawal and Use Report, Assured Water Supply Provider Supplement, Recovery Well Reports, and Underground Water Storage Report.

Water users who pump groundwater from non-exempt wells in Active Management Areas must report withdrawals annually to ADWR. This information helps ADWR determine how much and where water is being used.

Users are also required to pay annual fees for groundwater withdrawal and recovery of long term storage credits. The fees are used to offset the cost of managing these resources and to fund augmentation projects and conservation efforts. The 2008 fees for the City of Prescott total \$10,108.60.



**EXHIBIT 'A'**  
**RIGHT-OF-WAY ACQUISITION**

All that portion of Section 32, Township 14 North, Range 02 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, as shown on the Record of Survey map recorded in Book 91 Land Surveys, Page 58, on file in the Office of the Yavapai County Recorder, more particularly described as follows:

Commencing form the Southwest corner of Parcel "A" as shown on said Record of Survey;

Thence S 33°19'49" E, 165.57 feet, along the Easterly right of way of Downer Trail as recorded in Book 11 of Maps and Plats, Page 37, in the Office of the Yavapai County Recorder;

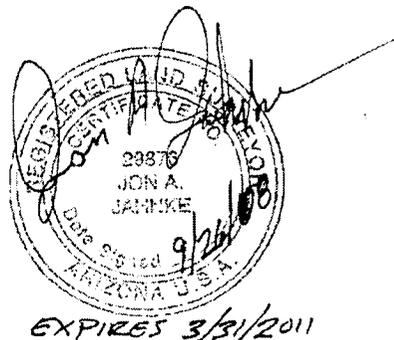
Thence S 04°10'01" E, 167.69 feet, along said Easterly right of way of Downer Trail;

Thence S 25°56'26" E, 33.39 feet, along said Easterly right of way of Downer Trail, to the Point of Beginning of this description;

Thence Southeasterly along a non-tangent curve to the right having a long chord bearing of S 25°56'26" E, a long chord length of 56.60 feet, arch length of 62.88 feet, and a radius of 40.00 feet, to a point on the said Easterly right of way of Downer Trail;

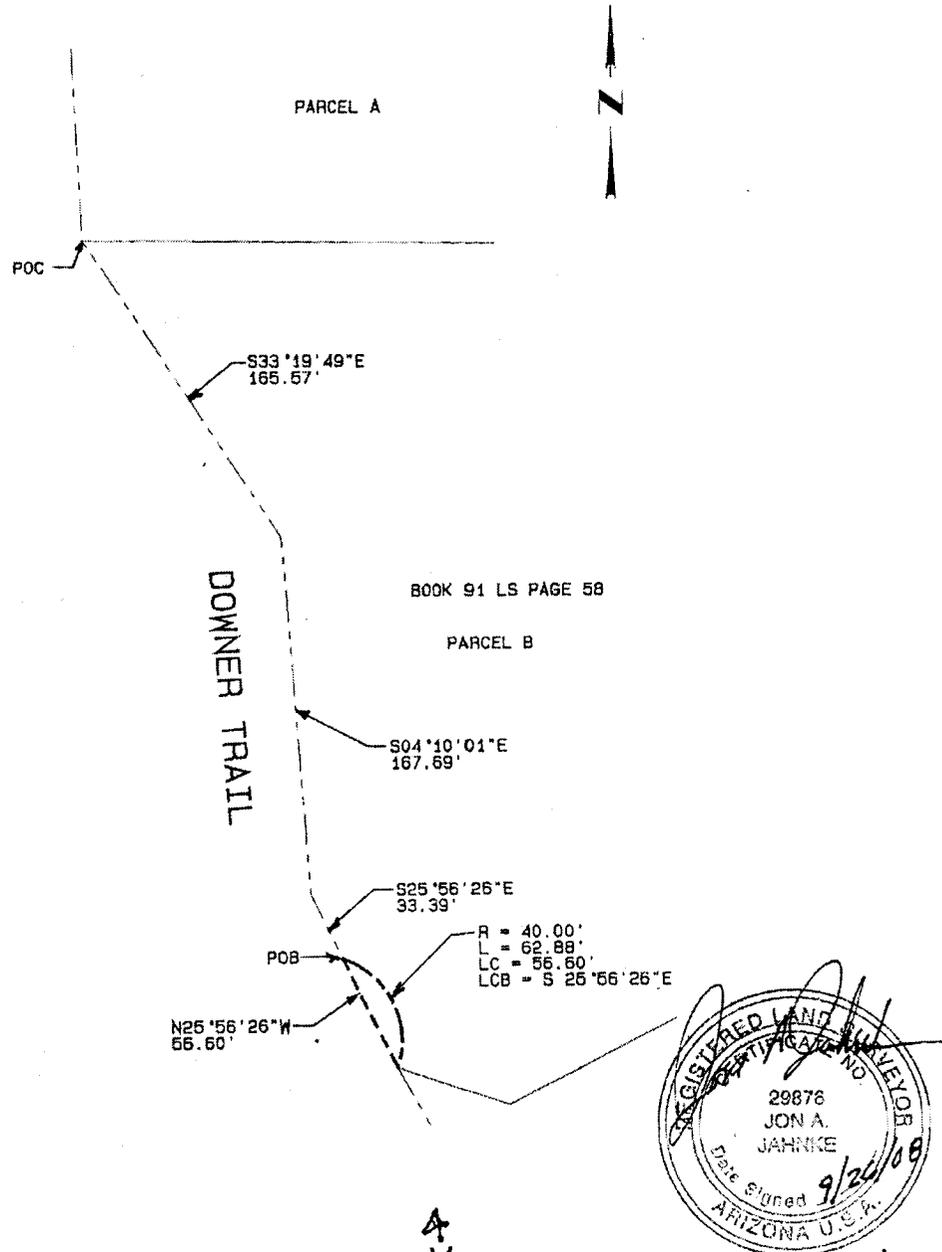
Thence N 25°56'26" W, 56.60 feet, along the said Easterly right of way of Downer Trail, also being the Point of Beginning.

Containing 457.5 square feet more or less.



# EXHIBIT 'B'

## RIGHT-OF-WAY ACQUISITION



RIGHT-OF-WAY = ~~157.5~~<sup>4</sup> 57.5 sq. ft. EXPIRES 3/31/2011

CITY OF PRESCOTT  
P.O. Box 2059  
Prescott, AZ 86302  
928-777-1270

Mayor Jack Wilson



Councilman Bob Bell  
Councilman Jim Lamerson  
Councilwoman Lora Lopas  
Councilman Bob Luzius  
Councilman Bob Roecker  
Councilwoman Mary Ann Suttles

IV-B

March 24, 2009

Dennis DeVany, Chief  
X-53 EAS & Domestic Analysis Division  
Office of Aviation Analysis  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Re: Essential Air Service for Prescott, Arizona

Dear Mr. DeVany:

Thank you for the continued support of the Essential Air Service Program as it benefits Prescott, Arizona. We have been pleased with the return of Great Lakes Airlines into our market after experiencing an interruption of scheduled air service for almost seven months. Current service consists of two daily flights to/from each of Ontario, California, and Phoenix, Arizona.

The City of Prescott was recently informed by Great Lakes Airlines of their plan to begin new direct (one-stop) service to/from Denver International Airport (DEN); and to discontinue the flights to/from Phoenix on the basis of very low passenger loads. Although concerned about losing Phoenix service, we understand the problem it poses financially, particularly in the current economy. Accordingly, though with some misgivings specifically with respect to cessation of the service to/from Phoenix, we support the replacement service to Denver at the same subsidy rate set forth by DOT Order Issued 8-12-2008, subject to the following:

1. That the schedule proposed to become effective April 7, 2009, be evaluated on a monthly basis, with departure and arrival times from/to Prescott adjusted as appropriate to best meet the travel needs of our community.
2. That the intermediate stop in Farmington, New Mexico, be not less than 20 minutes until such time as Great Lakes Airlines serves this route with equipment providing onboard restroom facilities.

Thank you for this opportunity to comment on Essential Air Service to Prescott, Arizona.

Sincerely,

Jack D. Wilson  
Mayor

COUNCIL AGENDA MEMO - 3/24/09

DEPARTMENT: COMMUNITY DEVELOPMENT

AGENDA ITEM: REZONE from SF-9 to MF-H (RZ09-003) and DEVELOPMENT AGREEMENT for The Boulders, A Prescott Retirement Community--A Planned Area Development (Formerly Canterbury Gardens Senior Apartments) with accompanying Site Plan for a Planned Area Development--located at 910 Canterbury Lane (north of Whipple Street) on ±6.27 acres

<b>Approved By:</b>	<b>Date:</b>
<b>Department Head:</b> Tom Guice	
<b>Finance Director:</b>	
<b>City Manager:</b> Steve Norwood <i>SNorwood</i>	<i>03/19/09</i>

UPDATE:

This request was heard at the Council Study Session on March 17. The Council requested that the Development Agreement remove the provision that would allow construction traffic on Sun Street. A new provision (# 8.D) added that specifically prohibits construction traffic on Sun Street, and was agreed to by the applicant's legal counsel at the study session.

Request

This is a request to rezone approximately 6.27 acres from Single-Family 9 (SF-9) to Multi-Family High Density (MF-H) located on Canterbury Lane north of Whipple Street.

Associated with this rezoning is a new Development Agreement which includes provisions for a Site Plan approval by City Council.

**RECOMMENDED MOTION: 1) MOVE** to adopt Ordinance No. 4693-0936; and **2) MOVE** to adopt Resolution No. 3946-0952, subject to the City Department Comment's within the City Council Memo dated March 17/March 24, 2009.

**ORDINANCE NO. 4693-0936**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING OF CERTAIN PROPERTY WITHIN THE CITY OF PRESCOTT GENERALLY LOCATED AT THE NORTH END OF CANTERBURY LANE FROM SINGLE-FAMILY 9 (SF-9) TO MULTI-FAMILY HIGH (MF-H) CONSISTING OF APPROXIMATELY ± 6.27 ACRES**

**RECITALS:**

WHEREAS, the owners of certain properties within the corporate limits of the City of Prescott have requested a rezoning of their property; and

WHEREAS, the Planning and Zoning Commission of the City of Prescott has held public hearings regarding said rezoning; and

WHEREAS, the City Council of the City of Prescott has determined that it would be in the best interest of public necessity, interest, convenience or general welfare to rezone certain property; and consistent with the General Plan; and

WHEREAS, the requirements of Section 9.15 of the City of Prescott *Land Development Code* have been complied with.

**ENACTMENTS:**

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, the following described parcel of land, consisting of approximately ± 6.27 acres and further described in Exhibit A attached hereto and made a part hereof, is hereby reclassified as follows: ± 6.27 acres from Single-Family 9 (SF-9) to Multi-Family High (MF-H).

SECTION 2. THAT the Mayor and staff are hereby authorized to take all necessary steps to effectuate such rezoning.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott on this 24<sup>th</sup> day of March, 2009.

---

JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

---

ELIZABETH A. BURKE, City Clerk

---

GARY D. KIDD, City Attorney

EXHIBIT A  
PAGE 1 OF 2

A parcel of land lying within the Southeast quarter of Section 28, Township 14 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at a found 1/2" rebar at the Northwest corner of "Oak Terrace", recorded in Book 17 of Maps, page 40, records of Yavapai County, Arizona, and as shown on the "Record of Survey" recorded in Book 53 of Land Surveys, page 43, records of Yavapai County, Arizona;

THENCE South 00°00'26" East, along the West line of said "Oak Terrace", 406.82 feet to a found 1/2" rebar;

THENCE North 87°07'29" West, 111.32 feet (11.32 feet, record as per Book 4502 of Official Records, page 648, records of Yavapai County, Arizona);

THENCE South 03°44'00" West, 240.12 feet;

THENCE North 87°07'00" West, 109.84 feet;

THENCE North 03°44'00" East, 60.19 feet;

THENCE North 87°12'09" West, 109.86 feet;

THENCE North 03°42'17" East, 338.83 feet to a found 1" bar;

THENCE North 87°13'12" West, 155.92 feet to a point on the East line of "Sun Land Subdivision", recorded in Book 7 of Maps, page 96, records of Yavapai County, Arizona;

THENCE North 03°18'14" East, along said East line, 102.84 feet to a found 1/2" rebar at the Northeast corner of Lot 20 of said "Sun Land Subdivision";

THENCE South 89°58'31" West, along the North line of said "Sun Land Subdivision", 525.31 feet to the Southeast corner of Lot 30 of said "Sun Land Subdivision";

THENCE North 08°00'54" West, along the East line of said Lot 30, a distance of 121.27 feet;

THENCE North 89°54'00" East, 1011.22 feet to the TRUE POINT OF BEGINNING.



# Yavapai Surveying, LLC

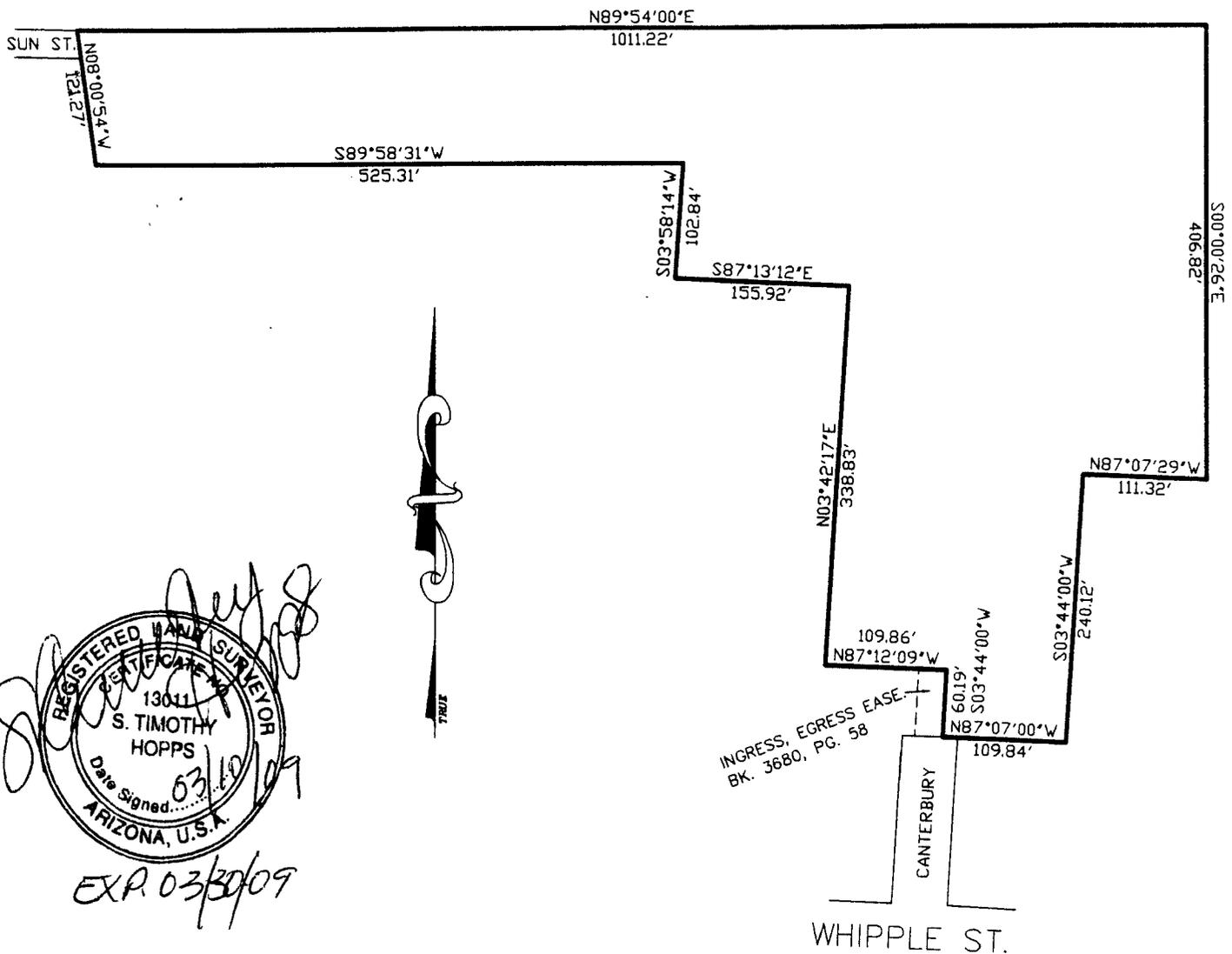
2805 Willow Creek Rd. ~ Prescott, AZ 86301

Phone: 928-772-6842 ~ Fax: 928-772-6865

Email: yava@cableone.net

EXHIBIT **A**  
PAGE 2 of 2

"THE BOULDERS—A PRESCOTT RETIREMENT CENTER"  
6.27 ACRES



**RESOLUTION NO. 3946-0952**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARCADIA HOUSING, LLC AS THE ASSIGNEE OF FOREST GLEN, INC., FOR "THE BOULDERS, A PRESCOTT RETIREMENT COMMUNITY", A PLANNED AREA DEVELOPMENT, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE**

**RECITALS:**

WHEREAS, Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., is the owner of certain real property in the City limits; and

WHEREAS, the parties wish to enter into a Development Agreement, pursuant to ARS Section 9-500.05 relating to the development of that property, which amends and supersedes all prior Development Agreements.

**ENACTMENTS:**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City of Prescott hereby approves the Development Agreement with Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., attached hereto as Exhibit "1."

SECTION 2. THAT the Mayor and staff are hereby authorized to take all such steps as may be necessary to effectuate said Development Agreement.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Prescott on this 24<sup>th</sup> day of March, 2009.

\_\_\_\_\_  
JACK D. WILSON, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
ELIZABETH A. BURKE, City Clerk

\_\_\_\_\_  
GARY D. KIDD, City Attorney

**EXHIBIT '1'**

**DEVELOPMENT AGREEMENT  
THE BOULDERS, A PRESCOTT RETIREMENT COMMUNITY**

THIS AGREEMENT ("Agreement"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between the **CITY OF PRESCOTT**, an Arizona municipal corporation (hereinafter "CITY") and Arcadia Housing, LLC (as the assignee of **FOREST GLEN, INC.**, a Nevada corporation) or its duly nominated Assignees, (hereinafter "Property Owner"). Collectively City and Property Owner are referred to herein as "Parties."

**RECITALS:**

WHEREAS, Arcadia Housing, LLC, the Assignee of Forest Glen, Inc., is the owner of certain real property in the City limits; and

WHEREAS, the parties wish to enter into a new Development Agreement pursuant to ARS Section 9-500.05 relating to the development of that property which amends and supersedes all prior Development Agreements.

WHEREAS, the Property Owner is successor in interest to the fee title of the real property described on Exhibit A attached hereto (the Property).

WHEREAS, the Property Owner's predecessors in interest have heretofore entered into a prior Development Agreement No. 2003-201C on March 27, 2007.

WHEREAS, the Parties desire to enter into a new Development Agreement, superseding in their entirety the provisions of the prior Agreement. Upon approval of this Development Agreement, the parties hereto agree that the prior Development Agreement on the above-described property shall be rescinded and revoked and this Agreement, and any subsequent addendums thereto, shall be the sole effective Development Agreement as to such Property.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS CONTAINED HEREIN, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. That this Agreement shall relate to that real property described in Exhibit "A" attached hereto and made a part hereof the Property.
2. That this Agreement shall become operative only upon the recordation of same in the Office of the Yavapai County Recorder.
3. That the development of the Property shall be consistent with the City's General Plan, as ratified on May 18, 2004.
4. That pursuant to this Agreement, the subject Property shall develop in substantial conformance with the site plan attached hereto as Exhibits "B-1," "B-2", "B-3", "B-4" dated January 9, 2009.

5. That prior to any development of the Property which is not in substantial compliance with Exhibits "B-1", "B-2", "B-3", "B-4" dated January 9, 2009 and attached hereto, the Property Owner must first obtain site plan approval of the revised site plan by the Prescott City Council. The City Council shall have sole discretion to approve or disapprove that revised final site plan.
6. The Grading Plans dated January 29, 2009 are on file in the Community Development Department. The final grading plans must be in substantial conformance with the conceptual grading plan dated January 29, 2009 which is incorporated herein by reference. In the event that said final grading plan is not in substantial conformance with said conceptual grading plan, then and in that event, the City Council shall have sole discretion to approve or disapprove that revised final grading plan.
7. That prior to any development of the Property, the Property Owner must first obtain approval by the Prescott Public Works Director of a drainage study for the Property, said study to be obtained and paid for by the Property Owner. Furthermore, the Property Owner shall address all drainage concerns to the satisfaction of the Prescott Public Works Director in the development of the Property.
8. That notwithstanding the underlying zoning of the Property, the Property Owner hereby agrees as follows:
  - A. The Property shall only be used for non-assisted housing for those over 55 years of age and/or a combination of non-assisted housing and assisted housing for those over the age of 55 years.
  - B. That the total number of units to be constructed on the Property shall not exceed one hundred thirty-two (132) rental and/or condominium units.
  - C. That the height of any structure constructed on the Property shall not be in excess of forty-nine and one-half (49.5) feet.
  - D. That Sun Street may be used as an emergency access for the property **only** and **shall not be used for construction traffic**. The Property Owner shall install an emergency access gate limiting access from the Property to Sun Street.
  - E. That the Property Owner will provide the following parking spaces on the Property:
    - (i) 1.0 spaces for each non-assisted care living unit that is developed on the Property;
    - (ii) 0.5 spaces for each assisted care living unit that is developed on the Property;
    - (iii) 1.5 spaces for each condominium unit that is developed on the Property;
    - (iv) 1 space for each employee on the Property, based upon the maximum number which would be working on any one shift.

- F. That the Property Owner will provide on-site valet parking services for the residents.
9. The Property Owner agrees that any painting or color on the exterior of any building or structure on the Property will have an LRV of not more than 60.
10. The City shall provide a total of not more than 46.2 acre feet of potable water per year for the Property (based upon .35 acre feet per unit); provided, however, that in the event that less than 46.2 acre feet of water is being utilized by December 31, 2013, then and in that event the amount of potable water set aside for the Property pursuant to this Agreement shall be reduced proportionately and that unused allocation shall be returned to the City of Prescott's water portfolio.
11. The Property Owner shall submit a landscape plan for the approval of the Community Development Director, which shall include (but not be limited to):
- A. Provisions to retain mature trees on the Property outside of the building envelope.
  - B. Provisions to preserve rock outcroppings at Property boundaries wherever reasonable.
  - C. Provisions to insure that boulders on the Property which must be moved for construction purposes will be relocated and reused on the property.
12. This Agreement shall run with the land, and shall be binding upon the Property Owner's successors-in-interest and assigns.
13. All of the Parties hereto shall execute and deliver all such documents and perform all such acts as are reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.
14. Pursuant to A.R.S. Section 38-511, the City of Prescott may cancel this Agreement without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the City is, at any time while the Agreement or any extension of the Agreement is in effect, an employee or agent of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter of the Agreement. In the event of the foregoing, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of the City of Prescott from any other party to the Agreement arising as a result of this Agreement.
15. That the Property Owner hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of this Agreement, whether said claims, liabilities, expenses or lawsuits arise by any negligent acts or negligent omissions or any such alleged acts of omissions of the Property Owner.
16. The parties hereto expressly covenant and agree that in the event of a dispute arising from this Agreement, each of the Parties hereto waives any right to a trial by jury. In the

event of litigation, the Parties hereby agree to submit any such litigation to the Court and that the Parties agree that this contract shall be deemed to have been created in Yavapai County, Arizona, and to be subject to the jurisdiction of the Yavapai County Superior Court, and that any claims to alternative jurisdiction based on diversity of citizenship, corporate location, etc., are waived by the Parties pursuant to this Agreement.

17. The Parties hereto expressly covenant and agree that in the event of litigation arising from this Agreement, neither Party shall be entitled to an award of attorneys' fees, either pursuant to the Contract, pursuant to ARS Section 12-341.01(A) and (B), or pursuant to any other state or federal statute. The parties further agree that there shall be no damage remedy for breach of any provisions of this Agreement and that the sole remedy for any breach shall be specific performance.
18. This Agreement is the result of negotiations by and between the Parties. Any ambiguity in this Agreement is not be construed against either Party.
19. Time is of the Essence in this Agreement. The failure of either Party to require the strict performance by the other of any provision of this Agreement shall not be deemed a waiver of the right of said Party thereafter to require strict performance of that or any other provision of this Agreement in accordance with the terms hereof and without notice.
20. For purposes of this Agreement, the following definitions shall apply:
  - A. "Assisted living facility" is a public or private residential care institution or condominium development, which contains facilities for living, sleeping and sanitation, and may include facilities for eating and cooking, to be used for occupancy that provides supervisory care services, directed care services or personal care services on a continuing care basis.
  - B. "Directed care services" means programs and/or services, including personal care services, provided to persons who are incapable of recognizing danger, summoning assistance, expressing need, and/or making basic care decisions.
  - C. "Personal care services" means assistance with activities of daily living that can be performed by persons without professional skills or professional training, and includes the coordination or provision of intermittent nursing services and/or the administration of medications and treatments by a nurse who is licensed pursuant to Title 32, Chapter 15, A.R.S, or as otherwise provided by law.
  - D. "Supervisory care services" means general supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis, and/or the assistance in the self-administration of prescribed medicine.
21. This Development Agreement rescinds and supersedes in its entirety all Prior Agreements regarding the Property.
22. The undersigned specifically acknowledges that the attached Exhibit "C", entitled CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE, is knowingly and voluntarily executed pursuant to this Agreement, and that such waiver shall be a

condition of this Development Agreement between the City of Prescott and Arcadia Housing, LLC (as the assignee of FOREST GLEN, INC.) and its duly nominated assignees, and is specifically incorporated herein.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
JACK D. WILSON, Mayor

ATTEST:

\_\_\_\_\_  
ELIZABETH A. BURKE, City Clerk

\_\_\_\_\_  
GARY D. KIDD, City Attorney

STATE OF ARIZONA        )  
  ) ss.  
COUNTY OF YAVAPAI     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by Jack D. Wilson, Mayor of the City of Prescott, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed it.

[Seal]

\_\_\_\_\_  
Notary Public

Signed this \_\_\_\_ day of \_\_\_\_\_, 2009.

Arcadia Housing, LLC, as the assignee of Forest Glen, Inc., a Nevada corporation

By: Forest Glen, LLC., as the Managing Member of Arcadia Housing, LLC, by Forest Glen, Inc as the Managing Member of Forest Glen, LLC,

\_\_\_\_\_  
By: William A. Spring  
Title: President of Forest Glen, Inc.

STATE OF ARIZONA            )  
   ) ss.  
 COUNTY OF YAVAPAI        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2009, by William A. Spring as President of Forest Glen, Inc. the Manager of Forest Glen, LLC as the Manager of Arcadia Housing, LLC on behalf of Arcadia Housing, LLC, as the assignee of Forest Glen, Inc., personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that (s)he executed it for the purposes therein contained and, that (s)he has the authority to so execute.

[Seal]

\_\_\_\_\_  
 Notary Public

EXHIBIT A  
PAGE 1 OF 2

A parcel of land lying within the Southeast quarter of Section 28, Township 14 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at a found ½" rebar at the Northwest corner of "Oak Terrace", recorded in Book 17 of Maps, page 40, records of Yavapai County, Arizona, and as shown on the "Record of Survey" recorded in Book 53 of Land Surveys, page 43, records of Yavapai County, Arizona;

THENCE South 00°00'26" East, along the West line of said "Oak Terrace", 406.82 feet to a found 1/2" rebar;

THENCE North 87°07'29" West, 111.32 feet (11.32 feet, record as per Book 4502 of Official Records, page 648, records of Yavapai County, Arizona);

THENCE South 03°44'00" West, 240.12 feet;

THENCE North 87°07'00" West, 109.84 feet;

THENCE North 03°44'00" East, 60.19 feet;

THENCE North 87°12'09" West, 109.86 feet;

THENCE North 03°42'17" East, 338.83 feet to a found 1" bar;

THENCE North 87°13'12" West, 155.92 feet to a point on the East line of "Sun Land Subdivision", recorded in Book 7 of Maps, page 96, records of Yavapai County, Arizona;

THENCE North 03°18'14" East, along said East line, 102.84 feet to a found ½" rebar at the Northeast corner of Lot 20 of said "Sun Land Subdivision";

THENCE South 89°58'31" West, along the North line of said "Sun Land Subdivision", 525.31 feet to the Southeast corner of Lot 30 of said "Sun Land Subdivision";

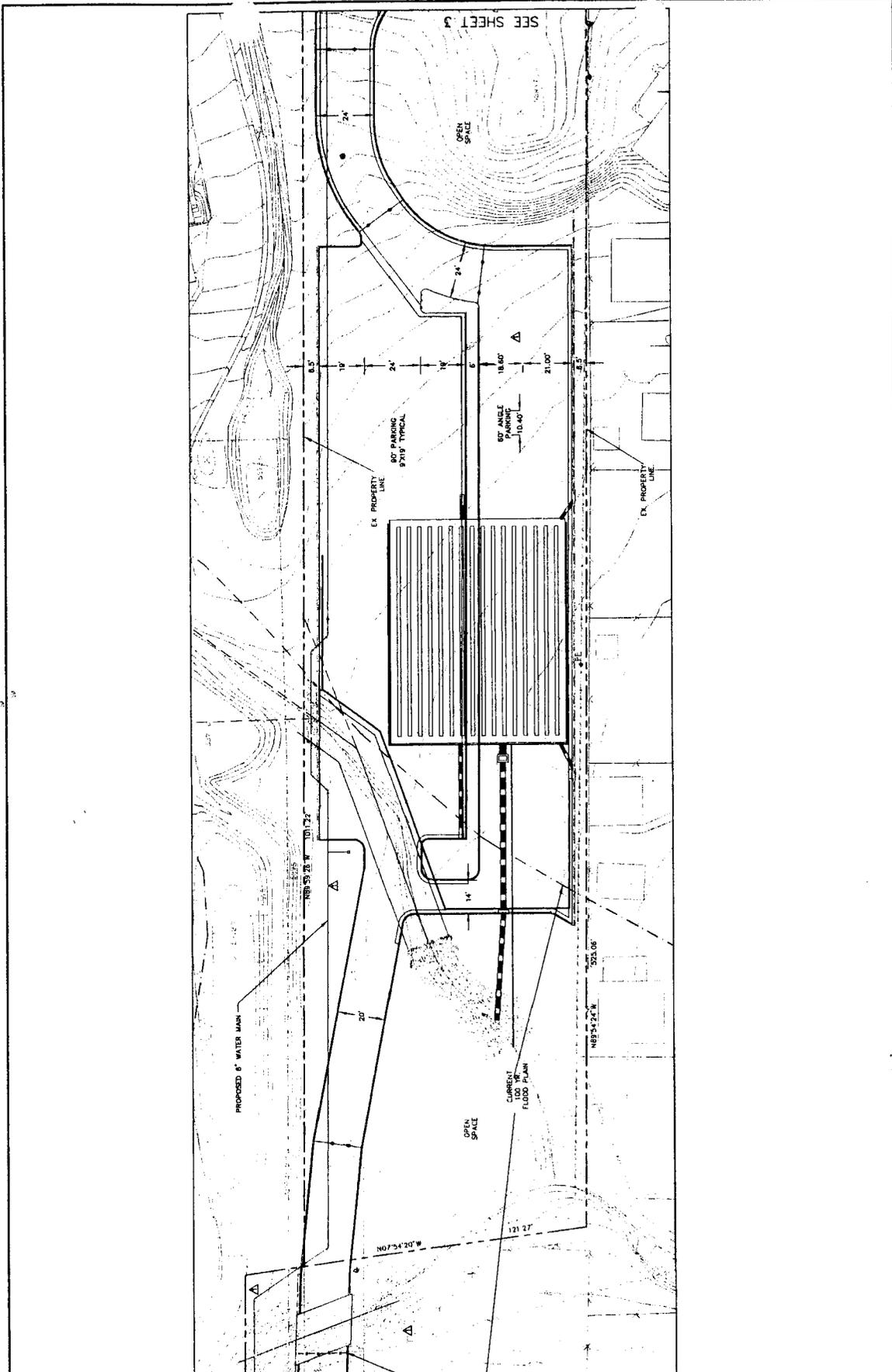
THENCE North 08°00'54" West, along the East line of said Lot 30, a distance of 121.27 feet;

THENCE North 89°54'00" East, 1011.22 feet to the TRUE POINT OF BEGINNING.









**NOTE:**  
 1) ACCESS AND PARKING WILL BE SHOWN THROUGHOUT THE SITE BY VIRTUE OF INGRESS/EGRESS AND PARKING EASEMENTS. ALL UTILITIES WILL BE COVERED BY A PUBLIC UTILITY EASEMENT.  
 2) BOUNDARY SHOWN IS PER ALTA/NCSH PER TAMPA SURVEYING

SCALE: 1"=20'

DATE: SEPT. 2008

NO. REVISIONS

NO.	REVISIONS	DESIGN BY: JOR	DATE
1	ADDED PARKING SPACES, INGRESS AND EGRESS AND FIRE HYDRANT; EXPANDED TO 4 SHEETS.	DRAWN: BT/ALM/UM	JOR 7/9/08
		CHECKED BY: JLB	

APPROVED FOR CONSTRUCTION

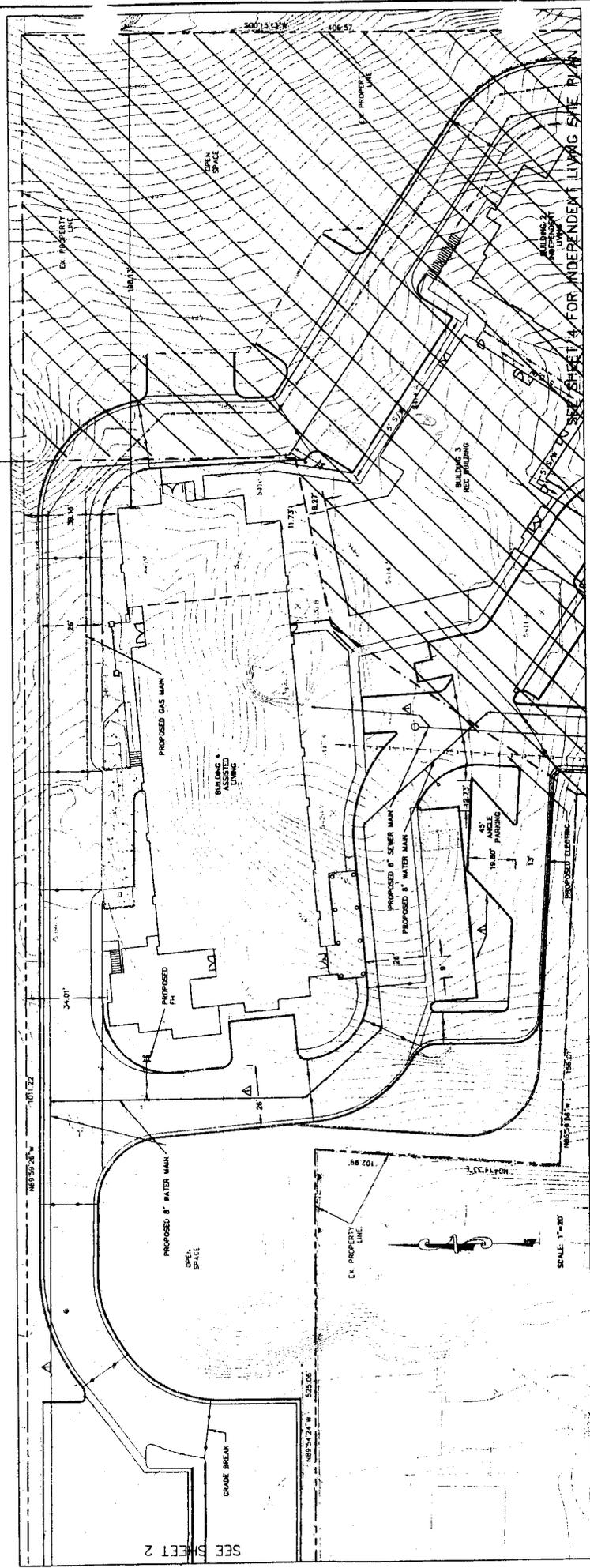
PROJECT: THE BOULDERS AT PRESCOTT  
 CLIENT: ARCADIA ASSISTED LIVING, LLC  
 ADDRESS: PRESCOTT, ARIZONA

SHEET: 2 OF 4  
 JOB NUMBER: 207740

6/9/09

EXHIBIT 'B-2'

ASSISTED LIVING INDEPENDENT LIVING



SEE SHEET 4 FOR INDEPENDENT LIVING SITE PLAN

**NOTE:**  
 1) ACCESS AND PARKING WILL BE SHARED THROUGHOUT THE SITE BY VEHICLE OF INDEPENDENT LIVING AND ASSISTED LIVING. ALL AREAS WILL BE COVERED BY A PUBLIC UTILITY EASEMENT.  
 2) BOUNDARY SHOWN IS PER ALTA/ACSH PER YAVAPAI SURVEYING



SCOTT G. GALT  
 REGISTERED PROFESSIONAL ENGINEER  
 LICENSE NO. 13000  
 STATE OF ARIZONA  
 1000 N. CENTRAL AVENUE, SUITE 100  
 PHOENIX, AZ 85004  
 PHONE: (602) 717-1177  
 FAX: (602) 717-1177



DESIGN BY: JOR  
 DRAWN BY: R.B./M.M.  
 CHECKED BY: R.B.  
 DATE: SEPT. 2008

NO. REVISIONS  
 1  
 MAKE CHANGE WITH EACH REVISION AND INDICATE FOR THE ATTORNEY, REFER TO A SHEET.

APP. DATE  
 JOR 1/9/08

**SITE PLAN**  
**THE BOULDERS AT PRESCOTT**  
**ARCADIA ASSISTED LIVING, LLC**  
 ARCADIA ASSISTED LIVING, LLC  
 PRESCOTT, ARIZONA

SHEET 3  
 OF 4  
 JOB NUMBER: 2007740

EXHIBIT 'B-3' 1/9/09



**EXHIBIT "C"**  
**CITY OF PRESCOTT**  
**AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE**  
**PURSUANT TO A.R.S. § 12-1134 – Since January 2008**

Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., a Nevada Corporation, ("Owner") is the owner of real property ("Property") generally located at 910 Canterbury Lane, APN 116-19-021B, consisting of approximately ± 6.27 acres, referenced in the Development Agreement to which this Agreement is attached.

The Property is subject to the land use laws of the City of Prescott, Arizona. For purposes of this Waiver, "land use law" shall be defined as set forth in A.R.S. § 12-1136.

Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., has requested that the City approve the land use action, Rezoning Number RZ09-003.

Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., acknowledges that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request so that the final approval may be substantially different than originally requested. Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., understands and agrees that execution of an additional waiver will be required for approval if the request is altered.

Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., acknowledges that the Requested Action may alter our rights to use, divide, sell or possess our Property, and that, pursuant to A.R.S. § 12-1134, as the owner of property directly regulated by a land use law, Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., may be entitled to compensation from the City for diminution of value in the property if the action Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., has requested from the City reduces the fair market value of the above-described property.

By signing this Agreement, Arcadia Housing, LLC, as the Assignee of Forest Glen, Inc., hereby agrees to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the City's actions including, but not limited to, approvals, denials or conditions of approvals with respect to the above-described Requested Action. This written agreement shall not serve as a waiver by Arcadia Housing, LLC or its assignees) of any claims it might assert relating to the denial or revocation by the City of MF-H zoning status of the Property.



**COUNCIL AGENDA MEMO – March 24, 2009**

**DEPARTMENT:** City Manager

**AGENDA ITEM:** Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation

**Approved By:**

**Date:**

**Deputy City Manager:** Craig V. McConnell

**Finance Director:** Mark Woodfill

**City Manager:** Steve Norwood

*Craig Woodfill for*

3-18-09

**Background**

In January 2009 the CYMPO Executive Board directed that a survey be distributed to those CYMPO entities which had expressed an interest in providing initial transit services (Prescott, Prescott Valley, and Yavapai County). Responses are sought by the CYMPO Executive Board to advance public dialogue on whether, how, and when to implement transit in our area.

The possible content of a letter replying to the CYMPO survey request and expressing the City's transit implementation preferences was addressed at the March 3rd Council meeting, and again on March 10th, at which time the item was tabled pending additional, *in camera* discussion.

**Letter Versions 1 and 2**

The attached "Version 1" draft letter, provided for reference, was in the packet for and discussed at the March 10, 2009, Council meeting.

Following the March 10th Council meeting, the "bullet points" of Version 1 were revised to reflect that discussion, and incorporate specific suggestions of David Quinn (Northern Arizona Interfaith Council - NAIC). Subsequently, a group consisting of Councilman Bob Luzius, Councilwoman Lora Lopas, Doris Piatak (NAIC), and Lindsay Bell (Territorial Transit) met on March 16, 2009, and produced a new draft of the bullet points (incorporated in the attached "Version 2").

**Transit Administrator**

Of related note is current discussion between CYMPO and the Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) pertaining to the possibility of obtaining initial transit managerial/administrative assistance from NAIPTA. Although details are pending, both parties could benefit, with CYMPO getting needed personnel services for a year or more in return for shifting federal economic stimulus (ARRA) transit capital money it arguably cannot use to NAIPTA. The attached memorandum dated March 13, 2009, from Jeff Meilbeck, NAIPTA General Manager, to Jodi Rooney, CYMPO Administrator, provides more information.

**Agenda Item:** Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation

### **Budget**

Beyond the current voucher program, which relies on LTAF II (lottery) distributions from the state, the City has no funding source identified for expansion of transit services. Any commitment of significant money required to support this or any other new function will necessitate either a new funding source (e.g., a transit authority), or a reduction in existing programs and/or services.

**Attachments**

- Version 1 and Version 2 draft letters
- Memorandum dated March 13, 2009, from NAIPTA to CYMPO

**Reference**

- Transit Implementation Plan ([www.cympo.com](http://www.cympo.com); click on "Regional Transit Planning" and then "Transit Implementation Plan Draft Report")

**Recommended Action:** **MOVE** to authorize the Mayor to sign Version 1 / Version 2 of the letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation.

**CITY OF PRESCOTT**  
**P.O. Box 2059**  
**Prescott, AZ 86302**  
**928-777-1270**  
**Mayor Jack Wilson**



**Councilman Bob Bell**  
**Councilman Jim Lamerson**  
**Councilwoman Lora Lopas**  
**Councilman Bob Luzius**  
**Councilman Bob Roecker**  
**Councilwoman Mary Ann Suttles**

*(Date signed here)*

Mike Flannery, Chairman  
Central Yavapai Metropolitan Planning Organization  
7501 E. Civic Circle  
Prescott Valley, Arizona 86314

Re: CYMPO Transit Implementation Preferences Survey

Dear Chairman Flannery and the CYMPO Executive Board:

At your meeting of January 28, 2009, the CYMPO Executive Board accepted the "Transit Implementation Plan" (Transit Plus, October 2008), and directed that a survey be forwarded to the CYMPO entities which had expressed an interest in cooperatively developing regional public transit services. This letter, approved by the City Council March 24, 2009, provides Prescott's response to the survey.

In summary, the City of Prescott supports:

- A regional approach to developing transit services within the CYMPO area
- Implementation of the Enhanced Voucher Program (Alternative #1) at this time, the important first step toward eventual fixed/flex route and paratransit services
- Securing a new funding source as a prerequisite for implementing any other new or enhanced service which would increase the local (nonfederal) cost
- Constraining the Enhanced Voucher Program by state LTAF II distributions; the City cannot commit to make up LTAF II funding if there is no state distribution
- Pursuit of legislation by CYMPO for changes to existing statutes, as necessary, to provide access to the Metropolitan Public Transit Authority (MPTA) model of transit governance for our region
- Creation and filling of a CYMPO Transit Administrator position when both an assured funding source and MPTA enabling legislation are in place.

The City presently has no funding to support expansion of public transportation services. Unfortunately, during this time of extreme pressure on the City's finances and corresponding ability to provide core services, and with no firm indication of when more favorable economic circumstances may exist, any commitment of significant money required to fund a new function will necessitate a corresponding reduction in existing programs and/or services. Accordingly, we suggest that the region move toward expanding public transportation very deliberately, to assure that it is securely funded, affordable, and enjoys the clear support of our citizens.

Sincerely,

Jack D. Wilson  
Mayor

**VERSION 1**

**CITY OF PRESCOTT**  
**P.O. Box 2059**  
**Prescott, AZ 86302**  
**928-777-1270**  
**Mayor Jack Wilson**



**Councilman Bob Bell**  
**Councilman Jim Lamerson**  
**Councilwoman Lora Lopas**  
**Councilman Bob Luzius**  
**Councilman Bob Roecker**  
**Councilwoman Mary Ann Suttles**

*(Date signed here)*

Mike Flannery, Chairman  
Central Yavapai Metropolitan Planning Organization  
7501 E. Civic Circle  
Prescott Valley, Arizona 86314

Re: CYMPO Transit Implementation Preferences Survey

Dear Chairman Flannery and the CYMPO Executive Board:

At your meeting of January 28, 2009, the CYMPO Executive Board accepted the "Transit Implementation Plan" (Transit Plus, October 2008), and directed that a survey be forwarded to the CYMPO entities which had expressed an interest in cooperatively developing regional public transit services. This letter, approved by the City Council March 24, 2009, provides Prescott's response to the survey.

In summary, the City of Prescott supports:

- A regional approach to developing transit services within the CYMPO area
- Implementation of the Enhanced Voucher Program, per Phase 1 of the Service Development Plan, an important first step toward eventual fixed/flex route and paratransit services
- Contribution of LTAF II distributions received by the City to CYMPO for the Enhanced Voucher Program; if this funding is not provided by the state, the City will consider replacement through its annual budget process
- Securing a reliable source for the non-federal portion of funding as a prerequisite for implementing Phases 2 and/or 3 of the Service Development Plan
- Pursuit of legislation by the CYMPO Partners for changes to existing statutes, as necessary, to provide access to a public transit authority governance model appropriate for our region
- In concert with the Town of Prescott Valley and Yavapai County, and contingent upon the availability of federal grant funding, contributing our proportionate share toward creation and filling of a CYMPO Transit Administrator position with near-term responsibilities to include, but not be limited to:
  1. Federal grant applications, administration, and compliance
  2. Development and implementation of the Enhanced Voucher Program
  3. Assisting CYMPO and its Partners in implementing the selected transit governance structure
  4. Assisting CYMPO and its Partners in creating an assured and dedicated source of local funding for transit operations
  5. Assisting CYMPO and its Partners, when authorized, in implementing the finance-related and service-related activities according to the Transit Implementation Plan

Page 2

CYMPO Transit Implementation Preferences Survey

*(Date signed here)*

The City presently has no funding to support expansion of public transportation services. Unfortunately, during this time of extreme pressure on the City's finances and corresponding ability to provide core services, and with no firm indication of when more favorable economic circumstances may exist, any commitment of significant money required to fund a new function will necessitate a corresponding reduction in existing programs and/or services. Accordingly, we suggest that the region move toward expanding public transportation very deliberately, to assure that it is securely funded, affordable, and enjoys the clear support of our citizens.

Sincerely,

Jack D. Wilson  
Mayor

## **Bullet Points for Letter to CYMPO Executive Board Transit Implementation Preferences**

*Content from March 16, 2009, group meeting with recommended (nonsubstantive) revisions as indicated. These bullet points are incorporated in Letter "Version 2".*

**In summary, the City of Prescott supports:**

- **A regional approach to developing transit services within the CYMPO area**
- **Implementation of the Enhanced Voucher Program, per Phase 1 One of the Service Development Plan, an important first step toward eventual fixed/flex route and paratransit services**
- **Contribution of LTAF II distributions received by the City to CYMPO for the Enhanced Voucher Program; if this funding is not provided by the state, the City will consider replacement through its annual budget process**
- **Securing a reliable funding source for the non-federal portion of funding as a prerequisite for implementing the Transit Development Plan Phases 2 and/or 3 of the Service Development Plan section**
- ~~Contribution of LTAF II distributions received by the City to CYMPO for the Enhanced Voucher Program; if this funding is not provided by the state, the City will consider replacement through its annual budget process~~
- **Pursuit of legislation by the CYMPO Partners for changes to existing statutes, as necessary, to provide access to a public transit authority governance model appropriate for our region**
- **In concert with the Town of Prescott Valley and Yavapai County, and contingent upon the availability of federal grant funding, contributing our proportionate share toward creation and filling of a CYMPO Transit Administrator position with near-term responsibilities to include, but not be limited to:**
  1. **Federal grant applications, administration, and compliance**
  2. **Development and implementation of the Enhanced Voucher Program**
  3. **Assisting CYMPO and its Partners in implementing the selected transit governance structure**
  4. **Assisting CYMPO and its Partners in creating an assured and dedicated source of local funding for transit operations**
  5. **Assisting CYMPO and its Partners, when authorized, in implementing the finance-related and service-related activities according to the Transit Implementation Plan**

**Northern Arizona Intergovernmental Public Transportation Authority**

2300 S. Huffer Lane • Flagstaff, AZ 86001-7303 • 928-679-8900 • FAX 928-779-8868 • www.naipta.az.gov

DATE: March 13, 2009  
TO: Jodi Rooney, CYMPO Executive Director  
FROM: Jeff Meilbeck, NAIPTA General Manager  
SUBJECT: CYMPO ARRA and 5307 Lapsing Funds

This memo is in response to a memo from you dated March 12, 2009 "Potential Exchange of ARRA Transit Funds Identified for CYMPO". With the caveat that the NAIPTA Transit Advisory Committee (TAC) and Board of Directors (BOD) have to consider any recommendation we potentially make, I offer some preliminary ideas on what a CYMPO/NAIPTA relationship might look like. Clearly, these ideas are general in nature and designed to encourage dialogue between our organizations. My understanding of the CYMPO region and community is limited at best. As such, these ideas will have commensurate limitations.

Your memo indicated that CYMPO lacks staffing capacity to conduct public transportation related work. In my experience, the CYMPO situation is typical of newer MPO's. For example, the Yuma MPO was unable to use their section 5307 funding for several years while they built staff capacity and expertise. It is also typical for planning and construction of roads to take precedence over transit in virtually every community in the Western United States. The administrative demands of a new FMPO, the time and effort involved with regional coordination, the myriad layers of state and federal procedure and the public pressure to complete priority road projects all serve to push transit projects to the bottom of the list. When an MPO is formed in a region that has no existing public transportation system, this road-centric dynamic and allocation of staff resources is exacerbated. Frankly, I am impressed by how much transit work you have accomplished since CYMPO formation.

Your memo indicated a need for "staff capacity" to facilitate transit work "appropriate" to regional transit needs and available funding levels. This observation is a cogent one. Although CYMPO has done good transit planning, it is unclear if there is community support to turn the plans into projects. Given that CYMPO has no existing transit system and several distinct towns or municipalities, this question may be challenging to answer. However, I agree with your implication that it must be answered before money is put toward building a system. To use a carpenter's metaphor, I am a firm believer in measuring twice and cutting once. Right now, we may not even know if the broader community and elected leaders are willing to pay for a back deck or a room addition. Galvanizing various perspectives into fiscally viable and politically palatable solution will take time.

At risk of sounding boastful, I want to share a few reasons which lead me to believe that



## **Northern Arizona Intergovernmental Public Transportation Authority**

2300 S. Huffer Lane • Flagstaff, AZ 86001-7303 • 928-679-8900 • FAX 928-779-8868 • [www.naipta.az.gov](http://www.naipta.az.gov)

NAIPTA can provide assistance.

- The NAIPTA Board of Director's has been operating successfully for 3 years. In that time the Board has adopted two regional plans, convened three citizen review commissions, passed 5 successful ballot initiatives, launched the first Hybrid Electric buses in the State, and received a \$5.7 million FTA grant. Ridership has seen double digit increases each year of NAIPTA's existence.
- The NAIPTA management team has about 40 years of collective transit experience. We have had the opportunity to build two successful transit systems from scratch, complete four triennial reviews, and successfully manage tens of millions of dollars of federal grants and local tax revenues. We were named Transit System of the Year in 2002 by the Community Transportation Association of America.
- NAIPTA consists of public employees and elected officials who are passionate about transit. Our mission is "Getting You Where You Want To Go" and that mission is literal as well as figurative. Clearly, we want to get people to work, school and medical appointments. However, we also want to make our communities more affordable (19% of the average household budget is spent on transportation), more sustainable, and more connected.

If CYMPO wishes to work with NAIPTA we should probably enter into an intergovernmental agreement (IGA) for planning and administrative services. Specific deliverables and appropriate reimbursements would have to be identified. As you know, NAIPTA has a full strategic workplan for our existing member agencies and does not have capacity to absorb much in the way of extra-curricular activities. However, we may be able to apportion a small percentage of each member of our management team to CYMPO and also recruit, select and supervise a high level transit professional to focus on the CYMPO region. This model would provide depth and breadth to meet your region's particular transit needs.

If you would like to pursue a relationship further I suggest the following:

- Hold a meeting of key staff members the week of March 23<sup>rd</sup> to discuss needs.
- Draft a tentative scope of work and reimbursement schedule and have it reviewed by our respective legal counsel by April 2<sup>nd</sup>.
- Attend the NAIPTA TAC meeting on April 3<sup>rd</sup> and the NAIPTA Board meeting on April 15<sup>th</sup>. I can place this topic as a discussion item on both agendas if you like. Both meetings will be held in Sedona at City Hall from 10:00 until Noon.
- If all goes well, we may be able to draft an IGA for consideration by our respective organizations in May 2009.

I will be on vacation the week of March 16<sup>th</sup>, but Sheri Torres, NAIPTA's Clerk of the Board, can schedule things in my absence.

