

## AGENDA

REGULAR COUNCIL MEETING  
TUESDAY  
OCTOBER 16, 2012

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.

### 4:00 P.M. MEETING

*Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.*

1. **CALL TO ORDER**

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

|                        |                       |
|------------------------|-----------------------|
| MAYOR NABOURS          |                       |
| VICE MAYOR EVANS       | COUNCILMEMBER ORAVITS |
| COUNCILMEMBER BAROTZ   | COUNCILMEMBER OVERTON |
| COUNCILMEMBER BREWSTER | COUNCILMEMBER WOODSON |

3. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

**MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- A. **Consideration of Minutes:** Minutes of the Special Meeting and Regular Council Meeting of September 18, 2012; the Special Meeting and Work Session of September 25, 2012, the Special Meeting and Regular Council Meeting of October 2, 2012; and the Special Meeting and Work Session of October 9, 2012.

**RECOMMENDED ACTION**

Approve the minutes of the Special Meeting and Regular Council Meeting of September 18, 2012; the Special Meeting and Work Session of September 25, 2012, the Special Meeting and Regular Council Meeting of October 2, 2012; and the Special Meeting and Work Session of October 9, 2012.

**5. PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

**6. PROCLAMATIONS AND RECOGNITIONS**

None submitted

**7. APPOINTMENTS**

- A. Consideration of Appointments:** Disability Awareness Commission vacancies.

**RECOMMENDED ACTION:**

Make one appointment with a term expiring in March 2014 and two re-appointments to the Disability Awareness Commission with terms expiring in March 2015.

- B. Consideration of Appointments:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC Citizen Appointment)

**RECOMMENDED ACTION:**

Appoint \_\_\_\_\_ to a three year term to expire October 2015.

**8. LIQUOR LICENSE PUBLIC HEARINGS**

- A. Consideration and Action on Liquor License Application:** Lauren Merrett, "Maverik", 5700 N. Highway 89, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

**RECOMMENDED ACTION:**

Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**9. CONSENT ITEMS**

**ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.**

None submitted

**10. ROUTINE ITEMS**

- A. Consideration and Approval of Change Order No. 1: Coconino/Elden/Humphreys 2010 Bond Improvements**

**RECOMMENDED ACTION:**

Approve Change Order No. 1 with Eagle Mountain Construction Co. in the amount of \$102,671.16.

**RECESS**

**6:00 P.M. MEETING**

**RECONVENE REGULAR MEETING**

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

**11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

**12. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

**13. PUBLIC HEARING ITEMS**

No items submitted

**14. REGULAR AGENDA**

- A. Consideration and Adoption of Resolution No. 2012-36: A resolution of the City Council of the City of Flagstaff, Arizona, supporting the City of Flagstaff as a STEM (Science, Technology, Engineering and Math) Community.**

**RECOMMENDED ACTION:**

Read Resolution No. 2012-36 by title only.

Adopt Resolution No. 2012-36.

- B. Consideration and Approval of Street Closure(s):** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival and **Consideration and Approval of Amplification Exception:** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival.  
**RECOMMENDED ACTION:**
- Approve the street closure of San Francisco Street between Birch and Dale avenues on February 7, 2013, at 8:00 p.m. through February 10, 2013, at midnight; and
  - Approve the amplification exception, allowing for calling out play-by-play and starting box commentating for contestants to occur on Sunday, February 10, 2013, between the hours of 9:00 a.m. and 12:00 noon.
- C. Consideration and Approval of Lease Amendment of City-Owned Property:** Approval of Lease Amendment #3 between the City of Flagstaff and the General Services Administration (GSA).  
**RECOMMENDED ACTION:**
- Approve the Lease Amendment #3 with the General Services Administration (GSA).
- D. Consideration and Approval of Grant Agreement and Acceptance of Grant Funding:** Fiscal Year 2012 Arizona State Parks Growing Smarter Grant.  
**RECOMMENDED ACTION:**
- Approve the grant agreement with the Arizona State Parks Growing Smarter Grant Program and authorize the acceptance of grant funding in the amount of \$2,389,000.
- E. Consideration and Adoption of Resolution No. 2012-037:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring, for purposes of section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to Street and Utility Improvements, and FUTS and Open Space purchases.  
**RECOMMENDED ACTION:**
- Read Resolution No. 2012-037 by title only.  
Adopt Resolution No. 2012-037.
- F. Consideration of Ordinance:** Ordinance No. 2012-16 authorizing the purchase of approximately 479 acres known as Picture Canyon.  
**RECOMMENDED ACTION:**
- 1) At the Council meeting of October 16, 2012, read Ordinance No. 2012-16 for the first time by title only.
  - 2) At the Council meeting of October 16, 2012, read Ordinance No. 2012-16 for the final time by title only (per City Charter this requires a unanimous vote of Councilmembers present).
  - 3) Adopt Ordinance No. 2012-16.

- G. **Consideration of the Response to Request For Proposals No. 2012-49:** Purchase of property for Core Services Maintenance Facility located on the northwest corner of West Kaibab Lane and South Thompson Street.

**RECOMMENDED ACTION:**

Declare the proposal of F.W. Thompson as the sole proposal responsive to the City's request for proposals and continue negotiations for ~~Approve~~ the purchase of 16.75 acres of land and improvements located in the area generally described as the northwest corner of West Kaibab Lane and South Thompson Street contingent upon the following terms: 1) negotiation of a purchase agreement acceptable to the City Council and the property owners; 2) ~~voter approval of bond funding.~~ Subject to the passage of Ballot question #406 presented to the Flagstaff voters on November 6, 2012.

**15. DISCUSSION ITEMS**

- A. **Discussion Item:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Annual update presentation

**RECOMMENDED ACTION**

This is presented as information only.

- B. **Discussion Item:** Flagstaff Children's Memorial Park

**RECOMMENDED ACTION:**

Discussion

- C. **Discussion Item:** Reading of Proclamations at Council Meetings

**RECOMMENDED ACTION:**

Discussion/No recommendation

**16. PUBLIC PARTICIPATION**

**17. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

**18. ADJOURNMENT**

**CERTIFICATE OF POSTING OF NOTICE**

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2012

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

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**FROM::** Elizabeth A. Burke, City Clerk  
**Date:** 10/11/2012  
**Meeting Date:** 10/16/2012



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**TITLE**

**Consideration of Minutes:** Minutes of the Special Meeting and Regular Council Meeting of September 18, 2012; the Special Meeting and Work Session of September 25, 2012, the Special Meeting and Regular Council Meeting of October 2, 2012; and the Special Meeting and Work Session of October 9, 2012.

**RECOMMENDED ACTION**

Approve the minutes of the Special Meeting and Regular Council Meeting of September 18, 2012; the Special Meeting and Work Session of September 25, 2012, the Special Meeting and Regular Council Meeting of October 2, 2012; and the Special Meeting and Work Session of October 9, 2012.

**INFORMATION**

Attached are copies of the above-referenced minutes for review and action.

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- Attachments:** [CCSM 09/18/2012](#)  
[CCRM 09/18/2012](#)  
[CCSM 09/25/2012](#)  
[CCWS 09/25/2012](#)  
[CCSM 10/02/2012](#)  
[CCRM 10/02/2012](#)  
[CCSM 10/09/2012](#)  
[CCWS 10/09/2012](#)

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**Form Review**

**Inbox**  
DCM - Jerene Watson  
Legal Assistant

**Reviewed By**  
Jerene Watson  
Elizabeth A. Burke

**Date**  
10/11/2012 04:22 PM  
10/11/2012 04:25 PM  
Started On: 10/11/2012 01:48 PM

Form Started By: Elizabeth A. Burke

Final Approval Date: 10/11/2012

**MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, SEPTEMBER 18, 2012, IN THE STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL, 211 WEST ASPEN, FLAGSTAFF, ARIZONA**

1. Call to Order

Mayor Nabours called the meeting to order at 4:00 p.m.

2. Roll Call

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

3. Recess into Executive Session

**Mayor Nabours moved to recess into Executive Session; seconded by Vice Mayor Evans; passed unanimously.**

The Flagstaff City Council recessed into Executive Session at 4:00 p.m.

4. EXECUTIVE SESSION

Discussion or consultation for legal advice with the attorney or attorneys of the public body; pursuant to ARS §38-431.03(A)(3).

- i. Flagstaff Employee Handbook of Regulations
- ii. Civil Rights Ordinance

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:23 p.m. at which time the Special Meeting of September 18, 2012, adjourned.

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MAYOR

ATTEST:

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CITY CLERK

# MINUTES

REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 18, 2012  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
12:00 NOON AND 5:30 P.M.

## 12:00 NOON MEETING

### 1. CALL TO ORDER

Mayor Nabours called the meeting of the Flagstaff City Council held on September 18, 2012, to order at 12:00 noon.

#### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

### 2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Councilmembers present:

MAYOR NABOURS  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

Councilmembers absent:

VICE MAYOR EVANS (Excused)  
COUNCILMEMBER BAROTZ (Excused)

Others present: City Manager Kevin Burke; Deputy City Manager Josh Copley; City Attorney Rosemary Rosales.

#### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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3. **PUBLIC PARTICIPATION**

- A. Recap of the Governor's Rural Economic Development Conference by representatives of the Flagstaff Economic Vitality Division.

Stacy Button, Economic Vitality Director, reported on the Governor's Economic Development Conference she attended last week. She noted that a joint award was presented to the City of Flagstaff, Coconino County and NACET, and the Governor spoke of the many successes of NACET.

- B. Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

4. **BOARD AND COMMISSION APPOINTMENTS**

- A. **Consideration of Appointments:** Parks and Recreation Commission

Staff was directed to move this item to the 5:30 p.m. meeting so that Vice Mayor Evans was present, as she served with Councilmember Oravits on the Interview Committee.

- B. **Consideration of Appointments:** Board of Adjustment

**Councilmember Brewster moved to reappoint Phil Scandura and Dan Anderson to the Board of Adjustment, with terms to expire in May 2015; seconded by Councilmember Overton; passed unanimously.**

- ~~\*C. **Consideration of Appointments:** Regional Plan Citizen Advisory Committee~~

~~This item was moved to 5:30 p.m. meeting.~~

5. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Lois Franz, "Sonesta ES Suites Flagstaff", 3440 N. Country Club Drive, Series 07, Person Transfer.

**Councilmember Overton moved to open the Public Hearing; seconded by Councilmember Woodson; passed unanimously.**

**Councilmember Overton moved to close the Public Hearing; seconded by Councilmember Woodson; passed unanimously.**

**Councilmember Overton moved to forward the application to the State with a recommendation for approval; seconded by Councilmember Woodson; passed unanimously.**

6. **CONSENT ITEMS**

**ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTING AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.**

A. **Consideration and Approval of Construction Contract:** Switzer Canyon Trail FUTS (Flagstaff Urban Trails System) Improvement Project.

**Councilmember Overton moved to approve [approve the construction contract with Woodruff Construction in the amount of \$197,084.00 including an \$18,300.00 contract allowance and a contract time of 70 calendar days; 2) approve Change Order Authority in the amount of \$17,880 (10% of contract amount, less allowance) for potential costs associated with unanticipated items of work; and 3) authorize the City Manager to execute the necessary documents]; seconded by Councilmember Woodson.**

Staff reported that this funding was to complete segments of the FUTS Trail near the YMCA to provide greater connectivity in that area. It was noted that this was the end of a process that had been previously approved by the prior Council during last year's budget process and the capital improvements plan.

Staff was directed to have clarification available for the upcoming budget discussions on what types of projects these funds could be used for in the future. Staff suggested that the Council discuss the BBB distributions first during the upcoming budget process.

**Motion passed 4-1 with Councilmember Oravits casting the dissenting vote.**

B. **Consideration and Approval of Utility Account Write-offs:** Delinquent and uncollectable accounts for Fiscal Year 2012.

Staff reviewed a flow chart which demonstrated the process followed when accounts were not paid, which addressed:

- MONTHLY BILLS/FINAL BILL
  - Includes Past Due Amounts
  - Received another bill

●COLLECTIONS

1. Collections Letter Sent (30 day letter) (in house) 3-4 months effort
  - a. Miscellaneous
  - b. Court – parking fines, tickets, etc.
  - c. Sales tax accounts
2. Phone calls
3. Credit Report (If no response)
- 4.

●CREDIT REPORT

Remains for 7 years from date of 1<sup>st</sup> delinquency

Discussion was held on other options available to collect and staff was directed to consider using collection agencies with certain accounts in the future.

**Mayor Nabours moved to approve Items B, C, D and E [approve write-off of delinquent and uncollectable utility accounts in the amount of \$97,198.35; approve the write-off of delinquent and uncollectable miscellaneous receivable accounts in the amount of \$33,322.21; approve the write-off of delinquent and uncollectable transaction privilege (sales) tax accounts in the amount of \$113,481.22; and approve the write-off of delinquent and uncollectable Non-sufficient Funds (NSF) checks in the amount of \$4,566.55]; seconded by Councilmember Brewster; passed unanimously.**

- C. **Consideration and Approval of Miscellaneous Receivable Account Writeoffs:** Delinquent and uncollectable accounts for Fiscal Year 2012.
- D. **Consideration and Approval of Transaction Privilege (Sales) Tax Account Write-offs:** Delinquent and uncollectable accounts for Fiscal Year 2012.
- E. **Consideration and Approval of Non-sufficient Funds (NSF) Check Write-offs:** Delinquent and uncollectible accounts for Fiscal Year 2012.
- F. **Consideration and Approval of Acceptance of Grant Funding:** U.S. Department of the Interior, Bureau of Reclamation FFY 2012 North Central Arizona Water Supply Grant for the Red Gap Ranch Feasibility Study in the amount of \$300,000.

Staff reported that the City had already met their obligation for this grant; it was already funded. They reported that these funds would permit the City to study the impact on cultural, biological and water resources. It is required by the US Fish and Wildlife before they can move forward with the pipeline.

**Councilmember Oravits moved to authorize acceptance of grant funding in the amount of \$300,000 from U.S. Department of the Interior, Bureau of Reclamation for cultural, biological and groundwater resource assessments at Red Gap Ranch; seconded by Councilmember Brewster; passed unanimously.**

7. **ROUTINE ITEMS**

No items submitted

**RECESS**

The meeting of September 18, 2012, of the Flagstaff City Council recessed at 12:35 p.m.

**5:30 P.M. MEETING**

**RECONVENE REGULAR MEETING**

The meeting of September 18, 2012, of the Flagstaff City Council reconvened at 5:35 p.m.

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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8. **PLEDGE OF ALLEGIANCE, INVOCATION, AND VISION STATEMENT**

**MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

9. **ROLL CALL**

Councilmembers present:

Councilmembers absent:

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER VOERTON  
COUNCILMEMBER WOODSON

None

10. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

A. **Consideration of Minutes:** August 24-25, 2012, City Council Retreat; September 4, 2012, Special City Council Meeting (Executive Session); September 4, 2012, City Council Meeting; September 11, 2012, Special City Council Meeting (Executive Session); and the September 11, 2012, City Council Work Session.

Mayor Nabours noted that he and the Clerk had discussed a minor change to clarify that he had given a history of the Snow Play issue and she had made that correction.

**Councilmember Overton moved to approve [August 24-25, 2012, City Council Retreat; September 4, 2012, Special City Council Meeting (Executive Session); September 4, 2012, City Council Meeting; September 11, 2012, Special City Council Meeting (Executive Session); and the September 11, 2012, City Council Work Session]; seconded by Vice Mayor Evans; passed unanimously.**

11. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

The following individuals addressed their concern with the City's plans to move forward with using reclaimed water:

Katie Nelson  
Ann Marie Zeller  
Rudy Preston

Additionally, Ms. Zeller spoke in opposition of the City using a \$4 million grant for a new emergency response center and said the ethics of those involved with the grant application have to be questioned.

Rudy Preston addressed the Council regarding the conditions at the jail facilities, and said he hoped the new Council did a better job than the last.

Terry O'Neal said that he disagreed with everything just said, other than he, too, hoped the new Council did a better job than the last.

12. **CARRY OVER ITEMS FROM THE 12:00 NOON AGENDA**

(4)A. **Consideration of Appointments:** Parks and Recreation Commission

**Vice Mayor Evans moved to reappoint John Fall and Greg Kleiner to the Parks and Recreation Commission with terms to expire August 2015; seconded by Councilmember Oravits; passed unanimously.**

13. **PUBLIC HEARING ITEMS**

No items submitted

14. **REGULAR AGENDA**

Mayor Nabours noted that the members in the audience were for Item B, so he would move that item to be discussed first.

\*B. **Consideration of Appointments:** Regional Plan Citizen Advisory Committee

Discussion was held by the Council regarding the following issues associated with the Committee:

- ▶ Lack of balanced representation on the current RPUCAC and Steering Committee
- ▶ Some members of the RPUCAC itself voiced concern with lack of balance
- ▶ The RPUCAC members have been working on this project for over three years
- ▶ If the Council were to appoint a City representative, the County could appoint up to three County residents, which could still skew the makeup of the membership
- ▶ Without balanced representation the voters may not approve the General Plan Amendments
- ▶ The City's partner (the County) should be consulted through the Steering Committee prior to making any appointment
- ▶ Need to move quickly on appointment versus taking time to communicate with County and ultimate impact on schedule in relation to election
- ▶ Some flexibility with election dates during 2014
- ▶ There has been a great deal of public participation throughout the process
- ▶ The proposed amendments will go into the public for further comment in January of 2013 and return to the RPUCAC prior to placement on the ballot
- ▶ Members of other boards/commissions have terms; perhaps all of the members should be reappointed
- ▶ Appearance of push-back on various sides—wanting to appoint now and wanting to first meet with the Steering Committee

Mr. Burke reported that he had spoken with County administration and they were deferring to discussion of the issue by the Steering Committee, which was scheduled for September 26.

CAC Chairman Paul Babbitt commented on the process, noting that at one point during the process they were having quorum issues and it was recommended that vacancies not be replaced, resulting in a smaller committee. They were approaching their fourth year of deliberations and the majority of the work has been accomplished, and they anticipate having it ready for presentation to the public by the end of the year.

Discussion was held on the next meeting of the Steering Committee. It is not regulated by the Open Meeting Law; however, staff was anticipating it being a public meeting.

It was noted that the soonest an appointment could be made would be two weeks from now, so it sounds like they were out of time, except that it would be going back to the Committee for final preparation after it has been before the public, so that may be considered the timeline.

Chairman Babbitt noted that since the beginning they have encouraged citywide participation. They have conducted a number of town halls, assemblies, and fact finding. There have been a lot of venues for the public to make its desires know.

Judy Louchs, CAC Member, said that she wished to speak as a public participant. She was excited to be part of an important process in advancing Flagstaff's future. They have labored as an entire group for well over three years, sifting through an abundance of information. Now they are left with three of the most important issues—economic development, housing and land development, and the process is changing.

They are being divided into smaller focus groups now. There are more meetings and they are not being afforded the same perspective. As they have lost members the imbalance and lack of participation has been evident. The three remaining elements can make or break their community. She has sat patiently, listening to all the others and they would expect to have as much time to discuss these last elements.

Councilmembers further discussed the issue and noted that the creation of the Steering Committee came about through the Public Participation Plan crafted by the City and County, and updated in 2009. Some concerns were raised that CAC members had self-identified what area they represented, but not all agreed with those.

Ann Marie Zeller, Flagstaff, said she found it disturbing that the CAC believes that everyone belongs to the Chamber. They had talked about having representation of the Native Americans, but they were not represented.

Ben Anderson, Flagstaff, said that from the beginning this has been one of the more democratic processes in the region. The CAC has done a remarkable job in trying to balance the perspectives.

**Councilmember Barotz moved to place this item on the agenda in two weeks, to allow time for the Steering Committee and full CAC to discuss it further; seconded by Councilmember Brewster.** After further discussion, it was clarified that **placement on the agenda of the October 2, 2012, meeting would be "Discussion and possible appointment"; motion passed 6-1 with Councilmember Overton casting the dissenting vote.**

A break was held from 6:45 p.m. to 6:53 p.m.

A. **Consideration and Possible Adoption of Changes to Title 1, Chapter 14, Personnel System, of the Flagstaff City Code:**

- i. Resolution No. 2012-33: A resolution of the City Council of the City of Flagstaff, Arizona declaring as a Public Record that certain document filed with the City Clerk and entitled "The 2012 Addendum 4 to the Flagstaff Employee Handbook of Regulations"
- ii. Ordinance No. 2012-14: An ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 1, *Administrative*, Chapter 14, *Personnel System*, Section 1-14-001-0001, *Personnel System Adopted*, adopting the *Flagstaff Employee Handbook of Regulations* by reference, relating to policies and procedures concerning equal employment opportunity, affirmative action, non-discrimination and anti-harassment, Americans with Disabilities Act, complaints, grievances, probationary employees, performance evaluations and reductions in force; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections and establishing an effective date.

Mayor Nabours asked that the Legal staff address, between now and the October 2, 2012, meeting, in more detail the applicability of the Personnel Code to situations where there is a conflict between city employee/city employee; city employee/non-city employee; and non-city employee/city employee.

**Mayor Nabours moved to read Resolution No. 2012-33 by title only; seconded by Councilmember Barotz; passed unanimously.**

**Vice Mayor Evans moved to read Ordinance No. 2012-14 by title only for the first time; seconded by Councilmember Woodson; passed unanimously.**

15. **DISCUSSION ITEMS**

None.

16. **PUBLIC PARTICIPATION**

None.

17. **INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

Council reported on the following:

- City of Flagstaff won an award at the Governor's Economic Development Conference, in conjunction with the County and NACET, for the NACET project.
- The Mayor and several Councilmembers attended the Drum, Dance and Song last weekend and they had a great turnout.



**MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE  
FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, SEPTEMBER 25, 2012, IN THE  
STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL,  
211 WEST ASPEN, FLAGSTAFF, ARIZONA**

I. Call to Order

Mayor Nabours called the meeting to order at 4:02 p.m.

II. Roll Call

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

III. Recess into Executive Session

**Vice Mayor Evans moved to recess into Executive Session; seconded by Councilmember Overton; passed unanimously.** The Flagstaff City Council recessed into Executive Session at 4:02 p.m.

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS §§38-431.03(A)(3) and (4), respectively.

1. A. Miner Contracting v. City of Flagstaff
2. Aspen 528, LLC v. City of Flagstaff
3. Canyon del Rio Investors, LLC v. City of Flagstaff
4. City of Flagstaff v. Canyon del Rio Investors, LLC
5. Hopi Tribe v. City of Flagstaff
6. Fred Nackard Land Co. et al v. City of Flagstaff
7. George Nackard v. City of Flagstaff
8. Bonito Partners, LLC v. City of Flagstaff
9. Swanson v. City of Flagstaff, et al.
10. Arendt v. Flagstaff
11. Mitchell v. City of Flagstaff
12. Garcia v. City of Flagstaff

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in

order to avoid or resolve litigation; and discussions or consultations 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 ARS §§38-431.03(A)(3), (4), and (7) respectively.

1. Proposed Public Works Municipal Services Center.

IV. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:28 p.m. at which time the Special Meeting of September 25, 2012, adjourned.

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MAYOR

ATTEST:

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CITY CLERK

## MINUTES

WORK SESSION  
TUESDAY, SEPTEMBER 25, 2012  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
5:30 P.M.

### 1. CALL TO ORDER

Mayor Nabours called the Flagstaff Work Session of September 25, 2012, to order at 5:40 p.m.

#### **Notice of Option to Recess Into Executive Session**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

### 2. ROLL CALL

Councilmembers present:

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

Councilmembers absent:

None

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

### 3. **Public Participation (Non-Agenda Items Only):**

Public Participation enables the public to address the council about items that **are not** on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Chuck Crandall, Flagstaff, spoke on issues relating to the City asking him to tear down an existing structure and problems with the information flow within the City.

Anthony Garcia, Flagstaff, invited Council to the 12<sup>th</sup> annual Project Homeless Connect on September 29<sup>th</sup> at Christ Church of Flagstaff from 9:00 a.m. – 1:00 p.m.

Mark Landsiedel, Community Development Director, reported that last week the annual state conference of the Arizona Planners Association was held in Flagstaff. Three local individuals and groups were recognize--Nat White as Outstanding Citizen Planning Volunteer, Roger Eastman as Outstanding Planner for the State for his efforts on the zoning code and City of Flagstaff for the best ordinance regulation policy or legislation for the zoning code.

A member of the community reported that the e-mail agenda updates had stopped coming, and asked that they be reinstated.

**4. Preliminary Review of Draft Agenda for the October 2, 2012, City Council Meeting.\***

*Items” (Item 9) later in the meeting. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk. The item will be called out during the second “Review of Draft Agenda Items” to allow citizens the opportunity to comment. Citizens are also encouraged to submit written comments.*

Items 7A and 14D were pulled for further discussion later in the Work Session.

**5. Presentation by Salt Lake City Mayor Ralph Becker regarding that city’s Civil Rights Ordinance.**

Salt Lake City Mayor Ralph Becker spoke about the process to drafting and adopting their civil rights ordinance. Like Arizona, Utah is a conservative state, but Salt Lake City tends to be very liberal relative to the state. Utah prides itself on being a hospitable state and Salt Lake City takes pride in making visitors feel comfortable, safe, and secure. After being elected Mayor he worked with the city attorney to work on drafting a civil rights ordinance. The process took about a year and a half.

The major issues were with employment and housing. They met with many different community stakeholders and special interest groups to gather information on how to best create the document. The serious objection came from the State Legislature, but the Church of Jesus Christ of Latter-day Saints (LDS) church stood up at the Council meeting and expressed support for the ordinance, which was shocking given their stance on gay relations and gay marriage. The ordinance passed unanimously. The Legislature took it up at the next session seeking to override the ordinance, but their attempts were unsuccessful. It has basically become a non-issue in the community and has changed the dynamic of the community especially with economic development.

The following individuals asked questions which were answered by Mayor Becker as indicated.

Mayor Nabours  
Vice Mayor Evans  
Councilmember Barotz  
Councilmember Brewster  
Councilmember Overton

Gordon Watkins  
Kathryn Jim  
Jamie Hasapis  
Deborah Taylor  
Lisa Raynor  
Kristin Whitsen

**Did Salt Lake City have such a personnel policy internally in place?**

Yes, as well as recognition for benefits.

**In retrospect, is there anything you would have done differently or any language you would change?**

No, we spent so much time vetting it throughout the community that it was well done and well thought out when adopted. There has been no thought on changing the ordinance now that it is in place.

**Has there been any litigation?**

No, there were threats but no litigation.

**There have been few to no complaints using the ordinance—why do you think this is?**

Not entirely sure; there has not been any word on abuse of the ordinance either. He would like to think that entities are taking the issue seriously and incorporating it,s requirements into their work.

**What is the process for hearing a complaint?**

The Department of Human Services assigns the hearing to an expert that handles diversity complaints. The complaint is filed and the administrator has the ability to not accept the complaint based on incomplete information. It goes to the person it is filed against and they have 15 days to respond. Then the administrator can review the information from the respondent and make a determination that there is no basis for discrimination. There is a conciliation process for both the complainant and responder together to address and remedy the complaint. If at that point there is not the ability for the parties to get together, it is forwarded to the City Attorney and the prosecutor can then make the determination before going to court. It is a civil issue not a criminal issue.

**Did you exempt religious organizations as employers?**

Yes.

**With the LDS church that came out and spoke, who was it?**

It was a representative of the President of the church.

**Were there both group and individual discussions?**

Yes, it was a major discussion item both in groups and individually.

**How did you keep the Legislature off your backs?**

As a former Legislature member I had relationships with existing members which made it much easier to communicate and negotiate with them. Also, they wrote into the ordinance that they were not creating a "special group" of people. They worked very hard at the Legislature, one on one, to inform legislators what is and isn't in the ordinance, but it was still a close vote.

**What do you do about employers not located in the City but have a satellite office in the community?**

It has to have 15 or more employees in the City.

**Did you consider any other categories (physical characteristics) in the ordinance?**

We discussed it but did not extend benefits/rights any further.

**Is there a concern that an employer will reduce his department if they have to ask their employees if they fall into one of these categories?**

No, it would be wrong to ask during hiring or firing. The ordinance expects performance-based decisions.

**Is there a need to know as an employer in order to protect themselves?**

I don't know why that should be an issue. Again, it is performance based.

The following comments were also received by these individuals:

Debora Taylor  
Camilla Rose

- Speaking on behalf of a religious leader at the Living Christ Lutheran Church, they were in support of the civil rights ordinance that was being discussed. They were proud that Flagstaff was moving forward and asked that they not wait.

- There is no law protecting transgender individuals when it concerns medical services. Housing and employment issues are rampant. They can have as many ordinances as they want but without teeth they are worthless. Please be understanding of the transgender issues as well and continue to meet face to face with people to understand the issues.

**How does your ordinance address these types of organizations and the businesses that they run?**

This was a big issue in Salt Lake City as you can imagine with the large population of the LDS church. There was a Supreme Court case that was cited in the ordinance that addressed this issue directly. It was a pretty simple provision in the ordinance but it seemed to satisfy the churches.

**What did your public process look like, did you do smaller more intimate groups? What did the Council involvement look like?**

Salt Lake City has an Office of Human Rights that consists of one employee who staffs the Human Rights Commission. It is important that public meetings are conducted in a guided manner and rules are enforced as necessary. People need guidelines and they need to be enforced.

**At any point did you think it wiser to conduct the dialogue before the ordinance was drafted?**

There was a lot of dialogue prior to the drafting of the ordinance and we tried to incorporate these discussion items into the ordinance as necessary.

**If dialogue meetings were not based on a draft ordinance did the facilitator prompt questions or was it a more general discussion?**

The discussions were general. There was one on race, one on gender, one on LGBT matters, etc.

**Did you have a timeline set up ahead of time to follow? Did you determine how many people you needed to get in front of or a number of groups?**

The timeline was very general and loose. We spent a couple of months setting things up, six months conducting the dialogues and six months drafting the ordinance.

**Did you target certain groups and churches or did you leave it more open to "here is the date and time, come if you are interested"?**

We went to the groups and churches that were interested and those who had issues.

**How different was the final draft from the original draft?**

It was hard to remember the original draft as it went through numerous changes.

**What was the cost involved with enacting and enforcing the ordinance?**

It was all handled within existing personnel. Other than the normal costs associated with developing a policy there was no further cost.

**How many people would you allow in the meetings?**

We didn't limit the capacity at all, public meetings sometimes get a lot of people sometimes they don't.

**The Federal Government has the mechanism to make this happen, why do it at the City level instead of lobbying for Federal change?**

I am the Mayor of a community and it was important to the people I represent.

**At what point did this become a worthwhile cause for you?**

Very early on, it was important for people to feel safe and secure in their communities.

**Have you found in Salt Lake City that this was worth all the work?**

Without a doubt, the community has been enhanced with this ordinance. This ordinance showed that all were welcome in the community.

Mayor Nabours thanked Mayor Becker for coming to Flagstaff and sharing his experiences. The Council then took a break from 7:099 p.m. through 7:22 p.m.

**6. Guidance Center Alcohol Stabilization Unit Annual Update**

Karissa Nistad and John Echols presented information about the Alcohol Stabilization Unit and asked for future support. They addressed the following:

▶ ALCOHOL STABILIZATION UNIT

▶ ASU OPENED IN AUGUST 2007

In FY 12, 66% of those admitted were Native American, 30% were Caucasian and 4% African American, Hispanic or other ethnicities. In FY11, those numbers were 74%, 21%, and 5% respectively.

▶ IN FY12, 58% OF CONSUMERS WERE TITLE 19 AND 42% OF CONSUMERS WERE NON TITLE 19.

▶ IN FY11, 74% OF CONSUMERS WERE TITLE 19 AND 26% OF CONSUMERS WERE NON TITLE 19.

▶ FROM THE BEGINNING, THE ASU POPULATION HAS BEEN CONSISTENTLY AROUND 85% MALE AND 15% FEMALE.

▶ UNIQUE ADMISSIONS BY AGE GROUP

- ▶ 74% TO 84% OF THOSE ADMITTED TO THE ASU RESIDE IN COCONINO COUNTY
- ▶ A LARGE PERCENTAGE (59% IN FY12) OF ASU CONSUMERS PRESENT ON THEIR OWN, WITH REFERRALS FROM FMC (29% IN FY12) BEING THE SECOND LARGEST SOURCE.

Lt. Mussleman said that oftentimes the Police Department refers people they pick up and transport directly to the ASU. Other times, when individuals are transported to Flagstaff Medical Center (FMC), upon their release FMC will coordinate with ASU. *Community* could be churches, self reporting or other charities in the community.

- ▶ ALL CONSUMERS ARE GIVEN A LIST OF COMMUNITY RESOURCES AT THE TIME OF DISCHARGE

This list includes information on continuing treatment as well as help with family and financial concerns.

- ▶ PHILOSOPHY OF THE ASU

Each time a consumer is admitted to the unit, TGC staff attempts to engage them in ongoing services. In order to maintain the ASU's mission, each consumer is admitted to the unit as long as they meet the criteria. When a consumer returns they develop more trust, we learn more about them, and they become more open to treatment options.

- ▶ RE-ADMISSION RATES
- ▶ AVERAGE LENGTH OF STAY IN THE ASU
- ▶ FUNDING FROM THE ASU COMES FROM:

NARBHA  
Coconino County  
The Navajo Nation  
The City of Flagstaff

He said they were very appreciative of the ongoing and continuing funding.

Councilmembers asked the following questions, and they were answered as indicated.

**What is the percentage of the contributing members?**

The largest funding comes from NARBHA at about \$800,000, Coconino County contributes \$30,000, Navajo Nation, \$65,000 and City of Flagstaff \$75,250.

**It has been a good partnership to this point, and is fairly well established now, there is good traction in the community. What is next? Other than just funding, what can make this service better for the patient process and the service provided to the community?**

Last week the ASU sponsored a community meeting to talk about the next steps in bettering the program. Intensive case management is important and they want to look more at how to engage consumers in ongoing treatment. They would like to see an increase in the length of stay and an increase in beds.

**Chief Treadway has proposed a program where you have repeat offenders required to participate in a 30 day program in your facility, in the jail, and asked what their participation was in this program?**

The ASU is not able to hold someone as they are a voluntary agency; the judge could sentence 30 days in jail and the treatment would occur there. The cost is significantly less if they do not have to incarcerate however.

There is a recovery program at the ASU that people can enroll in and there are a number of outpatient services available as well.

The short length of stay does hinder the effectiveness of treatment, but they really need to focus on how to keep people there longer in hopes of making a more permanent change.

**Clarification was asked for on the 30 day treatment program.**

This program is referred to as the ROPE program. It has been around for a couple of years. At the time of booking they make a note for city court judges on how many times they have been arrested and after 5 arrests in a 90 day period they qualify for the ROPE program and are sentenced to 120 days of incarceration. They essentially have more time to detox and obtain treatment through the EXODUS program. The frustration is the statutory limitations that are in place with regards to public intoxication, they can only hold for 24 hours.

**How are they sentencing them if not for public intoxication?**

These individuals are being picked up for various other crimes such as well, trespassing, shoplifting, etc.

**There was at one time an issue with partners not paying or matching fully; was that still the case?**

All partners are paid up to date. The Navajo Nation is contributing through AHCCCS funding.

7. **Draft 2012 Parks and Recreation Organizational Master Plan Review.**

Elizabeth Anderson, Community Enrichment Services Director, said she already talked about the format, two most innovative parts about plan 1) budget action strategies and 2) the recreation program classification tool.

She then presented Chapter 5 and Chapter 6 of the draft Parks and Recreation Organizational Master Plan through a PowerPoint presentation which addressed:

- ▶ PROPOSED WORK SESSION SCHEDULE
- ▶ PROGRAMS – NATIONAL TRENDS
- ▶ CITY OF FLAGSTAFF PROGRAM AREAS
- ▶ PROGRAMS – PLANNING CONSIDERATIONS
- ▶ PROGRAMS – OPPORTUNITIES
- ▶ PROGRAM APPROACH – CATEGORIZED 3 WAYS
  - CORE
  - SECONDARY
  - SUPPORT
- ▶ PROGRAM ASSESSMENT CRITERIA
- ▶ FEE CONTINUUM – PROGRAMS AND SERVICES
- ▶ FEE CONTINUUM – FACILITIES
- ▶ FEE PHILOSOPHY RECOMMENDATIONS
- ▶ EVENTS - PLANNING AND CONSIDERATION
- ▶ EVENTS - RECOMMENDATIONS

The following comments/questions were received from Councilmembers.

- With the specialized indoor facilities and charging a fee for use, they need to keep in mind that some of these facilities are paid for with bond monies, and they should be mindful that all people have access to the facilities that they pay for already. Additionally, with marketing Buffalo Park for things such as weddings and reunions, they were not sure that the public reserved those parks for those kinds of functions, but they need to maintain the open space of the park and not cut off access.
- Page 81 referenced the 50% cost recovery for youth and seniors. Staff noted there was a fee philosophy that the City would subsidize 50% for youth and they were now recommending to include seniors in that group, with all adult services having cost recovery at 100%. It was suggested that this be noted in the Plan.
- Are they looking at adding new activities? Staff replied there was a potential to expand their programming, but would use the matrix developed to identify the best areas to place the programs. There was always room for expansion as long as it falls within the specific criteria. It was noted that they should not expand just for the sake of expanding.
- They were glad to see the tool built into the Plan as it allowed for change with the community demand.

Staff noted that they were looking at recreation as a facilitator between the private sector and individuals accessing the facility. Their role was linking the partnerships to provide marketing; they may not provide a certain program but other agencies do and they will help direct them in the right direction.

The higher the cost recovery the more likely it falls into a core service; this seems inverse. If there is a high cost recovery there may be private companies that could benefit from handling the program or event.

They added that it should be kept in mind that the matrices are individual but when looked at together, they may score high in cost recovery but low in all others. The overall calculation will dictate placement, not each item on its own. There is more analysis with the matrix outside of just the score.

**8. Update on Information and Outreach on City Bond Questions**

Kimberly Ott, Assistant to City Manager, Communications, presented a PowerPoint outline on what the City was doing in preparation for the Bond election:

- ▶ SAFETY SERVICE SATISFACTION
- ▶ VOTER EDUCATION/INFORMATION
- ▶ KEY MESSAGES
- ▶ OPEN HOUSES
  - MEMS ROOM 200 WED, 10/10, 5-7
  - FLAGSTAFF HIGH SCHOOL, COMMONS, THURS, 10/11, 5-7
  - ADDITIONAL OPEN HOUSES AT THE END OF OCTOBER
- ▶ WEBSITE – [flagstaff.az.gov/bondinformation](http://flagstaff.az.gov/bondinformation)
- ▶ CITYSCAPE
- ▶ VOTER OUTREACH
- ▶ QUESTIONS & SUGGESTIONS

It was noted that it was strictly informational. It was requested that the appropriate folks be present to answer questions in a clear and concise manner. Staff was asked if there was a master calendar to check in on and see what the various presentations are and where they are being held so that Council and the public will know how to participate.

Staff replied that they were working on one, and it will be available online and to Council and community.

Mayor Nabours asked if, as a Council, they had to remain neutral. Staff replied that they did as a body, but not as an individual.

It was noted that if they were giving balanced information they should also be giving information that if this does not pass the tax rate could go down. Staff noted that there were variables that could dictate whether this could happen as it is a Council decision during the budget discussions.

Karen Malis-Clark, Flagstaff, said she recently retired with the Forest Service. A lot of time was spent informing the public about forest fires and forest restoration. There are a lot of lessons learned from the Shultz fire and the subsequent flooding. She thanked them for taxing her and for having an innovative vision to protect their watershed and their community.

Andy Fernandez, Flagstaff, said he has serious issues with how the City has handled business; they were cutting back on services but also asking for additional monies for service

**9. Review of Draft Agenda Items for the October 2, 2012, City Council Meeting. \***

\*Public comment on draft agenda items will be taken at this time.

**7A - Consideration of Appointments: Regional Plan Citizen Advisory Committee**

Vice Mayor Evans requested that this item be moved to the 6:00 p.m. meeting

It was noted that it was the only item on the 4:00 agenda, therefore the regular the Council agreed that the Council Meeting would start at 6:00 p.m.

**14D - Consideration and Possible Adoption of Ordinance No. 2012-13: An ordinance of the Mayor and Council of the City of Flagstaff amending Flagstaff City Code, Title 3, Business Regulations; Chapter 3, User Fees; Section 3-10-001-0005, Recreation, revising Jay Lively Activity Center fees.**

Staff was asked if it was correct that \$560,000 comes from the BBB funding. Staff replied that was correct. He said that he would get the cost recovery numbers to the Council. It was noted that they need to be careful about placing the two numbers together because it doesn't take into consideration their programs, in that they do not pay themselves to use the fields.

Staff was asked for further clarification on how the BBB funds influence, or don't influence, programming at the four recreational facilities.

**10. Public Participation**

Andy Fernandez, Flagstaff, voiced concern with many issues related to the City.

**11. Informational items and reports from Council and Staff requests for future agenda items.**

Councilmember Oravits said that he has been getting a lot of calls about the condition of the sidewalks. At the first budget retreat in November, he would like to talk about reallocating funds to address their infrastructure.

He said that off-site signs were not allowed through the Sign Code; however, the new Walgreens has a sign on City-owned property, and he asked that staff look into it to make sure there is fair and equitable regulation for all.

He reported that he went to NAU's opening of the Math Center. Governor Brewer was there for the dedication; it was a great facility and great to see those things happening.

Vice Mayor Evans reported that she attended the Arizona Planning Association conference held in Flagstaff and it was exciting that Roger Eastman, Nat White, and their City department received awards.

She also attended a facilitated workshop, and would like to make sure they were still on board with crafting a public participation policy.

On Saturday she attended the Northern Arizona Education Summit. It was a great workshop with a lot of great information.

Councilmember Brewster congratulated the award winners for planning.

She also attended the Education Workshop, and found it interesting especially regarding the privatization of the public school system.

She reported that NAU had a great win over Montana for the first time in 15 years

She also attended the Governor's dedication ceremony at NAU, which was a good event.

Mr. Burke reported that he would be out of town for the October 9 meeting and Josh Copley would be filling in.

**12. ADJOURNMENT**

The Flagstaff City Council Work Session of September 25, 2012, adjourned at 9:10 p.m.

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MAYOR

ATTEST:

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CITY CLERK

**MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE  
FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, OCTOBER 2, 2012, IN THE  
STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL,  
211 WEST ASPEN, FLAGSTAFF, ARIZONA**

I. Call to Order

Mayor Nabours called the meeting to order at 5:00 p.m.

II. Roll Call

MAYOR NABOURS

VICE MAYOR EVANS (arrived at 5:34 p.m.)

COUNCILMEMBER BAROTZ (telephonically)

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

III. Recess into Executive Session

**Councilmember Woodson moved to recess into Executive Session; seconded by Councilmember Brewster; passed unanimously.** The Flagstaff City Council recessed into Executive Session at 5:00 p.m.

A. Discussion or Consultation with the City's Attorney for legal advice; and discussions or consultations 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 ARS. §§38-431.03(A)(3) and (7), respectively.

1. Proposed Core Services Maintenance Facility.

IV. Adjournment

The Flagstaff City Council reconvened into Open Session at 6:05 p.m. at which time the Special Meeting of October 2, 2012, adjourned.

ATTEST:

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MAYOR

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CITY CLERK

# MINUTES

REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 2, 2012  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.

**The 4:00 p.m. portion of the October 2, 2012, has been cancelled.  
All items will be discussed at the 6:00 p.m. meeting.**

## 6:00 P.M. MEETING

### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

1. **CALL TO ORDER**

Mayor Nabours called the Flagstaff City Council meeting to order at 6:12 p.m.

2. **ROLL CALL**

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ (excused)

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

3. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

4. **CONSENT ITEMS**

**ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.**

None submitted

5. **APPOINTMENTS**

A. **Consideration of Appointments:** Regional Plan Citizen Advisory Committee

**Councilmember Oravits moved to appoint Bill McCullogh to the CAC; seconded by Mayor Nabours.**

A brief discussion was held by Councilmembers on whether or not they should appoint another member at this time.

Carol Bousquet, Flagstaff, supported leaving the membership as is, noting that they have had four years of community outreach and agreed early on to leave their hats at the door. None of the categories have changed by more than 11% over that period of time.

**Motion failed 2-4, with Mayor Nabours and Councilmember Oravits voting in favor.**

6. **REGULAR AGENDA**

A. **Consideration and Possible Adoption of Changes to Title 1, Chapter 14, Personnel System, of the Flagstaff City Code:**

- i. Resolution No. 2012-33: A resolution of the City Council of the City of Flagstaff, Arizona declaring as a Public Record that certain document filed with the City Clerk and entitled "The 2012 Addendum 4 to the Flagstaff Employee Handbook of Regulations"
- ii. Ordinance No. 2012-14: An ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 1, *Administrative*, Chapter 14, *Personnel System*, Section 1-14-001-0001, *Personnel System Adopted*; adopting the *Flagstaff Employee Handbook of Regulations* by reference, relating to policies and procedures concerning equal employment opportunity, affirmative action, non-discrimination and anti-harassment, Americans with Disabilities Act, complaints, grievances, probationary employees, performance evaluations and reductions in force; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections and establishing an effective date.

Mayor Nabours noted that the few issues he had concerns with at the last meeting had been addressed.

**Councilmember Overton moved to adopt Resolution No. 2012-33; seconded by Councilmember Brewster; passed unanimously.**

**Councilmember Woodson moved to read Ordinance No. 2012-14 for the final time by title only; seconded by Vice Mayor Evans; passed unanimously.**

**Councilmember Brewster moved to adopt Ordinance No. 2012-14; seconded by Vice Mayor Evans; passed unanimously.**

- B **Consideration and Adoption of Resolution No. 2012-35:** A resolution of the City Council of the City of Flagstaff, Arizona repealing Resolution No. 2011-09 and approving new Guidelines for Special Events.

Glorice Pavey, Special Events Coordinator, reviewed the changes being proposed:

- ▶ Created a feedback line so public could give us feedback – positive or negative
- ▶ Removed regulations not allowing liquor references on banners
- ▶ Defined the notification perimeters
- ▶ Added flagger training
- ▶ Changed phone numbers

**Councilmember Overton moved to read Resolution No. 2012-35 by title only; seconded by Councilmember Woodson; passed unanimously.**

**Vice Mayor Evans moved to adopt Resolution No. 2012-35; seconded by Councilmember Brewster; passed unanimously.**

- C. **Consideration and Possible Adoption of Ordinance No. 2012-15 and approval of Amendment Two to the Homebuyer Services Agreement with BOTHANDS, INC:**

- i. An ordinance authorizing the City of Flagstaff to sell the almost completed improvements to real property located at 2374, 2366, 2358 and 2350 North Izabel Street to qualified homebuyers and to execute 99 year leases for the use of the land.
- ii. Approval of Amendment Two to the existing Homebuyer Services Agreement with BOTHANDS, INC for marketing and technical services associated with the sale of the units.

David McIntire said that they were only authorizing the sale of the four lots, and they were not authorizing the building of any more by this action. They were asking that all action be done at this meeting because of the 30-day waiting period for ordinances, which would put them into the holidays if they waited another two weeks to hold the second read and adoption. It also reduces the City's carrying costs.

**Vice Mayor Evans moved to read Ordinance No. 2012-15 for the first time by title only; seconded by Councilmember Brewster; passed unanimously.**

**Councilmember Brewster moved to read Ordinance No. 2012-15 for the final time by title only; seconded by Vice Mayor Evans; passed unanimously.**

**Vice Mayor Evans moved to adopt Ordinance No. 2012-15; seconded by Councilmember Brewster; passed unanimously.**

**Councilmember Brewster moved to authorize the City Manager or designated staff to sign all documents necessary to carry out the provisions of Ordinance No. 2012-15; seconded by Councilmember Overton; passed unanimously.**

Mr. McIntire explained that they have an existing agreement with Bothands for 16 units, with each phase coming back. The change to the agreement provides a reduction in fee per house of approximately \$1,300. This change allows them to be open and flexible on self performance and contract out through a broker.

He said that they were able to make this change without going back out through the RFP process because they had actually done a Request for Statement of Qualifications and they were in compliance with purchasing requirements. This will be the second amendment for the third phase.

**Mayor Nabours moved to approve Amendment Two to the existing Agreement for Homebuyer Services with BOTHANDS, Inc.; seconded by Vice Mayor Evans; passed unanimously.**

- D. **Consideration and Approval of Street Closure(s):** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival and **Consideration and Approval of Amplification Exception:** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival.

Glorice Pavey, Special Events Coordinator, reviewed the requests associated with the Dew Downtown for 2013.

Councilmembers voiced concerns with some business owners not receiving notification of the meetings at which the street closure would be discussed. Staff noted that they sent out notices to over 800 residents information on the Public Meeting held on September 12, and also the meeting this evening before Council. Additionally, they provided information on the City's website and in the downtown newsletter. She said that they had three members of the public attend the 9/12 Public Meeting.

Councilmembers stated that they felt it was a great event last year; however, they were still concerned that not enough notification had been given to the business owners and residents.

The following individuals said they had not received notification of the meetings. They were not opposed to the event although they questioned why it had to be on San Francisco Street each year:

Gordon Watkins  
Lynn Baker

Ms. Baker said that if there was a steering committee, she would like to serve on it. She noted that Dave McCormick was unable to attend the meeting tonight but he was still opposed to it.

Mark Lamberson, Flagstaff, said that he was very involved in last year's event and thanked those that supported them last year. It was a leap of faith for the community, the City, sponsors, etc. and they proved to themselves last year to be a successful event. There were a few whose needs cannot be met, but they were trying to move forward with this year's plans and trying to eliminate the problems they faced last year by starting earlier to address some of the issues.

**Councilmember Overton moved to approve the closure; seconded by Councilmember Brewster.**

**Councilmember Oravits moved to postpone these items for two weeks; seconded by Vice Mayor Evans; passed 4-2 with the following roll call vote:**

|                        |     |
|------------------------|-----|
| Mayor Nabours          | Yes |
| Vice Mayor Evans       | Yes |
| Councilmember Brewster | No  |
| Councilmember Oravits  | Yes |
| Councilmember Overton  | No  |
| Councilmember Woodson  | Yes |

Councilmembers said that when there are parades scheduled downtown and streets will be closed, notices are hand-delivered; perhaps they could do the same for these meetings; and also recommended that staff utilize the neon sign from the Police Department notifying them of the public meeting in two weeks.

- E. **Consideration and Possible Adoption of Ordinance No. 2012-13:** An ordinance of the Mayor and Council of the City of Flagstaff amending Flagstaff City Code, Title 3, Business Regulations; Chapter 3, User Fees; Section 3-10-001-0005, Recreation, revising Jay Lively Activity Center fees.

Mr. Burke noted that as they have been answering questions, they have lost sight of what got them to this point. In the budget process last year Council and staff worked together and wanted to increase allocations to infrastructure. They increased those allocations by \$250,000, with \$100,000 of it coming through cuts in different services or increased revenues. At that time they went through the process and identified areas where revenues could be raised.

If raising that revenue was not the direction they wanted to go, he was still in a position where he could not allocate the \$100,000 to the street infrastructure. He

was asked if that was the only way to modify it. Mr. Burke responded that the proposal being presented tonight was to phase in the increases and use some one-time dollars. They could say no increase at all and just use one-time dollars for the street infrastructure.

Council noted that this was the problem with taxes and fees and they have talked about changing that process. They were very thankful and appreciative that staff has given them so much information, but wondered if the entire discussion was premature before they have a complete discussion on the BBB funding and the upcoming budget.

Councilmember Overton said that he would take some ownership of it, although he sees the position of the others. Back in 2006 they started setting fees for the Aquaplex and began looking at fees for the different recreation services. The ice rink had the most discussion in terms of fee recapture and then the roof collapsed. They agreed to continue being in the ice rink business and they had discussions with all user groups about recapture rates. It has now been two years and it is a harder pill to swallow.

Staff noted that if they eliminated the \$100,000 in a \$1.25 million budget, the \$100,000 by itself was not a whole project. It would reduce the overall chip seal, reconstruction, etc. projects.

**Mayor Nabours moved to table this item indefinitely; seconded by Councilmember Oravits; passed 4-2 with Councilmembers Overton and Woodson casting the dissenting votes.**

A break was taken between 7:35 p.m. and 7:47 p.m.

7. **DISCUSSION ITEMS**

A. Discussion Item: Flagstaff Children's Memorial Park

To be discussed at a future meeting when Councilmember Barotz could be present.

B. Discussion Item: Request for Proposals for Core Services Maintenance Facility

Public Works Director Erik Solberg gave a brief review of the Request for Proposals for a Core Services Maintenance Facility property. He said that they had one proposal submitted on Route 66, between Kaibab and Thompson Street. It consisted of two phases—Phase 1 consisted of approximately 13 acres which would get them into a facility; and Phase 2 was additional land that they would need for future growth to be purchased in five years. His PowerPoint addressed:

•FINAL PROPOSAL

16.75 acres - \$15,825,012

Phase 1 – 13.6 acres \$13,290,086

Phase 2 – in five years – 3.15 \$2,534,926

•OTHER CONSIDERATION

Environmental Assessment  
Review the proposer's environmental documents  
City to conduct environmental reports at our cost  
Proposer to pay clean up if necessary  
City to pay closing costs

•ACQUISITION RECAP

|                  |              |
|------------------|--------------|
| Cost of property | \$15,825,012 |
| Improvements     | \$ 9,000,000 |
| Total Cost       | \$24,825,012 |
| Bond             | \$14,000,000 |
| Balance          | \$10,825,012 |
| Landfill Fees    | \$ 4,000,000 |

Could leverage about \$4M from what is in there

(Needed From Land Sales - \$6,825,012 of current yard and McCallister Ranch.)

Mr. Burke reviewed the process of determining the value of the proposal. In acquiring the parcel they did an RFP and asked for land in the City, or outside the City, open and available to any property owner in the area. They did it by sealed bid, so one person would not know if someone else was bidding and what another bid price may be. In the end, they only received one proposal. This met their requirements. One of the challenges they faced was finding the size of property needed with the permitted use and good access to arterials. For those reasons there were very few properties that met the criteria.

The property currently includes 90,000 sq. ft. of building in Phase 1; Phase 2 includes about 12,000 sq. ft. of buildings. Although there are buildings currently on the property there are still expenses involved to make improvements and hook up to the City's sewer and water.

Staff said that ultimately it will be the citizens of Flagstaff, through the bond election process, to tell them whether it was a reasonable price for the property.

Mr. Solberg explained that the \$2.50/ton for commercial customers at the landfill would help offset some of these costs.

Management Services Director Barbara Goodrich reviewed the \$21 million in interest over the 25 years, associated with the \$24 million in debt. She also reviewed the \$4.5 million being proposed for approximately 27 acres in the Fourth Street/Route 66 area. It was noted that there was no infrastructure or buildings on that property.

8. **PUBLIC PARTICIPATION**

None



**MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE  
FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, OCTOBER 9, 2012, IN THE  
STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL,  
211 WEST ASPEN, FLAGSTAFF, ARIZONA**

I. Call to Order

Mayor Nabours called the meeting to order at 4:00 p.m.

II. Roll Call

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke (telephonically); City Attorney Rosemary Rosales.

III. Recess into Executive Session

**Vice Mayor Evans moved to recess into Executive Session; seconded by Councilmember Woodson; passed unanimously.** The Flagstaff City Council recessed into Executive Session at 4:00 p.m.

A. Discussion or Consultation with the City's Attorney for legal advice; and discussions or consultations 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 ARS §§38-431.03(A)(3) and (7), respectively.

1. Purchase of Picture Canyon
2. Proposed Core Services Maintenance Facility.

B. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, pursuant to ARS §38-431.03(A)(1).

1. City Attorney Annual Evaluation

IV. Adjournment

The Flagstaff City Council reconvened into Open Session at 6:00 p.m. at which time the Special Meeting of October 9, 2012, adjourned.

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MAYOR

ATTEST:

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CITY CLERK

## MINUTES

WORK SESSION  
TUESDAY, OCTOBER 9, 2012  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.

### 1. **CALL TO ORDER**

Mayor Nabours called the Flagstaff Work Session of October 9, 2012, to order at 6:10 p.m.

#### **Notice of Option to Recess Into Executive Session**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

### 2. **ROLL CALL**

#### **Councilmembers present:**

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

#### **Councilmembers absent:**

None

Others present: Deputy City Manager Josh Copley; Deputy City Attorney Michele D'Andrea

### 3. **Public Participation (Non-Agenda Items Only):**

Public Participation enables the public to address the council about items that **are not** on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

A disabled member of the community is concerned about the lack of disabled parking downtown during street closures. With City streets closed for many events this often closes the handicap parking on Aspen and Leroux.

A member of the community asked for the go cart back where it was on the plaza. He also requested a movie theatre to be constructed on the other side of town.

4. **Preliminary Review of Draft Agenda for the October 16, 2012, City Council Meeting.\***

*\*Public comment on draft agenda items will be taken under "Review of Draft Agenda Items" (Item No. 9) later in the meeting. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk. The item will be called out during the second "Review of Draft Agenda Items" to allow citizens the opportunity to comment. Citizens are also encouraged to submit written comments.*

Item 14D was pulled for further discussion later in the Work Session.

5. **Path forward for the 2012 Amendments to the Flagstaff Zoning Code.**

Staff explained that this report was based on the CCR previously provided to the City Council on the path forward for adoption of the 2012 Amendments to the Flagstaff Zoning Code. At this Work Session staff will be seeking from the Council:

- ▶ Agreement and consensus on the path forward for the 2012 Amendments to the Flagstaff Zoning Code
- ▶ Solicitation of ideas and recommendations from the Council on possible amendments to the Zoning Code. These will be compiled with the other amendments and forwarded to the Planning and Zoning Commission for their recommendation, before being submitted to the City Council for final approval.

Roger Eastman, Zoning Code Administrator, presented a PowerPoint presentation outlined as follows:

- ▶ PROPOSED AMENDMENTS
  - Level 1 – minor - fixes and corrections
  - Level 2 – major – as directed by City Council
  - Level 3 – major – considered post Regional Plan Adoption
- ▶ CONCEPTUAL FLOW CHART (INCLUDED IN AGENDA PACKET)
  - Due to the passing of SB 1598 and required compliance by December 31, 2012. They were asking for additional time to complete the Zoning Code Amendments to accommodate the time frame on the State Bill.

Staff reported that the ADA issue surfaced as a conversation topic on a tour with CD. They do not believe that it is a policy question but rather a change in the standard. This and all other zoning code amendments (major and minor) must go before Council for discussion and adoption.

Brief review was made of the difference between a minor and major amendment. A major policy amendment would be the items that require a much broader, more conceptualized discussion with Council. It was noted that even minor policy decisions have a large community impact and the ADA change should not be a minor item. Staff clarified that not only Council interests but community interests drive the request for discussion of an amendment.

Staff was directed to draft a preliminary list of potential amendments and bring back to Council for discussion. If there is not Council consensus to pursue the amendment no staff time will be devoted to it.

Staff requested that any additional suggestions or comments be routed through Kevin for inclusion on the list.

**6. Owner Occupied Housing Rehabilitation Program Update and Discussion.**

The purpose of this item is to provide direction on staff requested amendments to the City of Flagstaff Housing Rehabilitation Standards.

Sarah Darr, Housing Manager, presented a PowerPoint as follows:

- ▶ OWNER OCCUPIED HOUSING REHABILITATION PROGRAM
  - Program update and overview of new Arizona Department of Housing weatherization.
  - New ADOH standards necessitate amending City of Flagstaff Rehab Standards.
  - Grant application due November 13<sup>th</sup>.
  
- ▶ BACKGROUND
  
- ▶ NEIGHBORHOODS
  - Sunnyside
  - Southside
  - Pine Knoll
  - Plaza Vieja
  -
  
- ▶ PROGRAM FUNDING SOURCES
  - Federal HOME funds are very lucrative for this program.
  - 55 homes were rehabilitated with an average cost of \$26,000 per home.
  
- ▶ HIGHLY REGULATED PROGRAM
  
- ▶ RECENT CHANGES IN JANUARY
  - Decreased maximum amount of assistance per household from \$40,000 to \$24,999.
  - Additional direction of Scope Minimization provided.
  - Administrative changes.

- ▶ AVERAGE COST PER PROJECT SINCE JANUARY 2012 - \$3,000 – 7 HOMES
  - Walking a fine line with staying below the cap set forth and bringing homes into compliance.
  - Arriving at the cap by cutting down services.
- ▶ WITH THE INCREASE IN WHAT THE STATE IS REQUIRING THEM TO DO THEY MUST INCREASE THEIR FUNDING TO ACCOMPLISH.

David McIntire, Permanent Affordability Administrator, continued the presentation:

- ▶ NEW REQUIRED WEATHERIZATION STANDARDS FROM ADOH
  - Intended to enhance the performance of housing stock in the state.
  - Require pre-construction energy audit and post construction compliance inspection.
  - Items identified in the energy audit **MUST** be addressed as part of the scope.
  - ADOH project cap increased \$55,000 in order to accommodate new standards.
- ▶ HOW WILL THIS IMPACT FLAGSTAFF'S HOUSING STOCK?
  - The Sustainability Retrofit program found well over 60% of the homes tested had an active carbon monoxide leak or other hazards that would need to be addressed per the state requirements.
- ▶ ADDITIONAL REQUIRED COSTS
- ▶ MAXIMUM EXPENDITURES IN OTHER AREAS OF ARIZONA
- ▶ REQUESTED AMENDMENTS TO CITY OF FLAGSTAFF REHABILITATION STANDARDS
  - State funding = State requirements
- ▶ OPTIONS FOR INCREASING MAXIMUM INVESTMENT PER HOME
  - 1. Increase cap from \$24,999 to \$35,000.
  - 2. Increase cap to \$55,000 to be consistent with ADOH.
  - 3. Do nothing resulting in non-competitive grant application.

Staff noted that this project is all grant funded; no general funds were expended. They believe that they can meet the standards by increasing to \$35,000. They did not necessarily believe they could serve more houses if it was increased to \$55,000 because the smaller the scope the more households they can address, and with an increased scope the average cost of each house increases therefore reducing the overall number served. No community will receive more than \$440,000, they can award less based on specific needs of the community.

When submitting the grant application last year at a cap of \$25,000 each, the State questioned the City's ability to meet their standards. They have been able to stay in compliance with the current cap of \$25,000. The State's philosophy is if they are going to do it, do it right. They are looking for the long term benefit.

It was suggested that the applicants and recipients of this service understand the increased requirements and weigh whether or not the home is worth this type of investment.

It was noted that part of the problem is that there are so many regulations and that drives the price up. Some felt the City should get out of the housing business.

Staff said that the downside to increasing to the \$55,000 cap was that it really came down to quality versus quantity; scope minimalization is the current philosophy. The positive of the \$55,000 cap is the ability to address more issues in each house. The con is that they would do fewer projects because the increased issues push the overall cap higher. They are not reaching the cap on a regular basis but with the increased scope from the State additional monies would be expected to be spent to address.

Staff was not sure how the State would rank the grant applications but felt that it would have a more positive impact on their ranking if they had a cap of \$55,000. It was added that work was being done by local contractors which has helped the City's economy.

Two councilmembers were in favor of \$35,000, three are in favor of \$55,000, and one would like to keep it at \$24,999. Staff was directed to bring two proposals back to Council for discussion and a decision; one with the \$55,000 cap and one with the \$35,000 cap.

Staff indicated that the grant application, that is dependent on this decision, would then have to come to Council at the same time with blanks. Depending on the decision of Council the application would be revised on the floor.

7. **West Street and Arrowhead Avenue Mini-Roundabout Construction and Streetscape Project Presentation.**

The purpose of the presentation was to provide support to Mini-Roundabout design or provide alternate direction.

Christine Cameron, Capital Improvements, gave a PowerPoint presentation:

▶ PROJECT BACKGROUND

- \$8.4 million dollar project funded by transportation tax and utility funds.

▶ EXISTING INTERSECTION

- Awkward turning movements.
- Excessive speed, there is nothing to slow down traffic.
- Right of way constrained at 60 feet.

▶ DESIGN CONCEPT BASED ON 2005 CORRIDOR STUDY

- This design caused visibility issues with existing property owners.
- Does nothing to address speed issue.
- No pedestrian access across west and arrowhead due to sight distance.

▶ MINI-ROUNDAABOUT

- Significantly smaller than roundabout at Woody Mtn.
- Driveway access safer for property owners.
- Slows traffic speed.
- Curbs are depressed or rolled – larger trucks can maneuver over if necessary.
- Allows pedestrian and bicycle access.
- Affordable and within our budget.
- Minimal ROW needs.

▶ PUBLIC INVOLVEMENT

▶ NEXT STEPS

- Staff would like to move forward with final designs this winter with construction next summer.

Staff reported that there are not any hard numbers at the 30% design phase. There is already sidewalk, curb and gutter going in and the same amount of asphalt will be used. They believe it would be minimal cost and within their existing budget. The traditional design may require the city to purchase property to address driveway and visibility issues, this can get costly.

Regular traffic will not want to go over the three inch rolled curb. There would not be any restrictions in place and larger trucks could navigate safely over the curb if necessary. Staff has spoken with the commercial vendors in the area and the commercial deliveries rarely use this route, most use Fourth Street.

The community was not in favor of stop signs; the public that has responded are fully in favor of the roundabout.

The concern about the turning radius with the garbage trucks goes hand in hand with the large 18 wheeler concern. The center island will be used for traversing by these kinds of vehicles. The larger vehicle can cross over the roundabout to accommodate the turn radius.

There is little data on accidents but when talking to residents the concern is with the vast amount of near misses. The splitter islands will naturally slow traffic down. Traffic coming off of West Street will have full view of the island to allow for decision time. The design is to slow traffic.

At this time they do not believe that the foot traffic is warranted for this type of application. They will have the Traffic Engineer look at the pedestrian options. There is a median between where pedestrians can stop and look before crossing the additional leg.

Five councilmembers were in favor of moving forward with the roundabout and two were not in favor. Staff was advised to move forward with the design of the roundtable at Arrowhead and West Street.

8. **Review of Draft Agenda Items for the October 16, 2012, Council Meeting.\***

*\* Public comment on draft agenda items will be taken at this time.*

**14D - Consideration and Approval of Grant Agreement and Acceptance of Grant Funding: Fiscal Year 2012 Arizona State Parks Growing Smarter Grant.**

Staff noted that upon a successful bid at the auction the property is transferred to the City of Flagstaff. The Conservation Easement will be held by Arizona State Parks and the City of Flagstaff will be required to report yearly. Liability is covered by State Statute for recreation; if people are volunteering and doing work on the land a waiver must be signed and provided to the City of Flagstaff. Security issues will be a shared responsibility with Coconino County and the City of Flagstaff. The land will be held as City of Flagstaff open space and there will be signage as such. The public will be able to access the area for that purpose. There would be no hunting permitted.

Staff noted that there was not a lot of wiggle room regarding negotiations; the funding comes from Arizona State Parks so they were held to their stipulations. The City of Flagstaff is the grantor and therefore they would retain the water rights, which is a benefit to the City.

The Picture Canyon core group has started working through the various restrictions and issues. The management plan will come later and the core group is in agreement with the restrictions that come with the conservation easement.

9. **Informational Items To/From Mayor, Council, and City Manager.**

Councilmember Oravits said that he would like to send respects to Hal Jensen and his family, as he passed away Saturday night.

Councilmember Evans reported that she visited with Colonel Strickland, Director of Veteran Services Department in Phoenix. She received information about the improvements being made out at Camp Navajo with the construction of a Federal cemetery and a retirement/assistive living facility. They also discussed some great economic development issues. She is requesting a work session presentation from Colonel Strickland to give an update on what is being done at Camp Navajo and the economic impact it will have on the area.

She would also like to request information from the Flagstaff Police Department. There are concerns about bikes going the wrong way on streets, not following traffic laws, etc. She asked for a response as to how many tickets have been issued to bicyclists and if bicycle safety training was being provided by Bicycle Advisory Committee.

She is also requesting a discussion about the Fourth Street Study and the safety concerns with crossing Fourth Street.

She is also requesting a Section 15 item for a resolution concerning the process for qualifying for veteran benefits, specifically with regards to shortening the time it takes to qualify.

Councilmember Barotz would like to request a work session presentation update on dark skies.

She would also like staff to follow up on the concerns of the individual that spoke during public participation about disabled parking availability downtown during street closures.

She informed Council that NAIPTA has recently adopted an advertising policy for advertising in the bus shelters and they are working with the City of Flagstaff to develop an agreement to move forward. She believes that the City is looking at a similar policy for the boards at Jay Lively.

She also announced that NAIPTA is testing a real time application for all the mountain line routes. This will allow smart phone users to download an application on their phone that will show where the buses are in their routes.

Councilmember Brewster reported that she attended the Disability Awareness Commission Banquet. It was well attended and a good event.

She also attended the Innovation Summit on entrepreneurs held at Northern Arizona University.

She also attended the grand opening of the Biomedical Campus in Phoenix where Northern Arizona University is a partner with University of Arizona Medical School. It is a very innovative facility with state of the art training.

She also reported that she is now located in the Applied Research building in the Office of Sustainability at Northern Arizona University

**10. Public Participation**

None.

**11. Adjournment**

The Flagstaff City Council Work Session of October 9, 2012, adjourned at 8:27 p.m.

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MAYOR

ATTEST:

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CITY CLERK

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Submitted For:** Josh Copley, Deputy City Manager  
**Date:** 09/12/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration of Appointments:** Disability Awareness Commission vacancies.

**RECOMMENDED ACTION:**

Make one appointment with a term expiring in March 2014 and two re-appointments to the Disability Awareness Commission with terms expiring in March 2015.

**Policy Decision or Reason for Action:**

By making the one appointment and two re-appointments, the Disability Awareness Commission will be able to continue with a quorum to conduct business. Two current commissioners are eligible for and interested in reappointment. In addition, there is an application on file from one resident, Melissa Bernasconi. If these appointments are made, the Commission membership will rise to seven out of nine positions.

**Financial Impact:**

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal:**

Effective governance

**Has There Been Previous Council Decision on This:**

None

**Options and Alternatives**

The Council could table the action to allow time for further discussion or to expand the list of candidates.

**Background/History:**

The Disability Awareness Commission consists of nine citizens serving three-year terms, representing the disabled community in Flagstaff. There are currently five (5) vacancies on the Disability Awareness Commission. Three vacancies have been created due to expiring terms: Susan Hansen and Jim Tuck, who both have served one and a half full terms and are eligible for re-appointment, and Kathryn Barrett who has served two and a half full terms and is eligible for re-appointment. Two of these three Commissioners are seeking reappointment.

The other two vacancies are due to the early departure of commissioners Jacquelyn Thorpe and Stephanie Rust. One applicant, Melissa Bernasconi, has applied for one of these vacancies.

**Key Considerations:**

It is important to fill these vacancies as soon as possible since this commission meets each month and needs a quorum.

**Community Benefits and Considerations:**

The community benefits by having a Disability Awareness Commission as they deal with the accessibility of city facilities, parks, businesses, etc., and are sensitive to the needs of the community as a whole.

**Community Involvement:**

Vacancies are typically solicited through advertising in the newspaper, by word of mouth on the part of the other Commissioners and staff and posted on the City’s website.

**Expanded Options and Alternatives:**

**COUNCIL INTERVIEW TEAM:**

Councilmember Overton and Councilmember Woodson

**Date of Council Approval:**

- 
- Attachments:**    [DAC Roster](#)  
                          [DAC Code](#)  
                          [DAC Application List](#)  
                          [DAC Applications](#)
- 

**Form Review**

| <b>Inbox</b>                     | <b>Reviewed By</b>              | <b>Date</b>                     |
|----------------------------------|---------------------------------|---------------------------------|
| DCM - Jerene Watson              | Jerene Watson                   | 10/04/2012 01:35 PM             |
| DCM - Jerene Watson              | Jerene Watson                   | 10/04/2012 03:01 PM             |
| Form Started By: Stacy Saltzburg |                                 | Started On: 09/12/2012 01:25 PM |
|                                  | Final Approval Date: 10/04/2012 |                                 |



## City of Flagstaff, AZ

### DISABILITY AWARENESS COMMISSION MEMBERS

| <u>NAME</u>   | <u>APPOINTED</u>  | <u>TERM EXPIRES</u> | <u>TRAINING COMPLETED</u> |
|---|-------------------|---------------------|---------------------------|
| <b><u>Barrett, Kathryn S.</u></b><br>Occupational Therapist/Flagstaff Medical Center<br>1926 Meadow Lark Drive<br>Flagstaff, AZ 86001<br>Cell Phone: 928-890-7665<br>Term: 3rd (1st-Partial 02/05-03/06, 2nd 03/06-03/09) | <b>04/21/2009</b> | <b>03/12</b>        | <b>03/15/2006</b>         |
| <b><u>Chandler, Kathryn</u></b><br>Paratransit Program Manager/NAIPTA<br>3924 E. Thrush Lane<br>Flagstaff, AZ 86004<br>Cell Phone: 928-607-9467<br>Term: 1st  | <b>03/14/2011</b> | <b>03/14</b>        | <b>02/16/2012</b>         |
| <b><u>Cook, Penelope</u></b><br>Service Coordinator/ABRiO Family Services<br>P.O. Box 30653<br>Flagstaff, AZ 86003<br>Work Phone: 779-9449<br>Term: 2nd (1st Partial - 12/09 - 03/10)                                     | <b>04/06/2010</b> | <b>03/13</b>        | <b>10/20/2011</b>         |
| <b><u>Gale, Debra</u></b><br>Direct Service Provided/Habilitation/ABRiO Family Services<br>1401 North 4th St. # 248<br>Flagstaff, AZ 86004<br>Cell Phone: 928-853-4730<br>Term: 1st                                       | <b>03/14/2011</b> | <b>03/14</b>        | <b>No</b>                 |



## City of Flagstaff, AZ

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|   |                   |              |                   |
|---|-------------------|--------------|-------------------|
| <b><u>Garfield, Todd</u></b>  | <b>04/06/2010</b> | <b>03/13</b> | <b>10/17/2007</b> |
| Former Application Systems Engineer/Wells<br>Fargo Bank<br>3465 NE Rainier Loop<br>Flagstaff, AZ 86004<br>Home Phone: 213-1551<br>Term: 2nd (1st 08/07 - 03/10)                         |                   |              |                   |
| <b><u>Tuck, Jim</u></b>   | <b>04/21/2009</b> | <b>03/12</b> | <b>10/20/2011</b> |
| Assistant Visitors' Services Manager/Museum<br>of Northern Arizona<br>2829 N. Fremont Blvd.<br>Flagstaff, AZ 86001<br>Home Phone: 928-773-9194<br>Term: 2nd (1st - Partial 03/07-03/09) |                   |              |                   |
| <b><u>VACANT,</u></b>   |                   | <b>03/13</b> | <b>No</b>         |
| Flagstaff, AZ 86001<br>Term: 1st  |                   |              |                   |
| <b><u>VACANT,</u></b>   |                   | <b>03/14</b> | <b>No</b>         |
| Flagstaff, AZ 86001<br>Term: 1st  |                   |              |                   |
| <b><u>VACANT,</u></b>   |                   | <b>03/12</b> | <b>No</b>         |
| Flagstaff, AZ 86001<br>Term: 1st  |                   |              |                   |

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**Staff Representative: Josh Copley**

**As Of: October 04, 2012**

**CHAPTER 2-18  
COMMISSION ON DISABILITY AWARENESS**

**SECTIONS:**

|                                      |                                |
|--------------------------------------|--------------------------------|
| <a href="#"><u>2-18-001-0001</u></a> | COMMISSION ESTABLISHED, DUTIES |
| <a href="#"><u>2-18-001-0002</u></a> | MEMBERS AND TERMS              |
| <a href="#"><u>2-18-001-0003</u></a> | ORGANIZATION                   |

SECTION 2-18-001-0001 COMMISSION ESTABLISHED, DUTIES

There is hereby established the Commission on Disability Awareness. It shall be the Commission's duty to advise the City Council on all issues affecting the City of Flagstaff in relation to individuals with disabilities and shall include, but not be limited to:

- A. Review of City compliance with the Americans with Disabilities Acts and the Arizonans with Disabilities Acts.
- B. Review of City programs, activities, services and procedures to ensure all citizens are afforded equitable access to same.
- C. Develop and transmit recommendations to the City Council to assist the City Council in developing policies to respond to the concerns and needs of those with disabilities.
- D. Provide a public forum for identifying and discussing issues of interest relating to individuals who are disabled, physically or mentally, and to act as an information and referral group to assist individuals, organizations, and employers in efforts to aid members of the community toward greater independence and community interactions.
- E. Increase community awareness of the real contributions made by citizens of the community who are disabled and to provide recognition for employers, employees, students, teachers, parents, and professionals who further the goals of disability awareness and inclusion. (Ord. 1780, 11/17/92)

(Ord. No. 1780, Enacted, 11/17/92)

SECTION 2-18-001-0002 MEMBERS AND TERMS

The Commission shall consist of nine (9) members who shall be appointed by the City Council based upon the recommendations of the Committee/Commission. The Commission and the City Council will make every effort to recruit and appoint those individuals most directly involved and concerned with the obligations of the Americans with

Disabilities Act. Commission members shall serve staggered, three-year terms.

A quorum shall consist of one more than half the membership of the commission.

In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Disability Awareness Commission who shall not count toward the quorum.

In the event a member's term expires, that member shall continue to serve until reappointed or replaced by the City Council. (Ord. 1833, 05/03/94)

(Ord. No. 1780, Enacted, 11/17/92; Ord. No. 1833, Amended, 05/03/94; Ord. No. 2007-31, Amended 07/23/2007)

#### SECTION 2-18-001-0003 ORGANIZATION

A Chairperson and other Commission officers shall be selected by a majority vote of those members present at a meeting called for that purpose for a term of one (1) year. The Commission shall meet at such times, dates and locations as determined by the members except that the Chairperson may call a special meeting with not less than twenty-four (24) hours notice. All other rules of procedure shall be established by the members so long as said rules are consistent with State law, the City Charter, the Board and Commission Members' Handbook, and this Ordinance.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. 1780, 11/17/92); (Ord. No. 1780, Enacted, 11/17/92); (Ord. No. 2007-37, Amended 07/24/2007)



## City of Flagstaff, AZ

### DISABILITY AWARENESS COMMISSION APPLICANTS

| <u>NAME</u>   | <u>APPOINTED</u> | <u>TERM EXPIRES</u> | <u>TRAINING COMPLETED</u> |
|---|------------------|---------------------|---------------------------|
| <b><u>Barrett, Kathryn S.</u></b><br>Occupational Therapist/Flagstaff Medical Center<br>1926 Meadow Lark Drive<br>Flagstaff, AZ 86001<br>Home Phone: (928) 774-8455<br>Term: 3rd (1st-Partial 02/05-03/06, 2nd 03/06-03/09) | 04/21/2009       | 03/12               | 03/15/2006                |
| <b><u>Bernasconi, Melissa</u></b><br>CEO/Quality Connections, Inc.<br>802 W Aspen<br>Flagstaff, AZ 86001<br>Cell Phone: 928-225-3176<br>Term: 1st   |                  |                     | No                        |
| <b><u>Tuck, Jim</u></b><br>National Park Ranger/Retired<br>2829 Fremont Blvd.<br>Flagstaff, AZ 86001<br>Home Phone: 928-773-9194<br>Term: 1st   |                  |                     | No                        |

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**Staff Representative: Josh Copley**

**As Of: October 04, 2012**

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 9/14/12

BOARD/COMMISSION YOU WISH TO SERVE ON: Disability Awareness Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: \_\_\_\_\_

YOUR NAME: Kathryn S. Barrett HOME PHONE: 928-774-8455

HOME ADDRESS: 1926 Meadowlark Dr. ZIP: 86001

MAILING ADDRESS (if Different from Above): Flagstaff, AZ

EMPLOYER: FMC JOB TITLE: Occupational Therapist

BUS. PHONE: 928-773-2125 CELL: 928-890-7665 E-MAIL: kathryn.barrett@nahealth.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK  CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I have worked with people with disabilities &/or studied to do so since 1992. I have several close family members with different disabilities so advocacy for & awareness of issues for this population group is important to me on several levels

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I have been on the commission several years now & wish to remain on to finish a project.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

Kathryn S. Barrett  
Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

Rec'd 9/17/12  
EAB

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001**

PLEASE TYPE OR PRINT IN BLACK INK  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 1.31.12

BOARD/COMMISSION YOU WISH TO SERVE ON: DISABILITY AWARENESS COMMISSION

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: \_\_\_\_\_

YOUR NAME: MELISSA BERNASCONI HOME PHONE: 9282253176

HOME ADDRESS: 802 W ASPEN ZIP: 86001

MAILING ADDRESS (If Different from Above): N/A

EMPLOYER: QUALITY CONNECTIONS INC JOB TITLE: CEO

BUS. PHONE: 9287738787 CELL: 9282253176 E-MAIL: melissa@qualityconnections.org

PLEASE INDICATE PREFERRED TELEPHONE:  HOME  WORK  CELL

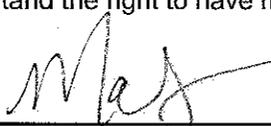
**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I have been a regular participant on this commission on and off for close to 20 years. Enjoy being a part of this commission. I have chaired and co chaired the annual disability awareness banquet for close to 20 years and feel i have a great background in putting this event on. My career has focused on disability awareness, advocacy, working with various agencies, families, entities, businesses....

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I enjoy this commission and what it does and can do for our community. I like putting on the annual banquet, participating in business accessibility surveys, providing businesses with information on how they can be more accommodating to individuals with all disabilities, transit issues, snow removal ideas, community events....

I certify that I meet the City Charter requirement of living within the Flagstaff City limits and that I have read and understand the right to have my application considered in a public meeting.

  
\_\_\_\_\_  
Applicant Signature

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001**

**PLEASE TYPE OR PRINT IN BLACK INK  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

**DATE:** January 24, 2012

**BOARD/COMMISSION YOU WISH TO SERVE ON:** Disability Awareness Commission

**IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:** N/A

**YOUR NAME:** Jim Tuck **HOME PHONE:** 928-773-9194

**HOME ADDRESS:** 2829 N Fremont Blvd **ZIP:** 86001-0712

**MAILING ADDRESS (if Different from Above):** same

**EMPLOYER:** Retired **JOB TITLE:** National Park Ranger

**BUS. PHONE:** N/A **CELL:** 928-814-8034 **E-MAIL:** jimtuck@aol.com

**PLEASE INDICATE PREFERRED TELEPHONE:**  HOME  WORK  CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Currently serving on this commission as the Chair, after almost 40 years of involvement in accessibility issues.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

Wish to continue to serve Flagstaff as an advocate for folks with disabilities.

I certify that I meet the City Charter requirement of living within the Flagstaff City limits and that I have read and understand the right to have my application considered in a public meeting.

  
Applicant Signature

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Barbara Goodrich, Management Services Director  
**Date:** 10/01/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration of Appointments:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC Citizen Appointment)

**RECOMMENDED ACTION:**

Appoint \_\_\_\_\_ to a three year term to expire October 2015.

**Policy Decision or Reason for Action:**

The NAIPTA TAC Citizen position is currently vacant and an appointment is necessary per the current NAIPTA Rules of Procedure. The appointment is to be made by the City Council.

**Financial Impact:**

This is a voluntary position. There is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal:**

Effective governance.

Maintain and deliver quality, reliable infrastructure.

**Has There Been Previous Council Decision on This:**

No.

**Options and Alternatives**

1. Make the appointment from the available roster of candidates.
2. Table the appointment to allow time for further discussion or to expand the list of candidates.

**Background/History:**

The NAIPTA TAC currently consists of five voting members: Coconino County Manager or designee, Yavapai County Manager or designee, Flagstaff City Manager or designee, Northern Arizona University Vice President of Administration or designee, and a Flagstaff Citizen Representative. The NAIPTA TAC reviews the draft Board of Directors' agenda and offers recommendations on transit-related issues within the NAIPTA boundary. The TAC meetings are generally held on the first Thursday of the month.

The Citizen Representative serves a three year term.

**Key Considerations:**

It is important to fill the vacancies as soon as possible to avoid quorum issues and maintain a full board representation. The former Citizen Representative has chosen to not pursue reappointment. Two applications of interest in the position have been received.

**Community Benefits and Considerations:**

The Citizen Representative plays an important role in being the voice of the general public for important transit issues and helps shape the future of transit for Flagstaff.

**Community Involvement:**

CONSULT: Feedback on issues brought to the NAIPTA Board of Directors through their regular monthly agenda will be sought and processed prior to the Board meeting.

**Expanded Options and Alternatives:**

**COUNCIL INTERVIEW TEAM:**

Mayor Nabours  
Councilmember Celia Barotz

**Date of Council Approval:**

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**Attachments:**    NAIPTA Rules of Procedure  
                          NAIPTA Transportation Advisory Board Apps

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**Form Review**

| <b>Inbox</b>                              | <b>Reviewed By</b>              | <b>Date</b>                     |
|---|---------------------------------|---------------------------------|
| Management Services Director (Originator) | Barbara Goodrich                | 10/02/2012 08:39 AM             |
| Peggy                                     | Elizabeth A. Burke              | 10/02/2012 09:34 AM             |
| DCM - Josh Copley                         | Elizabeth A. Burke              | 10/04/2012 11:43 AM             |
| DCM - Jerene Watson                       | Elizabeth A. Burke              | 10/04/2012 11:43 AM             |
| DCM - Jerene Watson                       | Jerene Watson                   | 10/04/2012 01:41 PM             |
| Form Started By: Barbara Goodrich         |                                 | Started On: 10/01/2012 05:57 PM |
|   | Final Approval Date: 10/04/2012 |                                 |

**RULES OF PROCEDURE**  
**OF**  
**NORTHERN ARIZONA INTERGOVERNMENTAL**  
**PUBLIC TRANSPORTATION AUTHORITY (“NAIPTA”)**  
(A corporate body and political subdivision  
of the State of Arizona)

**ARTICLE I – STATEMENT OF PURPOSE**

Section 1.1 General Purposes. The Authority is a corporate body and political subdivision of the State of Arizona, established pursuant to state law for the purpose of designing, operating, and maintaining a public transportation system in the authority.

**ARTICLES II – DEFINITIONS**

*Authority.* Authority means the Northern Arizona Intergovernmental Public Transportation Authority, also known as “NAIPTA.”

*Board of Directors (“BOD”).* Board of Directors means the Board of Directors of NAIPTA, consisting of representatives of member agencies, appointed by the agency’s governing body.

*Transit Advisory Committee (“TAC”).* Transit Advisory Committee means the Committee consisting of the administrative head of each member agency, or the administrator’s designee.

**ARTICLE III – POWERS AND DUTIES**  
**OF THE BOARD OF DIRECTORS**

The powers and duties of the Board of Directors include, but are not limited to:

- (a) Conduct a periodic survey of public transportation needs in the authority and determine an appropriate transportation system to meet those needs and the means to finance the system and produce a five-year public transportation program that is consistent with the regional transportation plan approved by the regional council(s) of governments.
- (b) Coordinate and implement the establishment and development of the public transportation system within the authority and among the participating governmental entities.

- (c) Adopt rules that are proper and necessary to regulate the use, operation and maintenance of the public transportation systems, property, facilities and services.
- (d) Employ a general manager and other employees as may be necessary and prescribe the duties, terms and conditions of employment.
- (e) Appoint an authority treasurer or may enter into an intergovernmental agreement with the county treasurer to provide financial services for the authority.
- (f) Manage, set policy and conduct the business of the Authority. Determine its organizational and procedural structure; adopt, amend and repeal bylaws and rules consistent with the requirements of state law, and prescribe an accounting system for the Authority.
- (g) Provide for payment of all debts and appropriate claims from the appropriate funds.
- (h) Issue an annual report on or before December 1 of each year, containing a full account of its transactions, activities and finances for the preceding fiscal year and other facts and recommendations, and transmit copies of the report to each member municipality, university and county, to the secretary of state, to the Arizona state library, archives and records, and, on request, to any member of the public.
- (i) Cause an annual audit to be conducted of the public transportation authority fund by an independent certified public accountant within 120 days after the end of the fiscal year.

#### **ARTICLE IV – MEMBERS**

Section 4.1 Initial Members. The initial Members of the Authority are Coconino County, Yavapai County, the City of Flagstaff, the City of Sedona, the City of Cottonwood, and the Arizona Board of Regents acting for and on behalf of Northern Arizona University (“Northern Arizona University”). Coconino County, Yavapai County, the City of Sedona, the City of Cottonwood and Northern Arizona University each have one representative on the initial BOD, appointed by its governing body; the City of Flagstaff has two representatives on the initial BOD, appointed by its governing body.

Section 4.2 New Members. Incorporated cities and towns within Coconino and/or Yavapai County may join the authority by petitioning the board of supervisors of the county or counties in which they are located and entering into the Master IGA by and between the Initial Members and dated on or about March 15, 2006, as the same may be amended (the “Master IGA”), provided that membership is to be apportioned among the participating municipalities according to their respective populations.

Section 4.3 Voting Rights of Members. Each member of the BOD and the TAC shall have one (1) vote. Other elected officials, staff members and citizens may attend public meetings and participate as provided by law, but may not vote.

Section 4.4 Voting Rights of the Chair. The Chair has the same voting rights as any other member.

Section 4.5 Dues, Fees, and Assessments. Each Member must pay, within the time and on the conditions approved by the Members, the dues, fees, and assessments in amounts to be fixed from time to time by a majority of all the Members.

Section 4.6 Resignation of Members. In the event that one or more Members resigns from the Authority, the resigning Member(s) shall no longer be represented on the Board. Vacancies on the Board shall be filled by the remaining Members as provided by the Master IGA and these Rules of Procedure.

## **ARTICLE V – OFFICERS**

Section 5.1 Officers of the Authority. The officers of the Authority, who must also be Members of the BOD, shall be a Chair, a Vice Chair, and a Secretary.

- (a) A person may only hold one office at a time.
- (b) In the event of a vacancy in an office, a new officer shall be appointed as provided in Section 9.3 of these Rules.

Section 5.2 Duties of Officers.

- (a) *Chair.* The Chair shall: 1) preside at all meetings of the BOD; 2) sign all documents on behalf of the Authority; 3) be an ex-officio member of all committees.
- (b) *Vice Chair.* The Vice Chair shall have all the powers and assume all of the duties of the Chair in the Chair's absence.
- (c) *Secretary.* The Secretary shall keep or cause to be kept, at the Authority's Principal Office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, of committees of the Board, and of members' meetings. The minutes of meetings shall comply with the requirements of the Arizona open meeting law. The Secretary shall keep or cause to be kept, at the Principal Office, a copy of the articles of the Rules of Procedure, as amended to date.

Section 5.3 Election and Re-election of Officers. Officers shall be elected each year at the first BOD meeting held after July 1. An officer who has served in the same office for two consecutive terms shall be ineligible for nomination or election to that office for the term immediately following the completion of the said consecutive terms. The said officer shall, however, become eligible for nomination and election to the same office for later terms, subject always to the aforementioned limit of two consecutive terms.

Section 5.4 Absence or Disability of Chair. In the absence or disability of the Chair, (1) the Vice Chair of the Board, (2) the officers in order of their rank as fixed by the members or, if not ranked, (3) an officer designated by the members, shall perform all duties of the Chair. When so acting, the Vice Chair of the Board or officer shall have all powers of, and be subject to all restrictions on, the Chair. The said Vice Chair or officer shall have such other powers and perform such other duties as the members or the bylaws may prescribe.

## **ARTICLE VI - MEETINGS OF MEMBERS.**

Section 6.1 Regular Meetings of Board of Directors and TAC. Regular meetings of the BOD shall be held at least once each quarter, at a place and time designated by the Board in the notice of meeting. Regular meetings of the TAC shall be held at least six (6) times per calendar year, at a place and time designated by the TAC in the notice of meeting.

Section 6.2 Special Meetings. The Chair of the body may call a special meeting of the BOD or the TAC for any lawful purpose at any time.

Section 6.3 Notice Requirements for Meetings. Notice of meetings shall be provided to the members of the body and the public as provided in the Arizona Open Meeting Law, A.R.S. §38-501 *et seq.* Additional notice may be provided as the BOD deems advisable.

Section 6.4 Quorum. A majority of members of the BOD or the TAC shall constitute a quorum for the transaction of business at any meeting of Members.

Section 6.5 Conduct of Meetings. In all matters not addressed by these Rules or Arizona law, meetings of the BOD and the TAC shall be governed by Robert's Rules of Order.

## **ARTICLE VII – TRANSIT ADVISORY COMMITTEE**

Section 7.1 Members. The Transit Advisory Committee (“TAC”) shall consist of the Manager of each Member county, city or town or the Manager’s designee; the Vice President of Administration of each Member university or college or designee; and one citizen from each Service Area to be appointed by its governing body. The corporate

boundaries of each of the Member municipalities and counties constitutes a Service Area for the purpose of this Section 7.1.

Section 7.2 Term of Office of Citizen Members. Citizen members shall serve for terms of three years each.

Section 7.3 Responsibilities. The TAC shall: have the duties and responsibilities provided in the Master IGA and in such position descriptions and policy handbooks as are reviewed by the TAC and approved by the BOD.

Section 7.4 Officers. The officers of the TAC shall consist of a Chair, Vice Chair, and Secretary. The Chair and Vice Chair must be members of the TAC. The Clerk of the Board shall serve as Secretary.

Section 7.5 Duties of Officers.

(a) Chair. The Chair shall: 1) preside at all meetings of the TAC; 2) sign such documents as may be necessary on behalf of the TAC.

(b) Vice Chair. The Vice Chair shall have all the powers and assume all of the duties of the Chair in the Chair's absence.

(c) Secretary. The Secretary shall keep or cause to be kept, at the Authority's Principal Office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the TAC. The minutes of meetings shall comply with the requirements of the Arizona open meeting law.

Section 7.6 Election and Re-election of Officers. Officers shall be elected each year at the first TAC meeting held after July 1. An officer who has served in the same office for two consecutive terms shall be ineligible for nomination or election to that office for the term immediately following the completion of the said consecutive terms. The said officer shall, however, become eligible for nomination and election to the same office for later terms, subject always to the aforementioned limit of two consecutive terms.

## **ARTICLE VIII – VOTING PROCEDURES FOR THE BOARD OF DIRECTORS AND THE TRANSIT ADVISORY COMMITTEE**

Section 8.1 Manner of Casting Votes. Voting may be by voice or ballot at the discretion of the chair.

Section 8.2 Voting. Each member appointed pursuant to Article 4 of these Rules shall be entitled to cast one vote on each matter submitted to a vote of the Members.

Section 8.3 Approval by Majority Vote. If a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote and voting on any matter, shall be the act of the members, unless the vote of a greater number is required by Arizona law or these rules of procedure.

Section 8.4 Alternate Members of BOD and TAC. The governing body of each Member shall designate an alternate representative to both the BOD and TAC. The alternate representatives shall be authorized to attend BOD or TAC meetings and vote on all issues coming before the body, in the event that the regular representative is unable to attend a meeting. Members of the BOD or TAC may participate in a meeting by technological means, provided that the member can hear and participate in all discussions and the public can hear all statements made by the member so participating.

#### ARTICLE IX – AMENDMENTS

New bylaws may be adopted or these bylaws may be amended or repealed by the approval of a majority of all the appointed members of the BOD, provided, however, that any provision of these bylaws that requires the vote of a larger proportion of the Members than otherwise is required by law may not be altered, amended, or repealed except by vote of that greater number. No amendment may extend a director's term beyond that for which the director was elected.

DATED this 19<sup>th</sup> day of March, 2012.

  
Chair of the Authority

ATTEST:

Rhonda Cashman  
Clerk of the Authority

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001**

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: August 29, 2012

BOARD/COMMISSION YOU WISH TO SERVE ON: NAIPTA Transportation Advisory Board

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: N/A

YOUR NAME: Shari Miller HOME PHONE: 928-856-0190

HOME ADDRESS: 1350 W. Melissa Drive, Flagstaff AZ ZIP: 86001

MAILING ADDRESS (If Different from Above): \_\_\_\_\_

EMPLOYER: Self and NAU JOB TITLE: Attorney

BUS. PHONE: 928-774-1933 CELL: 928-856-0190 E-MAIL: smliller@smillerlaw.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK  CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I currently serve on the Citizen Review Commission for NAIPTA.

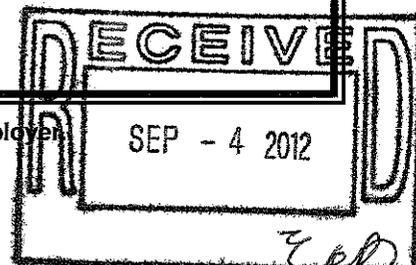
**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I recognize the challenges that NAIPTA faces in balancing resources and services and believe in collaborative problem-solving to maximize the return on investment. I believe that I can bring productive ideas to the table while representing Flagstaff.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

Shari Miller  
Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer



**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 9-14-12

BOARD/COMMISSION YOU WISH TO SERVE ON: Transit Advisory Committee

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: Citizen at Large

YOUR NAME: Al White HOME PHONE: (928)527-8567

HOME ADDRESS: 4385 E. Winter, Flagstaff, AZ ZIP: 86004

MAILING ADDRESS (If Different from Above): \_\_\_\_\_

EMPLOYER: Self JOB TITLE: CEO

BUS. PHONE: \_\_\_\_\_ CELL: (928)699-2916 E-MAIL: bosco8567@msn.com

PLEASE INDICATE PREFERRED TELEPHONE:  HOME  WORK  CELL

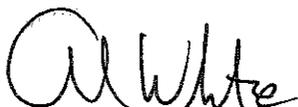
**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I had extensive experience on the board of directors for the Northern Arizona Intergovernmental Public Transit Authority (12 years). I have helped further para-transit development and can represent disability issues for consideration. I am aware of budgetary concerns.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I think I can bring some experience to the advisory committee. I understand the practice of not having a citizen involved in more than one board at a time and I serve on the board of the Flagstaff Housing Authority currently. If you wish to accept this application I would be willing to do both and believe I can help Transit as well.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

Rec'd 9/18/12 Eab

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Susan Alden, City Records Technician  
**Date:** 06/14/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration and Action on Liquor License Application:** Lauren Merrett, "Maverik", 5700 N. Highway 89, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

**RECOMMENDED ACTION:**

Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**Policy Decision or Reason for Action:**

Series 09 (Liquor Store - all spirituous liquor) licenses are obtained through the person transfer and location transfer of an existing license from another business. The person transfer and location transfer are from Michael Joseph Basha for Bashas' Inc. located at 1000 N. Humphreys Blvd., #112. The liquor license purchased from Bashas' was inactive at the time of sale. The Maverik location at 5700 N. Highway 89 is currently operating with a Series 10 liquor license, which is for a liquor store selling beer and wine only.

**Financial Impact:**

There is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal:**

Effective governance - regulatory action.

**Has There Been Previous Council Decision on This:**

Not applicable.

**Options and Alternatives:**

•Table the item if additional information or time is needed. •Make no recommendation. •Forward the application to the State with a recommendation for approval. •Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Background/History:**

- An application for a person transfer and location transfer Series 09 liquor license was received from Lauren Merrett for Maverik, 5700 N. Highway 89. The person transfer and location transfer are from Michael Joseph Basha for Bashas' located at 1000 N. Humphreys Blvd., #112. The liquor license purchased from Bashas' was inactive at the time of sale.
- A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.
- A background investigation performed by Tom Boughner, Environmental Code Specialist, resulted in no active code violations being reported.
- Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, resulting in a recommendation for approval.

**Key Considerations:**

- Because the application is for both a person transfer and location transfer, consideration may be given to both the applicant's personal qualifications and the location.
- A Series 09 (Liquor Store) license allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.
- The deadline for issuing a recommendation on this application is October 27, 2012.
- The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; the State does not require a geological map or list of licenses in the vicinity for any license series.

**Community Benefits and Considerations:**

- This business will contribute to the tax base of the community.
- We are not aware of any other relevant considerations.

**Community Involvement:**

- The application was properly posted on September 26, 2012.
- No written protests have been received to date.

**Expanded Options and Alternatives:**

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Date of Council Approval:**

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**Attachments:**     [Maverik Series 09 Letter to Applicant](#)  
                          [Hearing Procedures](#)

Series 09 Description  
Maverik Series 09 Section 13  
Maverik Series 09 Police Memo  
Maverik Series 09 Code Memo  
Maverik Series 09 Tax Memo

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**Form Review**

| <b>Inbox</b>                 | <b>Reviewed By</b>              | <b>Date</b>                     |
|------------------------------|---------------------------------|---------------------------------|
| DCM - Jerene Watson          | Jerene Watson                   | 10/02/2012 05:41 PM             |
| Form Started By: Susan Alden |                                 | Started On: 09/27/2012 12:03 PM |
|                              | Final Approval Date: 10/02/2012 |                                 |

OFFICE OF THE CITY CLERK

October 3, 2012

Maverik, Inc.  
Attn: Lauren Merrett  
736 S. Longmore St.  
Chandler, AZ 85224

Dear Ms. Merrett:

Your application for a Series 09 person transfer and location transfer liquor license for Maverik at 5700 N. Highway 89 was posted on September 26, 2012. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on Tuesday, October 16, 2012 which begins at 4:00 p.m.

It is important that you or your representative attend this Council Meeting to make a presentation on your application and to answer any questions that the City Council may have. Failure to make a presentation could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license and to make a presentation on that information, as well as stating whether or not you have attended the necessary training, whether or not you have had a business prior to this one, and, if so, the kinds of business(es) you have operated. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

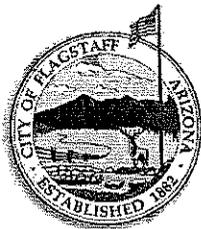
The twenty-day posting period for your liquor license application will expire on October 15, 2012, and the application may be removed from the premises at any time.

If you have any questions, please feel free to call me at 928-213-2066.

Sincerely,

Susan Alden  
City Records Technician

Enclosure



# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## License Types: Series 09 Liquor Store License (All spirituous liquors)

Transferable (From person to person and/or location to location within the same county only)

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

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### PURPOSE:

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE \*12 AUG 28 Lic. Lic. # 2 26

- 1. Current Business: Name Bashas' #67  
(Exactly as it appears on license) Address 1000 N. Humphreys Blvd #112 Flagstaff AZ 86001
- 2. New Business: Name Maverik  
(Physical Street Location) Address 5700 N. Hwy 89 Flagstaff AZ 86004
- 3. License Type: series 09 License Number: 09030004
- 4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
- 5. What date do you plan to move? \_\_\_\_\_ business is currently open with series 10 What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 5300 ft. Name of school Southe Beaver Elementary School  
Address 5400 E Railhead Ave, Flagstaff, AZ 86004  
City, State, Zip \_\_\_\_\_

2. Distance to nearest church: \_\_\_\_\_ ft. Name of church \_\_\_\_\_  
Address 4860 E Warrior Dr, Flagstaff, AZ 86004  
City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease \_\_\_ yrs. \_\_\_ mos.

4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to. this is a publicly traded corporation self funded

| Last | First | Middle | Amount Owed | Mailing Address | City State | Zip |
|------|-------|--------|-------------|-----------------|------------|-----|
|      |       |        |             |                 |            |     |
|      |       |        |             |                 |            |     |
|      |       |        |             |                 |            |     |
|      |       |        |             |                 |            |     |

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Convenience Store

**SECTION 13 - continued**

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # 10030006 (exactly as it appears on license) Name Maverik

**SECTION 14 Restaurant or hotel/motel license applicants:**

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  
 Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicant's initials

**SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)**

1. Check ALL boxes that apply to your business:  
 Entrances/Exits  Liquor storage areas Patio:  Contiguous  
 Service windows  Drive-in windows  Non Contiguous
2. Is your licensed premises currently closed due to construction, renovation, or redesign?  YES  NO  
 If yes, what is your estimated opening date? \_\_\_\_\_  
 month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

*LM*  
applicant's initials

## MEMORANDUM

Memo #12-149-01

**TO:** Chief Treadway

**FROM:** Sgt. Matt Wright #704

**DATE:** September 27, 2012

**REF:** SERIES 09 PERSON TO PERSON AND LOCATION TRANSFER OF EXISTING LIQUOR LICENSE FOR MAVERIK AT 5700 N. HWY 89

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On September 27, 2012 I initiated an investigation into an application for a series 09 person to person and location transfer. The application was filed by Controlling Persons, Lauren Merrett, Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten. The applicants all have interest and represent Maverick Inc. The Maverik store is located at 5700 N. Hwy 89 Flagstaff. This is an application to transfer the existing license 09030004 from the name of the previous owner Michael Joseph Basha (Bashas' Inc) to the current license owner and license applicants Lauren Merrett, Roger Green Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten. The liquor license was purchased from Bashas which was inactive at the time of the sale.

A query through local systems and public access on Lauren Merrett, Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten showed no derogatory records. I spoke with Lauren Merrett who confirmed the sale of the license. The business is located more than 300 feet from any church or school. Lauren stated she has no pending or past liquor law violations and has several other licenses but only as an administrative interest. I spoke with a representative from the state liquor license and control who stated the Maverik store is in good standing.

As a result of this investigation, I can find no reason to oppose this series 09 liquor license person to person transfer. Recommendation to Council would be for approval.



## Planning and Development Services Memorandum

**September 28, 2012**

**TO:** Susan Alden, City Records Technician

**THROUGH:** Roger Eastman, Planning & Zoning Administrator

**FROM:** Tom Boughner, Code Compliance Mgr 

**RE:** Application for Liquor License #09030004  
Maverick Store located at 5700 N. Hwy. 89  
Flagstaff, Arizona 86004  
Assessor's Parcel Number 113-17-004b

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This application is a request for a Series 09 (Liquor Store) person transfer liquor license from Bashas Store #67 to the Maverick Store, located in the Highway Commercial (HC) Zone on North Hwy. 89. This district allows for Liquor Stores.

This is a person transfer liquor license.

There is no active code violation associated with the Maverick or its management at this time.

This Liquor License is recommended for approval.

# Memo

To: Susan Alden, City Records Technician

From: Ranbir Cheema - Tax, Licensing & Revenue Manager 

Date: October 01, 2012

Re: Series 09 Liquor License – Person Transfer and Location Transfer – Mavericks  
(5700 N Hwy 89)

---

Maverik Inc has a Transaction Privilege Tax license with the City as Maverik Country Stores Inc. According to the AZ Corporation Commission records that was their previous corporate name. They changed their name to Maverik Inc effective November 15, 2005. I do not see a problem in having that changed in City's licensing records. They are current in reporting and remitting sales tax to the City. Currently, they are in compliance with the sales tax and licensing requirements of the City.

/liquor licenses/Maverik Hwy 89.doc

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Tiffin Miller, Project Manager  
**Date:** 10/05/2012  
**Meeting Date:** 10/16/2012



---

**TITLE:**

**Consideration and Approval of Change Order No. 1:** Coconino/Elden/Humphreys 2010 Bond Improvements

**RECOMMENDED ACTION:**

Approve Change Order No. 1 with Eagle Mountain Construction Co. in the amount of \$102,671.16.

**Policy Decision or Reason for Action:**

Approving this change order will authorize the contractor to repair substandard roadway and construct full depth asphalt pavement on Elden Street between Route 66 and Birch Avenue and on Coconino Avenue from Wilson Street to the west end.

**Financial Impact:**

The project is funded by general obligation bonds from the 2010 Bond Improvement Program in a principal amount of \$16,500,000. This increased contact amount does not affect the overall delivery of the 2010 Bond Improvement Program.

**Connection to Council Goal:**

Maintain and deliver quality, reliable infrastructure.

**Has There Been Previous Council Decision on This:**

This project is included in the Council adopted FY 12/13 Budget. The Council approved the construction contract for this project on July 17, 2012.

**Options and Alternatives**

Option No. 1 - Approve Change Order No. 1. This work includes removal of substandard base materials and construction of 4 inches of asphalt over 6 inches of aggregate base course in accordance with the current Engineering Standards. This option is designed for a 20 year pavement life and will add 11 calendar days to the contract.

Option No. 2 - Deny Change Order No. 1 and direct the contractor to continue working in accordance with the approved plans and specifications. This option includes a 2 inch asphalt overlay on top of the existing milled pavement. Staff does not recommend this option because the pavement would likely fail

with a few years and then require a full depth pavement replacement soon thereafter. This option would likely cost more than Option No. 1 considering future pavement replacement costs and additional mobilization.

**Background/History:**

The original scope specified milling the existing asphalt pavement and a construction of a two-inch asphalt overlay. After the milling operation was completed, it was evident that the remaining pavement and subgrade were in extremely poor condition. This was unexpected as the borings from the geotechnical report did not indicate this condition.

**Key Considerations:**

The existing substandard materials will be removed and replaced with new full depth pavement designed to meet a minimum 20 year life in accordance with the current Engineering Standards.

**Community Benefits and Considerations:**

The new pavement will last much longer, minimize future maintenance costs and minimize impacts to the neighborhood.

**Community Involvement:**

INFORM - Construction progress updates have been provided to residents and property owners during this project.

INVOLVE - In April 2012, a letter describing the project and the schedule was sent to all property owners along Coconino/Elden and Humphreys requesting their cooperation in the project. Several property owners contacted Staff to discuss their concerns and the plans were revised to meet many requests.

EMPOWER - Voters authorized up to \$16.5 million in general obligation bonds in November 2010. The bonds are to fund street and utility infrastructure replacements.

**Expanded Options and Alternatives:**

Option No. 1 - Approve Change Order No. 1. This work includes removal of substandard base materials and construction of 4 inches of asphalt over 6 inches of aggregate base course in accordance with current Engineering Standards. This option is designed for a 20 year pavement life and will add 11 calendar days to the contract.

Option No. 2 - Deny Change Order No. 1 and direct the contractor to continue working in accordance with the approved plans and specifications. This option includes a 2 inch asphalt overlay on top of the existing milled pavement. Staff does not recommend this option because the pavement would likely fail within a few years and then require a full depth pavement replacement soon after. This option would likely cost more than Option No. 1 when considering future pavement replacement costs and additional mobilization.

**Date of Council Approval:**

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**Attachments:**     [Elden Vicinity Map](#)  
                          [Coconino Vicinity Map](#)  
                          [Change Order No. 1](#)

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| <b>Inbox</b>                      | <b>Reviewed By</b> | <b>Date</b>                     |
|-----------------------------------|--------------------|---------------------------------|
| Sr. Project Manager - Duval       | James Duval        | 10/10/2012 03:49 PM             |
| City Engineer                     | Rick Barrett       | 10/10/2012 03:50 PM             |
| Purchasing Director               | Rick Compau        | 10/10/2012 04:03 PM             |
| Finance Director                  | Rick Tadder        | 10/10/2012 05:07 PM             |
| Community Development Director    | Mark Landsiedel    | 10/11/2012 04:05 PM             |
| Senior Assistant City Attorney DW | David Womochil     | 10/11/2012 04:10 PM             |
| Legal Assistant                   | Elizabeth A. Burke | 10/11/2012 04:26 PM             |
| DCM - Jerene Watson               | Jerene Watson      | 10/12/2012 11:43 AM             |
| Form Started By: Tiffin Miller    |                    | Started On: 10/05/2012 09:25 AM |
| Final Approval Date: 10/12/2012   |                    |                                 |

# Elden Street Improvements

-- Elden Street between Route 66 and Cherry Avenue --



Title: 2010 Bond Project - Coconino/Elden/Humphreys

1.) - COF Proj. No. 243600

2.) - COF File No. 03-11022

400 200 0 400 Feet

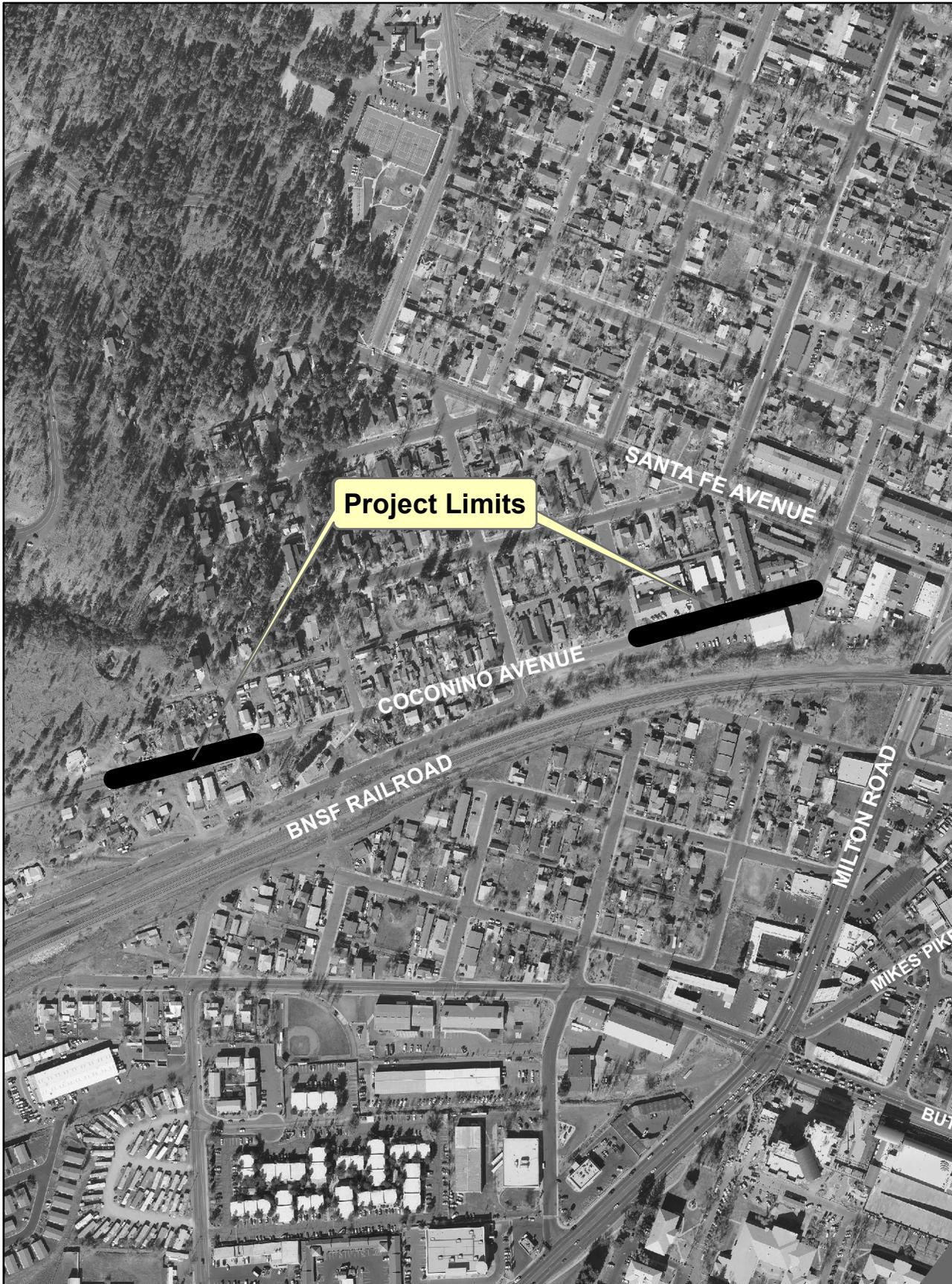


September 29, 2011

**NORTH**

# Coconino Avenue Improvements

-- Coconino Avenue westerly and easterly ends --



Title: 2010 Bond Project - Coconino/Elden/Humphreys

1.) - COF Proj. No. 243600

2.) - COF File No. 03-11022

400 200 0 400 Feet



NORTH

September 29, 2011



~~X~~  
~~0~~  
~~X~~

# CITY OF FLAGSTAFF – CHANGE ORDER

CONFIRMING CHANGE ORDER NO. 1  
CONSULTING CONTRACT CHANGE ORDER NO. \_\_\_\_\_  
CONSTRUCTION CONTRACT CHANGE ORDER NO. X

PROJECT NO. 243600 PROJECT NAME: Coconino/Elden/Humphreys 2010 Bond Projects

FILE NO. 03-11022 Project Manager: Tiffin Miller

TO: Eagle Mountain Construction Co.

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract. Description of work to be done:

1. Construct full depth pavement (3"AC/6"ABC) on Coconino Avenue from Wilson Street to the west end. This work will be done in accordance with the attached Change Order Proposal No. 1, dated September 26, 2012, from Eagle Mountain Construction Co. in an amount not to exceed \$9,162.70 and 4 additional calendar days.
2. Construct full depth pavement (4"AC/6"ABC) on Elden Street between Route 66 and Birch Avenue. This work will be done in accordance with the attached Change Order Proposal No 2 dated September 26, 2012, from Eagle Mountain Construction Co. in an amount not to exceed \$93,508.46 and 7 additional calendar days.

Change Order originated by:  CITY OF FLAGSTAFF  CONTRACTOR  CONSULTANT  OTHER \_\_\_\_\_

Project Manager \_\_\_\_\_ October 1, 2012 Approval Recommended Tiffin Miller

C.O. Committee Meeting Date \_\_\_\_\_ October 4, 2012 Approval Recommended [Signature]

Community Development Dir. \_\_\_\_\_ Approval Recommended RAB

City Attorney \_\_\_\_\_ 10/4/12 Approval Recommended [Signature]

City Manager \_\_\_\_\_ Approval Recommended \_\_\_\_\_

City Council Meeting Date \_\_\_\_\_ November 6, 2012 Approval Recommended \_\_\_\_\_

|                          |                 |                 |                           |                        |
|--------------------------|-----------------|-----------------|---------------------------|------------------------|
| ORIGINAL CONTRACT PERIOD | <u>120</u> Days | Date (12/18/12) | ORIGINAL CONTRACT VALUE   | \$ <u>1,285,354.00</u> |
| PRIOR TIME CHANGES       | <u>0</u> Days   | (12/18/12)      | TOTAL PRIOR VALUE CHANGES | \$ <u>0.00</u>         |
| THIS TIME CHANGE         | <u>11</u> Days  | (12/29/12)      | VALUE OF THIS CHANGE      | \$ <u>102,671.16</u>   |
| NEW CONTRACT PERIOD      | <u>131</u> Days | (12/29/12)      | NEW CONTRACT VALUE        | \$ <u>1,388,025.16</u> |

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices and time extensions shown above.

FIRM NAME: Eagle Mountain Construction Co.

Accepted Date 10/03/12 By Joel Rawson

## CITY OF FLAGSTAFF

|                                     |  |          |
|-------------------------------------|--|----------|
| <input type="checkbox"/>            | CONFIRMING CHANGE ORDER NO.            | _____    |
| <input type="checkbox"/>            | CONSULTING CONTRACT CHANGE ORDER NO.   | _____    |
| <input checked="" type="checkbox"/> | CONSTRUCTION CONTRACT CHANGE ORDER NO. | <u>1</u> |

PROJECT NO. 243600PROJECT NAME: Coconino/Elden/Humphreys 2010 Bond ProjectFILE NO. 03-11022PROJECT MANAGER: Tiffin Miller

**JUSTIFICATION:** The original scope specified milling the existing asphalt pavement and a 2 inch asphalt overlay. After the milling operation was completed it was evident that the remaining pavement was in extremely poor condition. Therefore full depth pavement replacement is necessary to meet the City's roadway standards.

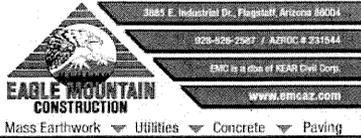
**TIME ANALYSIS:** Add 11 calendar days to the contract for a total of 131 calendar days.

**COST ANALYSIS:** The additional cost of full depth pavement on Coconino Avenue (Wilson St. to the west end) is \$9,162.70 and the additional for full depth pavement on Elden Street (Route 66 to Birch Ave.) is \$93,508.46. The total cost of this change order is \$102,671.16 which will increase the contract to \$1,388,025.00

|                             |                |
|-----------------------------|----------------|
| Original Contract Value:    | \$1,285,354.00 |
| Value of this Change Order: | \$ 102,671.16  |
| New Contract Value:         | \$1,388,025.16 |

The project is funded by general obligation bonds from the 2010 Bond program in a principal amount up to \$16,500,000. This increased contract amount will not affect the overall delivery of the 2010 Bond projects.





# Eagle Mountain Construction Co.

## CHANGE ORDER PROPOSAL

To: City Of Flagstaff Project: Coconino/Elden/Humphreys 2010 Bond Project  
 Attn: Tiff Miller COP #: 2 Rev#: 1  
 Date: 9/26/12

**Description:**

This COP Covers Replacing Full pavement section on Elden St. due to poor condition of AC after milling. From Route 66 to Birch Ave. the New pavement section will be 4" AC on 6" ABC. From Birch Ave. to Cherry Ave. the New pavement section will be 3" AC on 6" ABC.

| EMC CC | # | Description | Quan | Unit             | Unit Cost | Subtotal    |
|--------|---|-------------|------|------------------|-----------|-------------|
|        |   |             |      |                  |           | \$ -        |
|        |   |             |      |                  | \$ -      | \$ -        |
|        |   |             |      |                  | \$ -      | \$ -        |
|        |   |             |      |                  |           | \$ -        |
|        |   |             |      | Fee              | 10.0%     | \$ -        |
|        |   |             |      | Bond\Insur       | 3.0%      | \$ -        |
|        |   |             |      | Tax              | 5.6%      | \$ -        |
|        |   |             |      | <b>Subtotal:</b> |           | <b>\$ -</b> |

| EMC CC  | # | Description - Unit Cost (no mark-up) Items           | Quan    | Unit | Unit Cost   | Subtotal                                      |
|---------|---|--|---------|------|-------------|---|
|         |   | <b>Elden ST. From Rt 66 to Birch Ave.</b>            |         |      |             |   |
| 99-0002 | 1 | Remove Remaining AC and 6" Existing sub base         | 2,673   | SY   | \$ 11.36    | \$ 30,365.28                                  |
| 99-0002 | 2 | Crack Seal After Milling                             | (1.5)   | TN   | \$ 4,147.62 | \$ (6,221.43)                                 |
| 99-0002 | 3 | 2" MAC Overlay, Tack Coat & Fabric                   | (2,673) | SY   | \$ 19.66    | \$ (52,551.18)                                |
| 99-0002 | 4 | 2" AC Over 12" ABC T-Top                             | (480)   | SY   | \$ 28.38    | \$ (13,622.40)                                |
| 99-0002 | 5 | Saw Cut and Remove AC                                | (247)   | SY   | \$ 13.12    | \$ (3,240.64)                                 |
| 99-0002 | 6 | Replace Pavement Structural Section (4" AC / 6" ABC) | 2,673   | SY   | \$ 51.39    | \$ 137,365.47                                 |
|         |   | <b>Elden St. From Birch Ave. to Cherry Ave.</b>      |         |      |             |   |
| 99-0002 | 7 | Remove Remaining AC and 6" Existing sub base         | 26      | SY   | \$ 11.36    | \$ 295.36                                     |
| 99-0002 | 8 | Replace Pavement Structural Section (3" AC / 6" ABC) | 26      | SY   | \$ 43.00    | \$ 1,118.00                                   |
|         |   |  |         |      |             |   |
|         |   |  |         |      |             | <b>Subtotal Unit Cost Items: \$ 93,508.46</b> |
|         |   |  |         |      |             | <b>TOTAL THIS COP: \$ 93,508.46</b>           |

|   |                   |
|---|-------------------|
| <b>Notice to Proceed Date</b>           | <b>20-Aug-12</b>  |
| Original Contract Time                  | 120.0 days        |
| Change in time by previous COP's        | 4.0 days          |
| Revised Contract Time                   | 124.0 days        |
| Change in Time by this COP              | 7.0 days          |
| <b>Revised Contract Time</b>            | <b>131.0 days</b> |
| <b>Revised Contract Completion Date</b> | <b>29-Dec-12</b>  |

**Schedule Description:**

This change adds an additional 7 days to the Contract time.

Joel Reinen 9/26/2012  
 Approval - EMC Project Manager Date Approval - Client Date



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** John Saltonstall, Business Retention & Expansion Manager  
**Date:** 10/01/2012  
**Meeting Date:** 10/16/2012



---

**TITLE:**

**Consideration and Adoption of Resolution No. 2012-36:** A resolution of the City Council of the City of Flagstaff, Arizona, supporting the City of Flagstaff as a STEM (Science, Technology, Engineering and Math) Community.

**RECOMMENDED ACTION:**

Read Resolution No. 2012-36 by title only.  
Adopt Resolution No. 2012-36.

**Policy Decision or Reason for Action:**

Effective governance.

**Financial Impact:**

Budgeted: No  
Financial Impact: None

**Connection to Council Goal:**

A sustainable community through economic vitality, environmental protection and social inclusion.  
Diversity of arts, culture and educational opportunities.

**Has There Been Previous Council Decision on This:**

At this time, the Council has not taken any action on this item. However, David Engelthaler of T-Gen North and Flagstaff 40 did present STEM to the City Council at the September 11, 2012 Council meeting.

**Options and Alternatives**

1. Read and Adopt Resolution No. 2012-36 supporting the City of Flagstaff as a STEM Community.
2. Table Resolution No. 2012-36 supporting the City of Flagstaff as a STEM Community.
3. Do Not Adopt Resolution No. 2012-36 supporting the City of Flagstaff as a STEM Community.

**Background/History:**

STEM is an acronym for the fields of study in the categories of science, technology, engineering, and mathematics. The initiative began as a means to address a perceived lack of qualified candidates for high-tech jobs. Maintaining a citizenry that is well versed in STEM fields is a primary focus of educational efforts around the state and the country. The Flagstaff community has been working to introduce its youth to STEM fields through science fairs, robotics programs, various clubs and after school programs.

There have been numerous efforts over the past few months to introduce the STEM initiative to various community members and organizations. The Flagstaff 40 group gathered various business and community leaders for a STEM Summit to discuss the community effort and vision on August 6, 2012. As previously indicated, on September 11, 2012 David Engelthaler of T-Gen North, and a member of Flagstaff 40, presented information to the City Council about the STEM initiative and the outcomes of the STEM Summit. And finally, on September 26, 2012, as a part of the Festival of Science, there was a STEM City Celebration which was held at Coconino Community College. During the event, Mayor Nabours read a proclamation of support for STEM. Also during the event, David Engelthaler unveiled a new sign to greet incoming travelers to Flagstaff as "AMERICA'S FIRST STEM COMMUNITY".

**Key Considerations:**

Considering the preponderance of STEM fields in our community such as high-tech engineering and science-based jobs, it is important to have municipal support for the initiative. This resolution acknowledges the grass roots efforts that have groups of people working together to build the workforce and citizenry of the future. A brief list of the community supporters reveals the broad cross-section of our community that has pledged their support for STEM. Those groups include: Flagstaff 40, T-Gen North, W.L.Gore, Flagstaff Chamber of Commerce, City of Flagstaff Administration and Economic Vitality, Coconino County, Economic Collaborative of Northern Arizona, Northern Arizona Center for Entrepreneurship and Technology, Northern Arizona University, Flagstaff Unified School District, and Science Foundation Arizona, as well as many other business and community leaders.

**Community Benefits and Considerations:**

STEM is a focus of many economic engines in the community, including families that are employed in related fields. Recognizing the importance of STEM to the education of present and future workforce, local business leaders, municipal leaders, and education representatives have joined together to advance the development of STEM activities, education, and related resources to grow STEM awareness. Adoption of the resolution demonstrates to the community that the citizens and their local elected officials are aligned, and also conveys support solidifying the idea that STEM is a unifying community effort.

**Community Involvement:**

STEM occupations currently abound in Flagstaff. Employers and employees in STEM fields share a love of the sciences, as well as the arts, which often complement the sciences quite nicely. Over time, various groups and employers have forged relationships in the community to elevate STEM education, which contributes so greatly to both economies and cultures. At two recent STEM events, David Engelthaler presented a Declaration of STEM Values whereby community leaders could sign to indicate their support for STEM. The signers read like a "Who's Who" of Flagstaff, and includes educators, elected officials, industry leaders, contractors, bankers, athletes, astronomers, law enforcement, realtors, and foresters. Virtually every segment of the community has signed this Declaration to show their support for Flagstaff becoming a STEM city. The effort to make Flagstaff "America's First STEM Community" is a strong initiative receiving widespread community support.

**Date of Council Approval:**

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**Attachments:**     Resolution No. 2012-36

---

**Form Review**

| <b>Inbox</b>                                    | <b>Reviewed By</b>              | <b>Date</b>                     |
|---|---------------------------------|---------------------------------|
| Business Retention & Expansion Mgr (Originator) | John Saltonstall                | 10/02/2012 12:03 PM             |
| Economic Development Manager                    | Sean Ahern                      | 10/02/2012 12:47 PM             |
| Economic Vitality Director                      | Stacey Button                   | 10/02/2012 04:48 PM             |
| Economic Development Manager                    | Sean Ahern                      | 10/03/2012 10:49 AM             |
| Business Retention & Expansion Mgr (Originator) | John Saltonstall                | 10/03/2012 04:49 PM             |
| Economic Development Manager                    | Sean Ahern                      | 10/03/2012 04:52 PM             |
| Economic Vitality Director                      | Stacey Button                   | 10/05/2012 09:41 AM             |
| Administrative Specialist Leadworker            | Suzanne Brown                   | 10/05/2012 10:48 AM             |
| Economic Vitality Director                      | Stacey Button                   | 10/05/2012 10:49 AM             |
| Legal Assistant                                 | Vicki Baker                     | 10/05/2012 10:59 AM             |
| DCM - Jerene Watson                             | Jerene Watson                   | 10/05/2012 11:14 AM             |
| Form Started By: John Saltonstall               |                                 | Started On: 10/01/2012 01:24 PM |
|   | Final Approval Date: 10/05/2012 |                                 |

**RESOLUTION NO. 2012-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,  
ARIZONA SUPPORTING THE CITY OF FLAGSTAFF AS A STEM (SCIENCE,  
TECHONOLOGY, ENGINEERING AND MATH) COMMUNITY**

**RECITALS:**

**Whereas**, Flagstaff values and celebrates its scientific institutions, technology-based companies, and institutions of higher education, and endeavors to attract more such institutions; and

**Whereas**, Flagstaff recognizes the importance of Science, Technology, Engineering and Math (STEM) in Education, Business and Governance; and

**Whereas**, Flagstaff desires to support and encourage our schools in their efforts to educate our children to be successful in a technological, competitive, and complex world.

**ENACTMENTS:**

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

Section 1. Flagstaff commits to help our schools incorporate quality STEM education across the K-Career curriculum.

Section 2. Flagstaff commits to support our STEM-related businesses in their continued expansion and attraction of new leaders, partners and staff.

Section 3. Flagstaff commits to actively support legislative efforts that advance our STEM partners and their role in our community.

Section 4. Flagstaff commits to identify and enhance connections with other community partners.

**PASSED AND ADOPTED** by the City Council of the City of Flagstaff, Arizona this 16th day of October, 2012.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Glorice Pavey, Senior Recreation Coordinator  
**Date:** 08/24/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration and Approval of Street Closure(s):** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival and **Consideration and Approval of Amplification Exception:** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival.

**RECOMMENDED ACTION:**

- Approve the street closure of San Francisco Street between Birch and Dale avenues on February 7, 2013, at 8:00 p.m. through February 10, 2013, at midnight; and
- Approve the amplification exception, allowing for calling out play-by-play and starting box commentating for contestants to occur on Sunday, February 10, 2013, between the hours of 9:00 a.m. and 12:00 noon.

**Policy Decision or Reason for Action:**

By allowing the Dew Downtown Flagstaff Urban Snowboard and Ski Festival street closure as an exception to the special event permit regulations, the City is providing a safe alternative location for a new community event. By allowing for the Dew Downtown Flagstaff Urban Snowboard and Ski Festival amplification exception to the special event permit regulations, the City is creating an opportunity for economic activity in the community during the traditionally low performing month of February. No subsidiary decision points

**Financial Impact:**

The Dew Downtown Flagstaff Urban Snowboard and Ski Festival budget was approved in the City's FY13 budget and is projected to meet a 100% cost recovery. Street closures change traffic patterns for local businesses and may have the potential to affect sales. Based off of feedback from the 2012 event, many businesses reported a significant increase in sales over the previous year. Three businesses reported a decline in sales from the previous year. Review of sales tax data for the Downtown area showed a 19% increase in sales in February 2012 versus February 2011, which staff believes could be attributable to the Dew Downtown Flagstaff Urban Snowboard and Ski Festival.

**Connection to Council Goal:**

Livability through good neighborhoods, affordable housing and varied recreational activities.

**Has There Been Previous Council Decision on This:**

City Council approved the street closure for the 2012 Dew Downtown Flagstaff Urban Snowboard and Ski Festival and postponed this item for two weeks at the 10/02/2012 Council meeting to obtain additional community input.

**Options and Alternatives**

- 1) Deny the request to close the proposed downtown streets and propose other street alternatives
- 2) Deny the request to close the proposed downtown streets and not hold the event
- 3) Deny the request to approve the amplification exception for play-by-play announcements

**Background/History:**

This special event is managed by the City of Flagstaff for the threefold purpose of (1) providing an economic stimulus for the community during the traditionally low performing month of February; (2) continue to brand Flagstaff as a four season tourism destination; and, (3) provide a family-friendly winter event for all ages.

The event features snowboarding and skiing on an urban course in the heart of historic downtown. Snow is packed onto San Francisco Street between Birch and Dale Avenues, allowing skiers and snowboarders the opportunity to complete "tricks" while maneuvering various urban obstacles. The event will run from 9:00 am - 8:00 pm on Saturday, February 9, 2013 and 9:00 am - 1:00 pm on Sunday, February 10, 2013. Sound amplification is planned for Sunday, February 10th.

In addition to the activities on the course, vendors will set up on the street and on the County Courthouse lawn. Types of items sold at the event include food, beer, ski and snowboard related items, and sponsors' wares. An RFP has been sent out to expand the event into the Heritage Square venue. This additional component of the festival will be managed by an outside company.

In August of 2012, the Dew Downtown Flagstaff Urban Snowboard and Ski Festival received the Arizona Parks and Recreation Association's award for "Most Outstanding Community and Neighborhood Event for a population of 25,000-100,000."

**Key Considerations:**

Street closure of San Francisco Street is permitted by Council action under the Special Events rules and regulations and is not expected to begin until 8:00 p.m. on Thursday, February 7th. Of note, Cherry Avenue is a two-way street and its closure is allowable under the special event permit guidelines without requiring permission of the City Council.

**Community Benefits and Considerations:**

In 2012, this event drew roughly 10,000 spectators to the downtown area, increasing sales tax revenue by 19% (7% growth trend was occurring in the Downtown area without the event). The Dew Downtown Flagstaff Urban Snowboard and Ski Festival is attributable for the majority of the increase. Numerous businesses in the downtown area noted an increase in sales during the weekend of the Dew Downtown Festival. The Dew Downtown Flagstaff Urban Snowboard and Ski Festival has become one of the centerpieces of the WinterFest activities. This event will be advertised throughout Arizona and the Southwestern states. The 2013 event plans to expand into the Heritage Square venue and directly involve more businesses and restaurants.

**Community Involvement:**

INFORM, CONSULT and INVOLVE: On August 31, 2012, the City of Flagstaff mailed over 800 postcards to residents and businesses in the north downtown area in order to notify them of a public meeting on September 12, 2012, and the upcoming City Council meeting on October 2, 2012. The date and times of the public meeting and City Council meeting were included in the 'Downtown Newsletter', which is posted on the City of Flagstaff's website ([flagstaff.az.gov/downtown](http://flagstaff.az.gov/downtown)) as well as in the downtown kiosks, Main Library facility downtown, City Hall and the Aquaplex.

Three (3) community members attended the September 12, 2012 public meeting and voiced their support for the event and its location. Input from attendees included: adding additional portable toilets, support for the current route and detour, support for the night portion of the event, support for the festival component, suggestions to improve the judging, prizes and announcing. Additionally, staff met with residents and business owners one-on-one in order to address their concerns. Those who are opposed dislike the current event location and would like to see it moved to a different venue.

On Wednesday, September 19, 2012, the Dew Downtown Flagstaff Urban Snowboarding and Ski Festival was presented to the Parks and Recreation Commission for their input and approval.

In 2012, staff responded to community feedback by creating an ambassador program that integrated a trash/recycling component and an extensive parking plan. Many noted that the area was cleaner than it had been prior to the festival. In addition, ambassadors staffed intersection corners in order to direct people into parking areas. The ambassador program hopes to expand by integrating private parking lot options and by handing out maps to visitors attending the festival.

**Expanded Options and Alternatives:**

1. Deny the request to close the proposed downtown streets
  - Pro: No impact to the traffic flow of the north downtown area.
  - Con: Economic benefit may not be seen by Flagstaff businesses during a traditionally slow sales period.
  
2. Deny the request to approve the amplification exception to the special event permit packet
  - Pro: No impact to surrounding businesses and residents
  - Con: The ability to provide play-by-play commentating for the contestants and to call participants to the starting box for the competition portion of the event would be compromised.

**Date of Council Approval:**

**Attachments:**     [Traffic Control Plan 1](#)  
                               [Traffic Control Plan 2](#)

**Form Review**

| Inbox                                       | Reviewed By        | Date                |
|---|--------------------|---------------------|
| Senior Rec Coordinator - Pavey (Originator) | Glorice Pavey      | 09/08/2012 02:02 PM |
| Traffic Engineer                            | Glorice Pavey      | 09/14/2012 09:32 AM |
| Senior Rec Coordinator - Pavey (Originator) | Glorice Pavey      | 09/14/2012 09:41 AM |
| Traffic Engineer                            | Glorice Pavey      | 09/14/2012 02:33 PM |
| Senior Rec Coordinator - Pavey (Originator) | Glorice Pavey      | 09/14/2012 04:28 PM |
| Traffic Engineer                            | Glorice Pavey      | 09/19/2012 08:47 AM |
| Senior Rec Coordinator - Pavey (Originator) | Glorice Pavey      | 09/19/2012 02:15 PM |
| Traffic Engineer                            | Elizabeth A. Burke | 09/19/2012 03:15 PM |
| DCM - Jerene Watson                         | Jerene Watson      | 09/19/2012 04:22 PM |
| Recreation Services Director                | Brian Grube        | 10/10/2012 03:20 PM |
| Community Enrichment Director               | Elizabeth Anderson | 10/10/2012 03:35 PM |
| Traffic Engineer                            | Jeff Bauman        | 10/10/2012 03:47 PM |

DCM - Jerene Watson

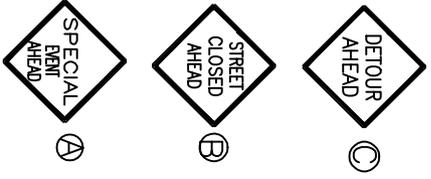
Jerene Watson

10/11/2012 01:56 PM

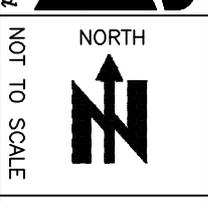
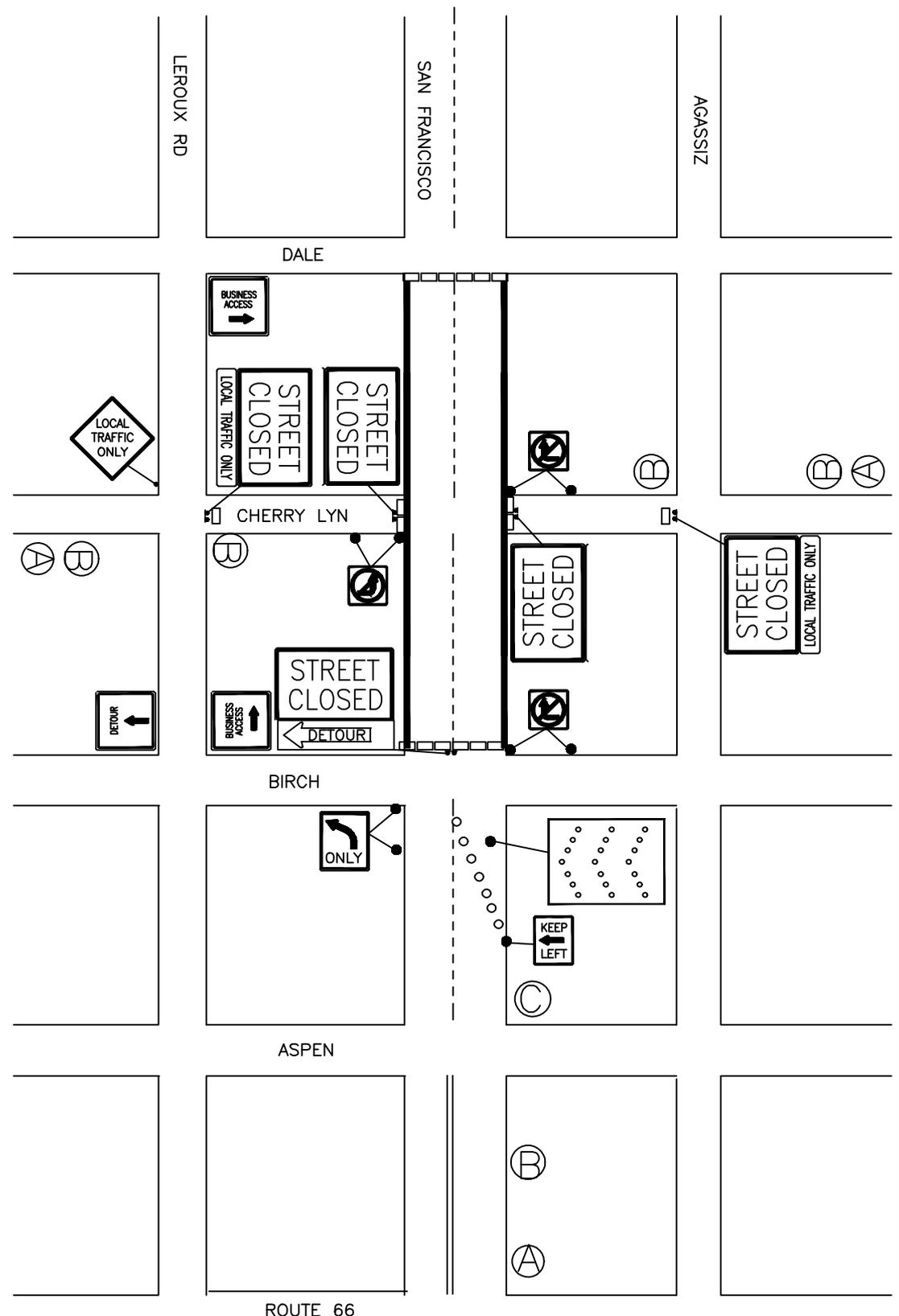
Form Started By: Glorice Pavey

Started On: 08/24/2012 04:42 PM

Final Approval Date: 10/11/2012



TEMP. NO PARKING  
—



SPEED LIMIT  
EXISTING SPEED LIMIT  
30

LEGEND

SIGN AND LIGHT TYPE (IF APPLICABLE)  
 SIZE: 36" x 36" X 48" x 48"  
 LIGHT: TYPE A X TYPE B  
 CHANNELIZING DEVICE  
 SPACING TAPER 40' TANGENT 50' CENTERLINE N/A  
 HIGH LEVEL  TYPE I / TYPE II  TYPE III

TRAFFIC CONTROL PLAN # 1

CONTRACTOR: SNOWBOARDING  
 LOCATION: SAN FRANCISCO & BIRCH  
 TIME USAGE: 24 HRS  
 AGENCY: FLAGSTAFF

START DATE: 9 FEB 12  
 DRAWN BY: GREG MONTEZ  
 DATE: 28 DEC 11



EXISTING SPEED LIMIT

SPEED LIMIT  
30

LEGEND

SIGN AND LIGHT TYPE (IF APPLICABLE)

SIZE: 36" x 36" X 48" x 48"

LIGHT: TYPE A X TYPE B

CHANNELIZING DEVICE

SPACING TAPER 40' TANGENT 50' CENTERLINE N/A

HIGH LEVEL  TYPE I / TYPE II  TYPE III

TRAFFIC CONTROL PLAN # 2

CONTRACTOR: SNOWBOARDING

LOCATION: SAN FRANCISCO & BIRCH

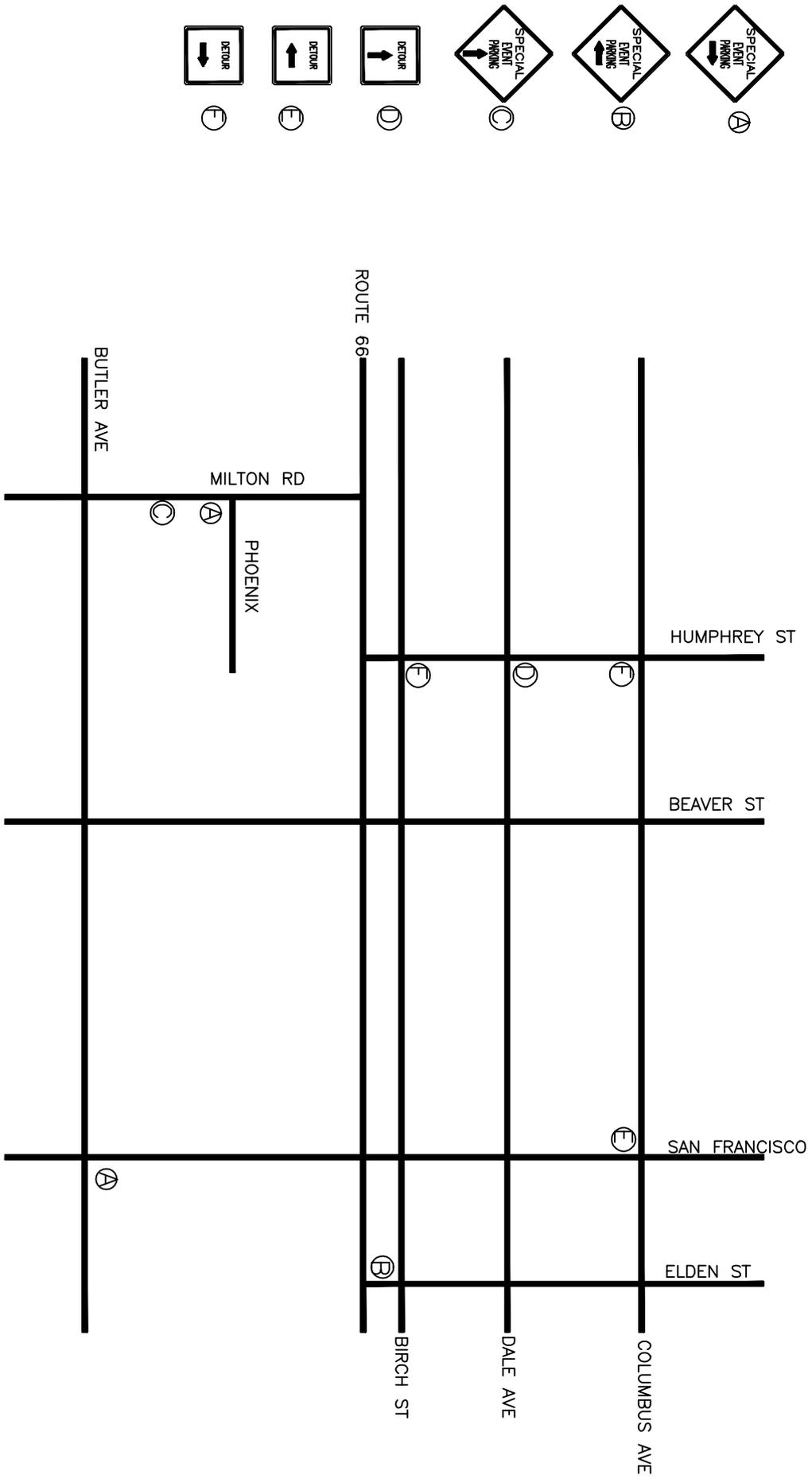
TIME USAGE: 24 HRS

AGENCY: FLAGSTAFF

START DATE: 9 FEB 12

DATE: 1 FEB 12

DRAWN BY: GREG MONTEZ



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Sergio Enriquez, Facilities Maintenance  
Superintendent  
**Date:** 08/28/2012  
**Meeting  
Date:** 10/16/2012



---

**TITLE:**

**Consideration and Approval of Lease Amendment of City-Owned Property:** Approval of Lease Amendment #3 between the City of Flagstaff and the General Services Administration (GSA).

**RECOMMENDED ACTION:**

Approve the Lease Amendment #3 with the General Services Administration (GSA).

**Policy Decision or Reason for Action:**

This action would allow the City of Flagstaff to comply with the terms of the existing lease with the GSA which allows for tenant improvements at the United States Geological Surveying offices in Flagstaff. This decision will protect the assets of the City of Flagstaff while providing power protection for USGS communications networks.

**Financial Impact:**

The initial project expenditures will be charged to the USGS capital repairs account (001-2006-546-3850). Upon completion of the project, the GSA will reimburse the City of Flagstaff all project costs (\$155,120) which includes Project Management fees of \$9,000. Therefore, the City will incur no costs on this tenant improvement.

**Connection to Council Goal:**

Maintain and deliver quality, reliable infrastructure.

**Has There Been Previous Council Decision on This:**

No

**Options and Alternatives**

1. City completes all work via a Lease Amendment and monitors, inspects, and provides project expertise and specifications.
2. GSA bids all work utilizing local staff; however, due to GSA limited resources it would result in delays.
3. Deny the Lease Amendment.



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## Form Review

| <b>Inbox</b>                                 | <b>Reviewed By</b>              | <b>Date</b>                     |
|--|---------------------------------|---------------------------------|
| Public Works Section Head - Sayers           | Rebecca Sayers                  | 09/10/2012 10:01 AM             |
| Fac. Maintenance Superintendent (Originator) | Sergio Enriquez                 | 09/10/2012 10:34 AM             |
| Public Works Section Head - Sayers           | Rebecca Sayers                  | 09/10/2012 12:03 PM             |
| Fac. Maintenance Superintendent (Originator) | Sergio Enriquez                 | 09/12/2012 03:21 PM             |
| Public Works Section Head - Sayers           | Rebecca Sayers                  | 09/12/2012 03:30 PM             |
| Real Estate Manager                          | Jill Trompeter                  | 09/17/2012 12:19 PM             |
| Legal Assistant                              | Vicki Baker                     | 09/18/2012 09:15 AM             |
| Senior Assistant City Attorney JS            | James Speed                     | 09/26/2012 09:07 AM             |
| Purchasing Director                          | Rick Compau                     | 09/26/2012 01:22 PM             |
| Finance Director                             | Rick Tadder                     | 09/26/2012 02:39 PM             |
| Public Works Director                        | Erik Solberg                    | 09/26/2012 03:33 PM             |
| Legal Assistant                              | Vicki Baker                     | 09/26/2012 06:09 PM             |
| Senior Assistant City Attorney JS            | James Speed                     | 10/01/2012 01:26 PM             |
| DCM - Jerene Watson                          | Jerene Watson                   | 10/01/2012 01:33 PM             |
| Form Started By: Sergio Enriquez             |                                 | Started On: 08/28/2012 01:54 PM |
|  | Final Approval Date: 10/01/2012 |                                 |



GENERAL SERVICES ADMINISTRATION  
PUBLIC BUILDINGS SERVICE

LEASE AMENDMENT NUMBER 003

TO LEASE NUMBER GS-09B-00084

ADDRESS OF PREMISES: Building 6, 2255 North Gemini Drive, Flagstaff, AZ 86001

THIS AGREEMENT, made and entered into this date by and between **City of Flagstaff**

Whose address is: 211 West Aspen Avenue  
Flagstaff, AZ 86001

Hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

**WHEREAS**, the parties hereto desire to amend the above Lease; to provide, install, maintain and repair an Uninterruptible Power Supply (UPS) for the Server Room; Issue a Notice to Proceed with Construction of Tenant Improvements; and provide for Lump Sum Payment:

**NOW THEREFORE**, these parties for the considerations hereinafter mentioned covenant and agree that said Lease is amended, effective upon execution by the Government, as follows:

Paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 are hereby added and read as follows:

**"17. TENANT IMPROVEMENT COSTS – PROVIDE, INSTALL, MAINTAIN AND REPAIR AN UNINTERRUPTIBLE POWER SUPPLY (UPS) SYSTEM IN BUILDING 6:**

- A. The Lessor has submitted pricing to provide, install, maintain and repair an Uninterruptible Power Supply (UPS) System in Building 6 for a total cost of \$155,120.00 as set forth in the "Proposal" dated March 12, 2012 and the "Budget Estimate" dated February 29, 2012, both attached to this Lease Amendment Number 003 as "Exhibit A" and the Statement of Work (USGS #MP-15-12 attached to this Lease Amendment Number 003 as "Exhibit B". The total cost to the Government shall be \$155,120.00 as indicated below:

| DESCRIPTION                         | AMOUNT              | DOCUMENT ATTACHED AS: |
|-------------------------------------|---------------------|-----------------------|
| Proposal and Budget Estimate        | \$155,120.00        | Exhibit A             |
| Statement of Work (USGS # MP-15-12) | N/A                 | Exhibit B             |
| <b>TOTAL COST</b>                   | <b>\$155,120.00</b> |                       |

-Continued on Sheet Number 1, attached hereto-

**IN WITNESS WHEREOF**, the parties subscribed their names as of the above date.

**FOR THE LESSOR:**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Entity Name: **City of Flagstaff**  
Date: \_\_\_\_\_

**FOR THE GOVERNMENT:**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: **Lease Contracting Officer**  
**US GENERAL SERVICES ADMINISTRATION, PBS**  
Date: \_\_\_\_\_

**WITNESSED FOR THE LESSOR BY**

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**"18. CONSTRUCTION SCHEDULE AND INITIAL CONSTRUCTION MEETING (APR 2011)**

The Lessor shall furnish a detailed construction schedule to the Government within 15 calendar days of the Notice to Proceed. The Lessor shall complete all construction within 60 calendar days of the Notice to Proceed. Within **Five (5) Working Days** of Notice to Proceed [NTP], the Lessor shall initiate a Construction Kick-Off Meeting. The Lessor will have contractor representatives including its architects, engineers, general contractor and sub-contractor representatives in attendance. The Lessor shall keep meeting minutes of discussion topics and attendance."

**"19. PROGRESS REPORTS (JUN 2012)**

After start of construction, the Lessor shall submit to the LCO written progress reports at intervals of 5 Working Days. Each report shall include information as to the percentage of the work completed by phase and trade; a statement as to expected completion and occupancy dates; changes introduced into the work; and general remarks on such items as material shortages, strikes, weather, etc, that may affect timely completion. In addition, the Lessor shall conduct meetings every week to brief Government personnel and/or contractors regarding the progress of construction of the Space. The Lessor shall be responsible for taking and distributing minutes of these meetings.

**"20. ACCESS BY THE GOVERNMENT PRIOR TO ACCEPTANCE (JUN 2012)**

The Government shall have the right to access any space within the Building during the conduct of interior construction for the purposes of performing inspections or installing Government furnished equipment. The Government shall coordinate the activity of Government contractors, if any, with the Lessor to minimize conflicts with and disruption to other contractors on site. Access shall not be unreasonably denied to authorized Government officials including, but not limited to, Government contractors, subcontractors, or consultants acting on behalf of the Government on this project."

**"21. CONSTRUCTION INSPECTIONS (APR 2011)**

- A. The LCO or the LCO's designated technical representative may periodically inspect construction work to review compliance with Lease requirements and approved statement of work.
- B. Periodic reviews, witnessing of tests, and inspections by the Government shall not constitute approval of the Lessor's apparent progress toward meeting the Government's objectives but are intended to discover any information which the LCO may be able to call to the Lessor's attention to prevent costly misdirection of effort. The Lessor shall remain responsible for designing, constructing, operating, and maintaining the Building in full accordance with the requirements of the Lease."

**"22. WORK PERFORMANCE (SEP 2000)**

- A. All work in performance of this lease shall be done by skilled workers or mechanics and shall be acceptable to the Contracting Officer. The Contracting Officer retains the right to reject the Lessor's workers 1) if such are either unlicensed, unskilled, or otherwise incompetent, or 2) if such have demonstrated a history of either untimely or otherwise unacceptable performance in connection with work carried out in conjunction with either this contract or other Government or private contracts.
- B. Best Industry practices such as, but not limited to, erection of temporary barrier walls separating the work area from occupied space shall be employed in the performance of the work and all reasonable efforts shall be made to minimize the impact of construction noise, dust and other nuisances.
- C. The Lessor shall make a reasonable attempt to apply paints, glues, adhesives, and cleaning compounds with highly volatile or irritating organic compounds, outside of working hours. Except in an emergency, the Lessor shall provide at least 24 hours advance notice to the Government before applying noxious chemicals in occupied spaces and shall adequately ventilate those spaces during and after application.
- D. The Lessor shall provide to the Government material safety data sheets (MSDS) upon request for the following products prior to their use: adhesives, caulking, sealants, insulating materials, fireproofing or firestopping materials, paints, carpets, floor and wall patching or leveling materials, lubricants, clear finish for wood surfaces, and janitorial cleaning products. The Government reserves the right to review such products used by the Lessor within 1) the Government demised area; 2) common building areas; 3) ventilation systems and zones serving the leased space; and 4) the area above suspended ceilings and engineering space in the same ventilation zone as the leased space."

-Continued on Sheet Number 2, attached hereto-



Initials: \_\_\_\_\_ & \_\_\_\_\_  
Lessor Government



- F. **INVOICING FOR THE COMPLETION OF CONSTRUCTION:** The Lessor shall submit its invoice to the Government, within 5 working days of the Government's acceptance of space. The invoice shall include the name and address of the Lessor (the Lessor's name and address on the invoice must match the name and address in the Government's vendor file). It shall also prominently annotate the PS Document Number which will be provided after the Government executes this Lease Amendment. The Lessor shall submit an original and one copy of the invoice for the specified work. **The Original invoice shall be submitted electronically** to the Finance website at <http://www.finance.gsa.gov>.

GSA, Greater Southwest Finance Center (7BCP)  
P.O. Box 17181  
Fort Worth, Texas 76102

A copy of the invoice shall be simultaneously submitted to the Contracting Officer at:

General Services Administration  
Attn: Erin Winschel, Lease Contracting Officer  
401 W. Washington Street, Suite 170  
Phoenix, AZ 85003

- G. Title to items for which the Government makes a "LUMP SUM" payment shall vest in the Government."

"26. The following documents are attached hereto, and made a part of the lease:

1. Exhibit "A" – Proposal and Budget Estimate (2 pages)
2. Exhibit "B" – Statement of Work (10 pages)

All other terms and conditions of the lease shall remain in force and effect.

[The remainder of this page is intentionally left blank]



Initials: \_\_\_\_\_ & \_\_\_\_\_  
Lessor Government

# Proposal

March 12, 2012

Eric Lefteroff, CCIM  
Leasing Specialist  
U.S. General Services Administration  
401 W. Washington Street, Suite 170  
Phoenix, AZ 85003  
Phone: 602-514-7286  
Fax: 602-514-7495

Celia M. Stutz  
Lease Admin Manager  
San Diego Service Center, Tucson Field Office (9P3PSDT) 300 West Congress Street,  
FB-44 Tucson, AZ 85701-1380  
(520) 670-4648 Office  
(520) 670-4752 Fax

**RE: USGS Building 6 Uninterruptible Power (UPS) System**

Attached to this proposal you will find the City of Flagstaff's Estimate for the full completion of this project in accordance with the Statement of Work (PR xx-xxxx-xxxx). It includes all design fees, installation labor, materials, and Project Management fees.

Services to be provided: Full design and reviews, installation labor, materials, permitting, project site visits, quality inspections, UPS 10-year service contact, battery replacement in 2017, and project closeout activities.

At the end of the ten-year period, lease rates will be adjusted to include future battery replacements and future service contracts.

Please forward the required original lease amendment copies for signatures following City of Flagstaff Council approvals.

**Project Estimate: \$155,120**

Thank you,

Sergio A. Enriquez   
City of Flagstaff Facilities Maintenance Superintendent

CC Jill Trompeter, City of Flagstaff Real Estate Manager  
Erik Solberg, City of Flagstaff Public Works Director  
Barbara Goodrich, City of Flagstaff Management Services Director

Lessor: \_\_\_\_\_ Government: \_\_\_\_\_

Exhibit A to Amendment 003 of Lease GS-09B-00084

**OPTION B: 80 KVA**

**Budget Estimate**

USGS bldg 6 , Flagstaff - UPS Backup Power

Prepared by Sergio Enriquez

2/29/2012

| Item  | Materials |       |            | total<br>materials | Labor |         | total<br>labor | Total<br>Materials<br>& Labor |
|---|-----------|-------|------------|--------------------|-------|---------|----------------|-------------------------------|
|   | quantity  | units | unit price |                    | Hours | rate/hr |                |                               |
| UPS 80 KVA unit.  | 1         | ea.   | \$40,000   | \$40,000           | 0     | \$60    | \$0            | \$40,000                      |
| UPS Battery Cabinet plus Batteries.                       | 1         | ea.   | \$15,000   | \$15,000           | 0     | \$60    | \$0            | \$15,000                      |
| Energysaver module.                                       | 1         | ea.   | \$3,300    | \$3,300            | 0     | \$60    | \$0            | \$3,300                       |
| New Panel and Circuit breakers.                           | 1         | ea.   | \$2,000    | \$2,000            | 0     | \$60    | \$0            | \$2,000                       |
| 600A Automatic Transfer Switch                            | 1         | ea.   | \$5,000    | \$5,000            | 0     | \$60    | \$0            | \$5,000                       |
| Maintenance Bypass Switch UPS 40/80 KVA.                  | 1         | ea.   | \$6,000    | \$6,000            | 0     | \$60    | \$0            | \$6,000                       |
| Electrical wiring   | 1         | ea.   | \$4,000    | \$4,000            | 0     | \$60    | \$0            | \$4,000                       |
| Electrical conduit runs                                   | 1         | ea.   | \$1,000    | \$1,000            | 0     | \$60    | \$0            | \$1,000                       |
| Misc. lighting modifications at UPS area.                 | 1         | ea.   | \$500      | \$500              | 5     | \$60    | \$300          | \$800                         |
| Misc. materials   | 1         | lot   | \$2,500    | \$2,500            | 0     | \$60    | \$0            | \$2,500                       |
| Raceway   | 1         | ea.   | \$1,000    | \$1,000            | 0     | \$60    | \$0            | \$1,000                       |
| Twistlock outlets   | 1         | ea.   | \$1,500    | \$1,500            | 0     | \$60    | \$0            | \$1,500                       |
| Installation Labor for all work.                          | 0         | ea.   | \$0        | \$0                | 500   | \$60    | \$30,000       | \$30,000                      |
| other ceiling modifications/repair                        | 0         | ea.   | \$0        | \$0                | 5     | \$60    | \$300          | \$300                         |
| drywall repairs / modifications                           | 0         | ea.   | \$0        | \$0                | 5     | \$60    | \$300          | \$300                         |
| paint/finish  | 0         | ea.   | \$0        | \$0                | 5     | \$60    | \$300          | \$300                         |
| <b>Construction Subtotal:</b>                             |           |       |            |                    |       |         |                | <b>\$113,000</b>              |
| Project Management fees                                   | 8         | %     |            |                    |       |         |                | \$9,040                       |
| taxes/license/insurance/permitting                        | 3         | %     |            |                    |       |         |                | \$3,390                       |
| shipping & install logistics (premium time labor charges) | 3         | %     |            |                    |       |         |                | \$3,390                       |
| Contingency fund  | 5         | %     |            |                    |       |         |                | \$5,650                       |
| Electrical Engineering design fees                        | 5         | %     |            |                    |       |         |                | \$5,650                       |
| Battery replacement (2017)                                | 1         | ea.   |            |                    |       |         |                | \$5,000                       |
| Maintenance Service Contract (Service calls for 10years)  | 1         | ea.   |            |                    |       |         |                | \$10,000                      |
| <b>Other costs / fees Subtotal:</b>                       |           |       |            |                    |       |         |                | <b>\$42,120</b>               |
| <b>Project Estimate Total:</b>                            |           |       |            |                    |       |         |                | <b>\$155,120</b>              |

**Exclusions:** Estimate does not include any costs associated to HVAC improvements and/or provisions including fans or other units to dissipate heat.

**STATEMENT OF WORK**  
**RWA # (USGS # MP-15-12)**

**Uninterruptible Power Supply (UPS) Backup Power for Server Room**

**1. INTRODUCTION:**

The current Uninterruptible Power Supply (UPS) scheme for Astrogeology is no longer appropriate for our data center. There are safety issues with regards to the number of individual UPS units, disproportionate wall outlet availability, and in some situations – excessive current draw resulting in tripped circuit breakers, and thus server downtime. Significant short term growth in Astrogeology’s storage capacity and computing power are necessitating a migration to a more robust UPS solution in the immediate future. A unit specifically designed for this type of situation will eliminate multiple points of failure of individual power supplies, address current safety issues, and supply much higher quality (“cleaner”) power than the current power supplies. A single UPS will significantly reduce the clutter of wiring that currently exists. This will provide a backup power solution suitable for a data center of this scale. In addition, this is the first step in allowing us to migrate toward having a backup generator in the future, which will allow us to run server room air conditioning units under a power outage condition. All UPS design and selection decisions will accommodate a generator option for the future.

**2. WORK REQUIREMENTS:**

- A. Prior to work beginning or equipment being ordered, the winning bidder shall make an onsite visit to assess the conditions present.
- B. Based on item A above, vendor shall supply engineering drawings/electrical schematics and material list detailing all pertinent information for all electrical work outside of the proposed UPS unit. These must be approved by the USGS project manager and/or the City of Flagstaff prior to work commencing.
- C. Any USGS service disruption requires at least at least (5) five working days notice in advance. Include all costs associated with maintaining server room power and server room air conditioning units from a properly sized generator.
- D. Outages will only be approved on weekends; therefore contractor must plan for weekend work in their bid.
- E. No additional funds will be approved for failure to properly understand or plan for the existing conditions.
- F. All materials, including wiring and conduit, will be new and of the highest quality.
- G. An emergency power off switch will be provided in the server room as part of the scope of work.
- H. All work completed and system fully operational with 12 weeks of award of contact, to include engineering drawings as well as lead time in receiving UPS unit from

manufacturer. This includes all wiring to the server room panel, and all raceways and receptacles above servers.

- I. This will be a firm fixed price contract for a turn-key UPS solution, to include rewiring from the existing panel in the server room to the new raceway described in the technical portion of this document.
- J. All equipment will be provided, sized, and designed for integration to future generator installation.
- K. Factory start-up shall be provided on a 8hour/5day basis (24/7 optional). Start-up service shall include but will not be limited to the following visits - pre-energize visit to inspect installation and provide guidance to installers as required, start-up visit to perform all procedures and tests specified within UPS Installation and Operation manual, post-start-up visit for alarm notification configuration, operator training, generator testing, etc. All installation to be in accordance with manufacturer's instructions.
- L. The following procedures and tests shall be performed by Field Service personnel during the UPS startup:
  - 1) Observe the type of ventilation, the cleanliness of the room, the use of proper signs, and any other safety related factors.
  - 2) Check all the power connections for tightness.
  - 3) Check all the control wiring terminations and plugs for tightness or proper seating.
  - 4) Check the DC bus for a possible short circuit.
  - 5) Check input and Bypass power for proper voltages and phase rotation.
  - 6) Energize the UPS module and verify the proper DC, walkup, and AC phase on.
  - 7) Check the DC link holding voltage, AC output voltages, and output waveforms.
  - 8) Check the final DC link voltage and Inverter AC output. Adjust if required.
  - 9) Check for the voltage difference between the Inverter output and the Bypass source.
  - 10) Perform full-load, step-load, and battery discharge tests using supplier furnished load bank.
  - 11) Before leaving the site, the field service engineer shall familiarize responsible personnel with the operation of the UPS. The UPS equipment shall be available for demonstration of the modes of operation.
- M. All components of the UPS system (UPS module, batteries, and bypass/distribution cabinet) shall be covered by a standard two-year limited factory warranty and service protection package. Two-year limited factory warranty shall include 8/5 on-site repair/replacement coverage for the UPS (parts and labor). Two-year service protection package shall include 5x8 on-site repair/replacement for batteries; one (1) on-site UPS performance check/preventive maintenance visit, 24/7 technical support coverage, and 24/7 remote monitoring service (with monthly reports for UPS and battery performance). Vendor/manufacturer shall also offer, as an option, 24/7 on-site service support with guaranteed response times of 8, 4, or 2 hours. Additional preventive maintenance visits shall be available as an option for both UPS and battery components. Manufacturer shall also include Start-up services consisting of: 8/5 Start-up service of UPS and batteries, On-site user training, site audit, installation and commissioning of monitoring service, and validation of two-year limited factory warranty. Vendor/manufacturer shall also

offer an optional service plan to provide 24/7 on-site coverage (preventive and corrective) for UPS and batteries, guaranteed response time, remote monitoring, Web access to service site history, annual Site Audit, UPS and battery preventive maintenance visit, and discounts on upgrade and modification kits. Vendor shall also provide an optional battery service plan to provide parts-and-labor coverage for partial and full battery strings, either with preventive maintenance or replacement coverage.

### 3. TECHNICAL SPECIFICATIONS:

- A. **SNMP Network Adapter and UPS Power Monitoring Software:** SNMP adapters shall provide a communications interface between the UPS module and SNMP-compatible network management systems. This capability shall allow the unit to be monitored remotely over an Ethernet network using a standard web browser. UPS Power Monitoring Software shall continuously monitor critical power elements associated with the UPS, using the communications port on each module and a customer furnished PC. The system shall automatically alarm if any problems arise and notify local or remote personnel of the alarm condition via email, page, or text message.
- B. The battery cabinet shall feature valve regulated, high-rate discharge, lead-acid batteries which provide energy to the support the critical load during a momentary loss of input power to the rectifier. The batteries shall be flame retardant in accordance with UL 94V2 requirements.
- C. **Rectifier/charger input:**
- 1) Nominal three phase input voltage: 208 (or 480) VAC 3-wire plus ground for 3-wire plus ground output configuration, 4-wire plus ground for 4-wire plus ground output configuration.
  - 2) Operating input voltage range: + 10%, - 15% of average nominal input voltage without battery discharge.
  - 3) Operating input frequency range shall be 55 to 65Hz.
  - 4) Input power factor 0.99 lagging.
  - 5) For nominal input, rectifier/charger input current limit shall be adjustable from 100 to 125% of full-load input current. Battery input current limit shall be adjustable from 10% to 15% of the UPS full load input current regardless of the actual load on the UPS.
  - 6) For generator input current limit, the rectifier/charger input current limit shall be adjustable from 50% to 125% of full-load input current. Battery recharge input current limit shall be adjustable from 10% to 25% of the UPS full load input current regardless of the actual load on the UPS.
  - 7) Input current total harmonic distortion (THD) shall be less than 5%.
  - 8) Power walk-in: Ramp-up to full utility load adjustable from 3 seconds to 60 seconds.

D. **Rectifier/charger output:**

- 1) Nominal DC voltage shall be variable between 384VDC to 480VDC for 208V input, and between 432VDC to 480VDC for 480V input.
- 2) Steady state voltage regulation shall be +/- 0.5%.
- 3) Voltage ripple shall be less than 0.5% (peak-to-peak).
- 4) Capacity: The rectifier/charger shall support a fully loaded inverter and recharge the battery to 95% of its full capacity within 10 times the discharge when input current limit is set at maximum.
- 5) Low line operation: The rectifier/charger shall be capable of sharing the DC load with the battery when the input voltage falls below the specified operation input voltage range, the on-battery indicator shall display operation in this mode.
- 6) Automatic and manual means must be provided for battery equalization.
- 7) Redundant DC voltage sensing methods shall be incorporated for providing battery over-voltage protection.

E. UPS output in normal mode

- 1) Nominal output voltage 208 VAC, 3-phase, 3 wire or 4-wire (or 480V, 3-phase, 3-wire or 4 wire) plus ground at the output of the Integrated Distribution and Bypass cabinet. Output wiring configuration is based upon input wiring configuration for systems without internal transformers.
- 2) Steady-state voltage regulation (in inverter) shall be within +/- 1% average from nominal output voltage.
- 3) Transient voltage response shall be < +/- 5% from nominal voltage for 100% load step, full load re-transfers and full load drop on battery.
- 4) Transient voltage recovery shall be 25ms to within +/- 1% of steady state.
- 5) Linear load harmonic distortion capability - Output voltage THD of less than 2% for 100% linear load.
- 6) Non-linear load harmonic distortion capability - Output voltage THD of less than 5% for 100% non-linear load when tested using the non-linear load described in IEC 62040-3 connected line to neutral.
- 7) Manual output voltage adjustment shall be minimum +/- 3% from nominal.
- 8) Line synchronization range shall be +/- 3Hz, adjustable to +/- 5Hz.
- 9) Frequency regulation shall be +/- 0.01Hz free running.
- 10) Frequency slew rate shall be 1 Hz/second maximum (adjustable).
- 11) Phase angle control - Balanced linear load shall be +/- 1 degree from nominal 120 degrees and 1 degree from nominal 120 degrees. Unbalanced linear loads shall be better than +/- 5degrees from average phase voltage for 100% load unbalance and better than +/- 5degrees from average phase voltage for 100% load unbalance.

- 12) Phase voltage control balanced linear loads shall be +/- 1% from average phase voltage. Unbalanced linear loads shall be better than +/- 5% for 100% load unbalanced.
- 13) Overload current capability (with nominal line and fully charged battery) – Unit must maintain voltage regulation for up to 110% of resistive/inductive load for 10 minutes, up to 125% for 30 seconds, and up to 150% for 10 seconds.
- 14) Fault clearing current capability: 150% phase-to-phase for 10 cycles; 300% phase-to-neutral for up to 10 cycles.
- 15) Static transfer time - No break, completed in less than 4ms.
- 16) Common mode noise attenuation minimum parameter shall be -60dB up to 20kHz, -40db up to 100kHz, > 100dB with isolation transformer.

F. UPS output in normal mode

- 1) Nominal output voltage 208 VAC, 3-phase, 3 wire or 4-wire (or 480V, 3-phase, 3-wire or 4 wire) plus ground at the output of the Integrated Distribution and Bypass cabinet. Output wiring configuration is based upon input wiring configuration for systems without internal transformers.
- 2) Steady-state voltage regulation (in inverter) shall be within +/- 1% average from nominal output voltage.
- 3) Transient voltage response shall be < +/- 5% from nominal voltage for 100% load step, full load re-transfers and full load drop on battery.
- 4) Transient voltage recovery shall be 25ms to within +/- 1% of steady state.
- 5) Linear load harmonic distortion capability - Output voltage THD of less than 2% for 100% linear load.
- 6) Non-linear load harmonic distortion capability - Output voltage THD of less than 5% for 100% non-linear load when tested using the non-linear load described in IEC 62040-3 connected line to neutral.
- 7) Manual output voltage adjustment shall be minimum +/- 3% from nominal.
- 8) Line synchronization range shall be +/- 3Hz, adjustable to +/- 5Hz.
- 9) Frequency regulation shall be +/- 0.01Hz free running.
- 10) Frequency slew rate shall be 1 Hz/second maximum (adjustable).
- 11) Phase angle control - Balanced linear load shall be +/- 1 degree from nominal 120 degrees. Unbalanced linear loads shall be better than +/- 5degrees from average phase voltage for 100% load unbalance.
- 12) Phase voltage control - Balanced linear loads shall be +/- 1% from average phase voltage. Unbalanced linear loads shall be better than +/- 5% for 100% load unbalanced.

- 13) Overload current capability (with nominal line and fully charged battery) - Unit shall maintain voltage regulation for up to 110% of resistive/inductive load for 10 minutes, up to 125% for 30 seconds, and up to 150% for 10 seconds.
  - 14) Fault clearing current capability: 150% phase-to-phase for 10 cycles; 300% phase-to-neutral for up to 10 cycles.
  - 15) Static transfer time: No break, completed in less than 4ms.
  - 16) Common mode noise attenuation minimum - -60dB up to 20kHz, -40db up to 100kHz, and > 100dB with isolation transformer.
- G. Noise generated by the UPS under normal operation shall not exceed 70dba at one meter from any operator surface, measured at 25 degrees C (77 degrees F) and full load.
  - H. EMI Suppression shall meet FCC rules and regulation 47, part 15, for Class A devices.
  - I. UPS input to output efficiency shall be 92-94% at full load, unity power factor (1.0) and nominal input voltage excluding any distribution or bypass voltage matching or isolation transformers.
  - J. The UPS shall meet IEC 801-2 specifications for Electrostatic discharge (ESD). The UPS shall withstand a 2.5 kV pulse without damage and with no disturbance or adverse effect to the critical load.
  - K. The UPS shall be housed in free-standing double front enclosures (safety shields behind doors) equipped with casters and leveling feet. The enclosures shall be designed for computer room applications.
  - L. The UPS shall be designed for forced-air cooling. Air inlets shall be on the front of the unit. Air outlets shall be on the top. No back or side clearance or access shall be required for the system.
  - M. Standard cable entry for the UPS cabinet shall be through either the enclosure bottom or top. A dedicated wire way shall be provided within the UPS cabinet for routing user input and output wiring.
  - N. A dry contact for annunciating a summary alarm shall be provided for customer use. This contact shall be capable of supplying N/O or N/C states and shall be rated for operation at a minimum of 10 Amps at 240VAC or 14VDC.
  - O. RS232 (EIA / TIA-232) communications interface: Circuitry shall be provided for one RS232 (EIA / TIA-232) communication port for connection to automated service department diagnostic tools. This port may be used with simple ("dumb") terminals to gain remote access to all unit operation information.
  - P. Two inputs shall be provided for monitoring the status of external dry contacts. Building alarms shall be set up through the UPS configuration mode function on the RS232 (EIA / TIA-232) port.
  - Q. External EPO contacts shall be provided to connect an external remote emergency power off switch to shutdown the UPS and de-energize the critical load.
  - R. A connection point shall be provided to acknowledge that an external maintenance bypass has been closed around the UPS, placing the critical load on utility power.
  - S. The UPS shall be equipped with field configurable communications bays that will accommodate two (2) communication devices. A communication bay upgrade shall be available to increase the quantity of communication devices up to four (4). The UPS shall include WEB/SNMP communication support as standard.

- T. The UPS shall be able to be monitored locally or across a network. Monitoring of UPS status may also be performed through isolated dry contact Form C relays. Communication via modem for monitoring shall also be possible. The UPS should be able to integrate into any industry standard Building Management System (BMS) and/or Network Management System (NMS). The UPS must also be able to be monitored and managed via any standard internet browser (i.e. Internet Explorer and Netscape), PDA or cell phone.
- U. There shall be a mechanism that provides graceful, orderly, unattended, sequential shutdown of one or multiple computers powered by one UPS. This shutdown shall be performed via in-network or out-of-network means. The order of shutdown shall be user-defined, allowing the maximization of runtime on battery for more critical systems. The UPS shall also be capable of interfacing with an operating system's built-in shutdown routine, e.g. Windows NT. This shall be done through a cable connection to the optional serial port on the UPS.
- V. To comply with agency safety requirements, the UPS module shall not rely upon any disconnect devices outside of the UPS module to isolate the battery cabinet from the UPS module.
- W. UPS Module shall operate as an on-line, fully automatic system in the following modes:

- 1) Normal: Utilizing commercial AC power, the critical load shall be continuously supplied by the Inverter. The Inverter shall power the load while regulating both voltage and frequency. The Rectifier shall derive power from the commercial AC source and shall supply DC power to the Inverter. Simultaneously, the Battery Charger shall charge the battery.
- 2) Bypass: If the UPS module must be taken out of the Normal mode for overload, load fault, or internal failures, the static bypass switch shall automatically transfer the critical load to the commercial AC power. Return from Bypass mode to Normal mode of operation shall be automatic. No-break transfer to and from Bypass mode shall be capable of being initiated manually from the front panel.
- 3) Battery: Upon failure of the commercial AC power, the critical load shall continue to be supplied by the Inverter, which shall obtain power from the batteries without any operator intervention. There shall be no interruption to the critical load upon failure or restoration of the commercial AC source.
- 4) Recharge: Upon restoration of the AC source, the Charger shall recharge the batteries and simultaneously the Rectifier shall provide power to the Inverter. This shall be an automatic function and shall cause no interruption to the critical load.

X. The UPS module shall consist of the following standard components:

- 1) The rectifier/charger shall convert incoming AC power to regulated DC output for supplying the inverter and for charging the battery. The modular design of the UPS shall permit safe and fast removal and replacement of the rectifier/charger module. Mean time to repair (MTTR) for the module shall be no more than 30 minutes in order to return UPS to normal mode. The rectifier/charger must also be capable of drawing power from the utility with a power factor of 0.99 under nominal conditions.

- 2) The inverter shall feature an IGBT pulse-width-modulation (PWM) design with high speed switching. The inverter shall be capable of providing the specified quality output power while operating from any DC source voltage (rectifier or battery) within the specified DC operating range. The modular design of the UPS shall permit safe and fast removal and replacement of the inverter module. Mean time to repair (MTTR) for the module shall be no more than 30 minutes in order to return UPS to normal mode. The inverter shall feature protection circuitry that prevents the IGBTs from sourcing current in excess of their published ratings.
- 3) The static bypass shall serve as an alternative source of power for the critical load when performing maintenance on the UPS, or when a failure prevents operation in normal mode. The bypass shall consist of a fully rated, naturally-commutated static switch for high-speed transfers. Transfers to bypass shall be automatically initiated for output overload period expired, critical bus voltage out of limits, over temperature period expired, total battery discharge, or UPS failure. Uninterrupted automatic re-transfer shall take place whenever the inverter is capable of assuming the critical load. Uninterrupted automatic re-transfers shall be inhibited when transfer to bypass is activated manually or remotely. In the event of multiple transfers/re-transfer operations the control circuitry shall limit "cycling" to three (3) operations in any ten minute period. The fourth transfer shall lock the critical load on the bypass source or UPS failure. Uninterrupted manual transfers shall be initiated from the control panel. Uninterrupted manual transfers to bypass and from bypass shall be possible with the inverter logic. During manual transferring the critical load to the bypass. All transfers to bypass shall be inhibited for Bypass voltage out of limits (+/- 10% of nominal), Bypass frequency out of limits (+/- 3 Hz, adjustable, factory set), bypass out of synchronization, Bypass phase rotation / installation error.
- 4) Upon restoration of the AC source, the charger shall recharge the batteries and simultaneously the rectifier shall provide power to the inverter. This shall be an automatic function and shall cause no interruption to the critical load.

- Y. An integrated maintenance bypass and output distribution cabinet shall be provided that includes All hardware and interconnecting cable for connection to UPS module and Rotary maintenance bypass switch to isolate UPS module from commercial AC input and critical load. Switch shall provide complete isolation of UPS for servicing and, if necessary, complete removal and replacement of UPS while still providing bypass power to critical load. Switch shall be 2-position, make-before-break, interlocked between UPS and bypass to prohibit improper operation.
- Z. UPS has an audible alarm to alert personnel at least 5 minutes (this time should be user programmable) before UPS shutdown due to low batteries.
- AA. UPS has a minimum battery life of 4 years with replacements available.
- BB. All hardware, software, cabling and are included.
- CC. The UPS shall be supplied with sufficient documentation, including theory of operation, operating procedures, system events, maintenence, performance and technical specifications, physical features and dimensions, and optional accessory options and operation.

- DD. The UPS shall withstand any combination of the following external environmental conditions without operational degradation- Operating Temperature: 0 degrees C to + 40 degrees C (32 degrees F to 104 degrees F) without de-rating (excluding batteries), storage Temperature: - 25 degrees C to + 60 degrees C (-13 degrees F to 140 degrees F), prolonged storage above + 40 degrees C (104 degrees F) will cause rapid battery self-discharge, Relative humidity for operation and storage 95% maximum non-condensing, operational to 7600 ft elevation without de-rating.
- EE. The battery management system shall provide battery time remaining while operating in normal mode and battery mode. Battery time available information shall be displayed real-time, even under changing load conditions. Upon commissioning, battery runtime information shall be available. Upon detection of the battery string(s) not capable of providing 80%, the UPS system will alarm that the battery needs attention/replacement.
- FF. An optional temperature sensor shall be available to monitor the ambient temperature internal to the battery cabinet. If the ambient temperature increases, the UPS system charger shall automatically reduce the charging voltage to a level recommended by the battery manufacturer. If the ambient temperature is decreased the UPS shall automatically increase the battery charge voltage to that recommended by the battery manufacturer. Battery life, capacity, and failure information shall be part of the UPS remote monitoring information.
- GG. UPS has a minimum load capacity 80KVA.**
- HH. UPS has a run time of at least 30 minutes under 30KW load.**
- II. Transfer switch for a future generator to be installed and rated at 600amps.**
- JJ. Install raceways above servers providing (48) 20 amp circuits with NEMA L5-30P type connections to accommodate 4 circuits for each of the 12 server racks. These connectors may be located on the walls, or above the racks in the raceways, as determined during the engineering phase. The raceways must be large enough to accommodate both power and data cables, and must have dividers to keep the two separated. Maintain (4) 20 amp circuits on each wall where they currently exist. In addition, engineering and installation accommodations must be made for the 2 current 240v "temporary" circuits in the server room.**
- KK. UPS to be anchored to the floor per manufacturers recommendations.
- LL. All grounding and bonding of the UPS will be in accordance with manufacturer's recommendations.
- MM. If a brownout occurs, the UPS will boost the voltage to within normal limits before it reaches the computer; UPS will run the computer under these conditions without draining its batteries.
- NN. The UPS manufacturer shall maintain a staffed 24/7/365 call center for technical and emergency support.
- OO. Field Engineering Support: The UPS manufacturer shall directly employ a nationwide field service department staffed by factory-trained field service engineers dedicated to startup, maintenance, and repair of UPS equipment. The organization shall consist of local offices managed from a central location. Field engineers shall be deployed in key population areas to provide on-site emergency response within 24 hours. A map of the United States showing the location of all field service offices must be submitted with the proposal. Third-party maintenance will not be accepted.

PP. Spare Parts Support: Parts supplies shall be located in the field to provide 80% of all emergency needs. The factory shall serve as the central stocking facility where a dedicated supply of all parts shall be available within 24 hours.

QQ. Maintenance Contracts: A complete range of preventative and corrective maintenance contracts shall be provided and offered with the proposal. Under these contracts, the manufacturer shall maintain the user's equipment to the latest factory revisions.

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** McKenzie Jones, Sustainability Specialist  
**Submitted For:** Nicole Woodman, Sustainability Manager  
**Date:** 08/30/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration and Approval of Grant Agreement and Acceptance of Grant Funding:** Fiscal Year 2012 Arizona State Parks Growing Smarter Grant.

**RECOMMENDED ACTION:**

Approve the grant agreement with the Arizona State Parks Growing Smarter Grant Program and authorize the acceptance of grant funding in the amount of \$2,389,000.

**Policy Decision or Reason for Action:**

Subsidiary Decisions Points: Approval of the Grant Agreement is necessary for receipt of Arizona State Parks funds for the City's acquisition of Picture Canyon.

**Financial Impact:**

Approval of the Grant Agreement will bring \$2,389,000 into the City of Flagstaff to acquire State Trust lands at Picture Canyon. The City has bond authority available for the open space purchase.

**Connection to Council Goal:**

A sustainable community through economic vitality, environmental protection and social inclusion.

**Has There Been Previous Council Decision on This:**

Yes, on June 7, 2011 Council adopted Resolution 2011-22 in support of the preservation of Picture Canyon. On April 3, 2012, Council adopted Resolution 2012-12 approving a cultural resources policy for Picture Canyon. On June 5, 2012 Council passed Resolution 2012-24 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Picture Canyon.

**Options and Alternatives**

Option A – Authorize the acceptance of funds. This will provide the City with the necessary matching funds to acquire Picture Canyon for conservation purposes.

Option B – Not authorize the acceptance of funds. This will result in the discontinuation of efforts to acquire Picture Canyon for conservation purposes.

**Background/History:**

As critical riparian habitat, a popular recreation corridor, and home to over 125 Northern Sinaguan petroglyph panels, Picture Canyon is a natural and cultural amenity for northern Arizona. Efforts to protect Picture Canyon began decades ago and continue today. A milestone was achieved in August 2011 when the City of Flagstaff Open Spaces Commission approved the use of the remaining Open Space bond funds for the acquisition of Picture Canyon. In April 2012, the State Land Commissioner ordered that Picture Canyon be reclassified as suitable for conservation purposes. In June 2012, the City submitted the Growing Smarter Grant application. On September 20, 2012, the Arizona State Parks Board awarded the City of Flagstaff \$2.389 million to go towards the costs of acquiring Picture Canyon for conservation purposes.

**Key Considerations:**

In the event of a successful acquisition, the City will be required to allow Arizona State Parks to hold a conservation easement over the property which will prevent the City from utilizing Picture Canyon for anything other than conservation purposes. The State Land Department auction is scheduled for October 30, 2012. In order to participate in the auction, the City must approve the grant agreement and accept the grant funds.

**Community Benefits and Considerations:**

Acquiring Picture Canyon for conservation purposes as open space will provide a natural place for members of the Flagstaff community to learn about ecology, geology, archaeology, and civic engagement while participating in outdoor recreation. Preserving the canyon will protect important view sheds for Flagstaff residents and visitors to the region. Over the years, Picture Canyon has emerged as an important resource for recreation, education, and tourism. Picture Canyon hosts a segment of the Arizona Trail and provides for future Flagstaff Urban Trail System segments that promote connectivity for non-motorized transportation and recreation. Arizona Game & Fish has identified Picture Canyon as an important wildlife habitat and a significant site in their Watchable Wildlife program. According to the 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, 1.3 million wildlife viewing participants spend \$838 million in Arizona annually. Sites like Picture Canyon significantly contribute to the local tourism economy. Additionally, it is a benefit to the community to see their approved bonds being used suitably and as intended in the bond.

**Community Involvement:**

On February 14, 2012, Arizona State Land Department held a public comment hearing on the reclassification of Picture Canyon for conservation purposes. Over 300 community members attended and all of the testimony received was in support of the reclassification.

**Expanded Options and Alternatives:**

Option A – Authorize the acceptance of funds. This will provide the City with the necessary matching funds to acquire Picture Canyon for conservation purposes.

Option B – Not authorize the acceptance of funds. This will result in the discontinuation of efforts to acquire Picture Canyon for conservation purposes through the Growing Smarter Grant process.

**Date of Council Approval:**

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**Attachments:**    [API Grant Agreement](#)  
                          [API Conservation Easement](#)  
                          [API Award Letter](#)

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## Form Review

| <b>Inbox</b>                       | <b>Reviewed By</b>     | <b>Date</b>         |
|------------------------------------|------------------------|---------------------|
| Sustainability Manager             | Nicole Woodman         | 09/24/2012 02:17 PM |
| Public Works Section Head - Sayers | McKenzie Jones         | 09/24/2012 02:18 PM |
| Sustainability Specialist - Smith  | McKenzie Jones         | 09/24/2012 02:20 PM |
| Sustainability Manager             | McKenzie Jones         | 09/24/2012 02:21 PM |
| Sustainability Specialist - Smith  | McKenzie Jones         | 09/24/2012 02:22 PM |
| Sustainability Manager             | Nicole Woodman         | 09/24/2012 02:35 PM |
| Public Works Section Head - Sayers | McKenzie Jones         | 09/28/2012 09:57 AM |
| Sustainability Specialist - Smith  | McKenzie Jones         | 09/28/2012 10:13 AM |
| Sustainability Manager             | Nicole Woodman         | 09/28/2012 02:26 PM |
| Public Works Section Head - Sayers | Rebecca Sayers         | 09/28/2012 03:51 PM |
| Public Works Section Head - Sayers | Rebecca Sayers         | 09/28/2012 03:52 PM |
| Public Works Director              | Erik Solberg           | 09/28/2012 04:17 PM |
| Grants Manager                     | Stacey Brechler-Knaggs | 10/01/2012 10:16 AM |
| Finance Director                   | Rick Tadder            | 10/01/2012 10:44 AM |
| Public Works Director              | Erik Solberg           | 10/01/2012 01:18 PM |
| Legal Assistant                    | Vicki Baker            | 10/01/2012 02:05 PM |
| Senior Assistant City Attorney DW  | David Womochil         | 10/01/2012 04:26 PM |
| DCM - Jerene Watson                | Jerene Watson          | 10/01/2012 05:06 PM |
| Management Services Director       | Barbara Goodrich       | 10/01/2012 05:38 PM |

Form Started By: McKenzie Jones      Started On: 08/30/2012 04:32 PM

Final Approval Date: 10/01/2012

**Arizona State Parks**  
 1300 W. Washington, Phoenix Arizona 85007  
**GRANT PARTICIPANT AGREEMENT**

This Agreement for the Arizona State Parks Board (Board) and the City of Flagstaff and becomes effective on the date of signature by the authorized representative of Arizona State Parks.

|  |  |                |  |                |   |
|--|--|----------------|--|----------------|---|
| PROJECT TITLE:<br><b>City of Flagstaff<br/>Picture Canyon</b>  |  |                | PROJECT NUMBER:<br><br><b>231202</b>   |                |   |
| THIRD PARTY PARTICIPANT'S NAME:  |  |                | FY OF REVENUE:<br><b>2012</b>  |                |   |
| PROJECT PERIOD:<br><b>Eighteen (18) months from the date of the last authorized signature</b>  |  |                |  |                |   |
| GRANT PROGRAM:<br><b>Growing Smarter<br/>Land acquisition</b>  | GRANT AMOUNT:<br>Up to:<br><b>\$2,389,000.00</b><br>(Amount includes 10%<br>eligible associated costs) | %<br><b>50</b> | PARTICIPANT<br>MATCH:<br><b>\$2,389,000.00</b>   | %<br><b>50</b> | TOTAL PROJECT<br>COST:<br><b>\$4,778,000.00</b> |
| APPROVED SCOPE OF WORK<br>AND SPECIAL CONDITIONS: <b>Acquisition of 477.80 Acres State Trust Land</b> Attachment A   |  |                |  |                |   |
| CONSERVATION SPECIAL CONDITIONS:<br>Preservation Agreement<br><input checked="" type="checkbox"/> <b>Conservation Easement Deed</b> Attachment C<br>Special Conditions/3 <sup>rd</sup> Party |  |                |  |                |   |
| AUTHORITIES TO ENTER INTO THIS AGREEMENT:<br>(statute, resolution, minutes, etc.)<br><b>STATUTE: A.R.S. § 41-511.23</b> <b>RESOLUTION: 2012-24</b>   |  |                |  |                |   |
| AWARDING OFFICIAL ON<br>BEHALF OF THE ARIZONA<br>STATE PARKS BOARD: _____<br>Signature: <b>Bryan Martyn</b> Date: _____<br>Executive Director  |  |                |  |                |   |
| ACCEPTANCE OF ALL TERMS OF THIS<br>AGREEMENT AND ITS ATTACHMENTS IS<br>ACKNOWLEDGED BY THE PARTICIPANT'S<br>SIGNATURE BELOW.   |  |                | PARTICIPANT ATTORNEY APPROVAL AS TO<br>FORM AND AS BEING WITHIN THE<br>AUTHORITY OF THE PARTICIPANT. |                |   |
| Participant's Signature<br>Kevin Burke, City Manager   |  |                | Applicant Signature  |                |   |
| Name (Typed)   |  |                | Name (Typed)   |                |   |
| Preserve Director _____<br>Title _____ Date _____  |  |                | Attorney _____<br>Title _____ Date _____   |                |   |

Attachment B – General Provisions and Special Conditions are attached and are part of this Participant

**Arizona State Parks  
GRANT PARTICIPANT AGREEMENT**

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

**PARTICIPANT:** City of Flagstaff

**PROJECT TITLE:** Picture Canyon

**PROJECT NUMBER:** 231202

**APPROVED PROJECT SCOPE:**

**Acquisition of 477.80 acres Fee Title Purchase of Picture Canyon**

In addition to the Participant Agreement General Conditions contained in Attachment B, the following special conditions apply to this grant:

Administration of this grant is subject to all conditions regarding the use of the Property for open space conservation, as contained in the Deed of Conservation Easement by Arizona State Parks. These conditions run with the title to the land to ensure the conservation of the land as open space in perpetuity.

The administration of this grant participant agreement is additionally subject to the contents of the "Administrative Guidelines for Awarded Grants" published by Arizona State Parks.

Approved project work shall start no later than the specified project start-up date. Land acquisition, equipment purchase, and studies/reports/assessments must begin within 6 months of the fully executed participant agreement. Participant must provide Arizona State Parks staff access to the acquired lands, as requested and must complete annual self-certification documents in the format specified by Arizona State Parks.

Arizona State Parks and the State of Arizona, its employees, attorneys, advisory board members and contractors shall be indemnified and held harmless from its vicarious liability as a result of work performed in execution of this agreement.

The participant is in default if it fails in the performance of any portion of this agreement or any conditions of the Deed of Conservation Easement conveyed by Arizona State Parks. Notice of and a description of the nature of the default will be mailed to the participant. Failure to commence an Arizona State Parks approved cure for the defaulor to seek amendment to the approved cure, within 60 days of participant's receipt of the written notice, shall be considered a default.

## Attachment B

### PARTICIPANT AGREEMENT GENERAL PROVISIONS FOR GROWING SMARTER STATE TRUST LAND ACQUISITION PROGRAM PROJECTS

#### PART I - DEFINITIONS

For purposes of this agreement,

- A. CAB means the Conservation Acquisition Board.
- B. BOARD means the Arizona State Parks BOARD, which is the governing body of Arizona State Parks.
- C. Eligible Costs mean direct costs chargeable to the project grant program such as 1) the cost of acquiring state trust land; 2) other items of expense associated with acquiring state trust land.
- D. Facilities mean capital improvements.
- E. Fund means a grant from the Land Conservation Fund.
- F. Guidelines mean program directives adopted by the BOARD.
- G. Ineligible Costs are those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives of the grant.
- H. Match means a specified percentage of the total eligible and direct project cost paid by the PARTICIPANT.
- I. PARTICIPANT means an eligible applicant that has been awarded a grant.
- J. Project means an activity, or a series of related activities, which are described in the specific project scope of work and which result in a specific product(s).
- K. Project Period means the period of time during which all approved work and related expenditures associated with an approved project are to be completed by the PARTICIPANT.
- L. Repayment means returning grant money to the Fund in the event the PARTICIPANT violates the terms of this agreement, the conservation easement, and/or the patent restriction during the Term of Public Use.
- M. Staff means employees of Arizona State Parks.
- N. Sub-contract means a direct contract between the PARTICIPANT and another contractor party whereby labor is supplied or work is performed in furtherance of the PARTICIPANT'S responsibilities under this agreement.
- O. Term of Public Use means meeting the terms of the conservation easement and/or the patent restriction in perpetuity. Pursuant to A.R.S. §41-522.23.G.1(a), nonprofit organizations must also provide public access to acquired parcels in perpetuity. The Term of Public Use shall begin on the date of completion identified in the Completion Certification Letter.

- P. **Third Party PARTICIPANT** means an entity sponsored by an eligible project participant. More specifically, it includes governmental, private and non-profit units through the terms of a lease, permit, cooperative agreement, or an intergovernmental agreement (ARS § 11-952).

## PART II - PERFORMANCE

### A. ADMINISTRATION

1. **Conditions** - This agreement is subject to the availability of grant funds and appropriate approvals, and shall be subject to the Constitution of the State of Arizona, the Arizona Revised Statutes, other acts of the Arizona Legislature, executive orders of the Governor, and policies of the BOARD.
2. **Incorporation of Application** - The PARTICIPANT'S approved application for grant funds is incorporated by reference as part of this agreement; however, the terms of this agreement shall take precedence in the event of conflict or ambiguity.
3. **Use of Grant Funds** - Awarded grant funds shall be used solely for eligible purposes of the funding program as defined by statute and as approved by the BOARD.
4. **Transfer of Grant Funds** - Awarded grant funds shall be transferred to the PARTICIPANT through reimbursement of approved expenditures for matching grants and through advances, on an as-needed basis.
5. **Grant Accountability** - Grant funds shall be managed separately within the PARTICIPANT'S accounting system, which identifies the name and number of the project. The funds shall be expended only as authorized under the terms of this agreement.
6. **Accomplishment of Project** - The project shall be accomplished according to the terms of this agreement and applicable State laws.
7. **Amendments** - This agreement may be amended in writing by the parties of the agreement upon written request of the PARTICIPANT and good cause shown, to adjust the project period, project costs, specific project scope items, or other specified adjustments to the agreement.
8. **Use of Project** - Project accomplishments shall be open or available to the public as specified in this agreement, and pursuant to A.R.S. §41-511.23.G.1(a).
9. **Special Conditions** - Special conditions to this agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the parties to this agreement. Breach of any condition shall be enforceable by specific performance or shall justify the BOARD to seek recovery of all funds granted.

### B. RESPONSIBILITY FOR THIRD PARTY AGREEMENTS

The PARTICIPANT sponsoring a third party to this agreement shall be responsible for compliance with provisions of this agreement in the event of third party default for the remainder of the term, or shall reimburse the Fund.

#### C. RELATIONSHIP OF PROJECT COSTS TO THE PROJECT PERIOD

Except for pre-agreement costs approved by the BOARD, only those costs associated with approved project work incurred during the project period shall be eligible for reimbursement according to the terms of this agreement. The PARTICIPANT must submit all requests for reimbursement within 30 days after the patent transfer in order to be considered for payment.

#### D. PROCUREMENT AND DEVELOPMENT

If the PARTICIPANT is a governmental entity, procurement transactions, including those involving professional services, materials, and construction, shall be accomplished according to the PARTICIPANT'S procurement standards. State procurement standards shall apply to all non-governmental entities to the fullest extent possible.

#### E. SUB-CONTRACTS

1. Sub-contracts awarded to accomplish approved project work shall incorporate, by reference, in each sub-contract the provisions of this agreement. The PARTICIPANT shall bear full responsibility for acceptable performance under each sub-contract.
2. The PARTICIPANT shall pay any claim of a sub-contractor or other employed individual performing work on this project for services pursuant to this agreement when due. If the PARTICIPANT is subject to A.R.S §34-221, payment is due when required pursuant to A.R.S. §34-221.
3. Unless the PARTICIPANT is a State agency, the PARTICIPANT shall indemnify and hold the State of Arizona and the BOARD harmless from any claim for services pursuant to this agreement, or damages relating thereto, of a sub-contractor or other employed individual performing work on this project.
4. Any sub-contract for employment by the PARTICIPANT shall be in writing and shall contain a provision whereby a person so employed or with whom a sub-contract has been entered, acknowledges that the State of Arizona and the BOARD shall not be liable for any costs, claims, damages, reimbursement, or payment of any kind relating to such sub-contract.

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

The PARTICIPANT shall certify compliance with the Participant Agreement every year in perpetuity, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following points shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use, appearance, maintenance, management, availability, environment, signing, and interim use.

G. PROJECT INCOME AND EARNED INTEREST

Income and/or interest generated from funds transferred to the PARTICIPANT during the project period shall be used to further the purposes of the approved project. Funds advanced, but not spent to complete the project, shall be returned to the BOARD at the completion of the project. Pursuant to Part II, Paragraph I of this agreement, the PARTICIPANT shall own all rights in the materials produced with project funds.

H. PRODUCT OR PUBLISHABLE MATTER OWNERSHIP

The PARTICIPANT shall have ownership of products or publishable matter produced with grant assistance with the understanding that the BOARD reserves nonexclusive license to use and reproduce, without payment, such materials. This paragraph is not applicable to architectural or engineering plans produced with grant assistance.

I. FUND SOURCE RECOGNITION

The PARTICIPANT agrees to permanently and publicly acknowledge grant program(s) that assisted project accomplishments (including, but not limited to, final documents, audio-visual recordings, photographs, plans, drawings, publications, advertisements and project plaques). At a minimum, this acknowledgment shall include the following: "This project was financed in part (or in full) by a grant from the Land Conservation Fund administered by the Arizona State Parks Board."

J. PROJECT COST VERIFICATION

The PARTICIPANT agrees to submit project expenditure documents to Staff for verification or audit purposes upon request.

K. TRANSFER OF CONTRACTUAL RESPONSIBILITY

The PARTICIPANT may transfer contracted responsibilities under the terms of this agreement to another eligible participant provided that the BOARD prior to the transfer has granted approval.

PART III - COMPLIANCE

A. ANTI-TRUST

Vendor and purchaser recognize that, in actual economic practice, overcharges from anti-trust violations are borne by purchaser. Therefore, the PARTICIPANT agrees to assign to BOARD any and all claims for such overcharges if requested by the BOARD.

B. ARBITRATION

To the extent required pursuant to A.R.S. § 12-1518 and any successor statute, the parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve disputes arising out of this Agreement.

### C. INDEMNIFICATIONS AND CLAIMS AGAINST THE STATE

Unless the PARTICIPANT is a State or a federal agency, the PARTICIPANT shall indemnify, save and hold harmless the BOARD, the CAB, and the State of Arizona, its agents, departments, officers and employees from all claims, losses, damages, liabilities, expenses, costs, and charges incident to or resulting in any way from any injuries or damage to any person or any damage to any property caused by or resulting from the issuance of or the performance of services rendered as a part of this Agreement, except those claims, losses, damages, liabilities, expenses, costs, and charges arising from the sole negligence of the BOARD, the CAB, or the State of Arizona, its agents, departments, officers, or employees.

### D. NON-DISCRIMINATION -- EMPLOYMENT

The PARTICIPANT agrees to comply with the provisions of Executive Order Number 2009-09, issued by the Governor of the State of Arizona relating to nondiscrimination in employment, which by reference is incorporated herein and becomes a part of this Agreement.

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

The PARTICIPANT shall comply with all applicable provisions of the Arizonans with Disabilities Act of 1992, A.R.S. §41-1492, et. seq. and the Americans with Disabilities Act, (Public Law 101-336, 42 U.S.C. 12101-12213 and 47 U.S.C. §225 and 611), and applicable state rules and federal regulations under the Acts (28 CFR Parts 35 and 36).

### F. RECORDS RETENTION AND AUDITS

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

### G. STATE CONTRACT CANCELLATION

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

## H. REMEDIES

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

## I. CULTURAL RESOURCES

The PARTICIPANT agrees to meet the requirements of the State Historic Preservation Act (ARS §41-861 to 41-864) before project initiation.

Acceptance of all terms and conditions of this agreement and its attachments is acknowledged by the PARTICIPANT'S signature on the cover sheet of this agreement.

## Attachment C

### DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2012 by **The City of Flagstaff**, having an address at **211 West Aspen Avenue, Flagstaff, Arizona 86002** (“Grantor”), in favor of **Arizona State Parks Board**, having an address at **1300 W. Washington, Phoenix, Arizona, 85007** (“Grantee”).

**WITNESSETH:**

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Coconino County, Arizona, more particularly described in Exhibit A attached hereto and incorporated by this reference (the “Property”); and

WHEREAS, the Property possesses ecological values (collectively, “conservation values”) of great importance to Grantors and the people of the State of Arizona; and

WHEREAS, in particular, Picture Canyon provides a scenic gateway into Flagstaff from I-40 and historic Route 66. Sheep Hill is located to the west and Turkey Hill is located to the east of the project area. The large village site of Elden Pueblo is roughly ½ mile to the northwest. The parcel contains the Rio de Flag floodway, one of the natural landmarks of the community, and is vital to the Rio de Flag greenbelt. The Rio channel, which runs through Picture Canyon, contains steep topography, a rare waterfall, pit houses, caves and petroglyph panels. The parcel reflects many of the qualities of Flagstaff’s unique scenic beauty – its high desert ponderosa pine forest, piñon and juniper vegetation, and meadows; and

WHEREAS, the specific conservation values of the Property are further documented in an inventory of relevant features of the Property, submitted by Grantor as application for matching funds from the Land Conservation Fund through the Growing Smarter Trust Land Acquisition Grant Program and incorporated by this reference (“Baseline Documentation”), which consists of reports, maps, photographs, and other documentation that the parties provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective, though nonexclusive, information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by permitting only those land uses on the Property that do not significantly impair or interfere with them, including, without limitation, those land uses relating to existing at the time of the grant; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is an Arizona state agency whose primary purpose is to manage and conserve Arizona's natural, cultural and recreational resources for the benefit of the people;

NOW, THEREFORE, in consideration of a Grant Award in the amount not to exceed \$2,389,000 and in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of Arizona and in particular A.R.S. § 33-271 through § A.R.S. 33-276 and A.R.S. §41-511.23, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose.** It is the purpose of this easement to assure that the Property will be retained forever in predominantly the condition reflected in the Baseline Documentation referenced in this document and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to such activities, including, without limitation, those involving passive recreational uses compatible with the maintenance of the Property's Conservation Values, such as hiking and horseback riding, educational gatherings, periodic planting of native plant species, release of rehabilitated or displaced wildlife and other activities, as are not inconsistent with the purpose of this Easement. This Easement is intended to assure that the goals of the Growing Smarter Act, as amended, to conserve open spaces in or near urban areas and other areas experiencing high growth pressures, will be met. This Easement seeks to conserve open space, defined as land that is generally free of uses that would jeopardize the conservation values of the land or development that would obstruct the scenic beauty of the land. Conserved land remains open space if the stewards of the parcel maintain protection of both the natural and cultural assets for the long-term benefit of the land and the public and the unique resources that the area contains, such as scenic beauty, protected plants, wildlife, archaeology, passive recreation values and the absence of extensive development.
2. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this easement:
  - (a) To preserve and protect the conservation values of the Property;
  - (b) To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement in accordance with paragraph 8; provided that, except in cases

where Grantee determines that immediate entry is required to prevent, terminate, or mitigate a violation of this Easement, such entry shall be upon prior reasonable notice to Grantor; unless entry is open to the public, in which case notice to enter upon Property is assumed if it complies with the Grantor's enforced rules of public access, and Grantee shall not in any case unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

- (c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to the remedies set forth in paragraph 8.
3. **Restricted Uses.** Regardless, no more than 10% of the acquired land, up to a limit of 20 acres total, may be eligible for alteration or development, and all such proposed work must be approved by the Grantee in advance, subject to Paragraph 6 below. No changes may be made to the parcel that would seriously or negatively affect its conservation and open space values. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are allowed only upon prior approval of the Grantee:
- (a) **Construction of Buildings and Other Structures.** The construction or reconstruction of any building or other structure or improvement, except those existing on the date of this Easement, is prohibited, except those alterations which are approved in advance by the Grantee and listed in sub-paragraphs (b) and (c).
  - (b) **Trail and Parking Lot Construction.** No trail, road, parking lot, ramada, staging area or other man made structure shall be constructed without the advance written permission of Grantee. Such permission shall not be unreasonably withheld unless Grantee determines that the proposed location of any trail, road, parking lot, ramada or staging area will substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed.
  - (c) **Signage or Billboards.** No signs, billboards, awnings or advertisements shall be displayed or placed on the Property, except for appropriate and customary signs for interpretive and recreational purposes, such as "no trespassing" signs and trail markers, and then only with advance written permission from Grantee. Under no circumstances shall any sign or marker be erected that materially adversely affects the Conservation Values of the Property.
  - (d) **Temporary Fundraising Activity.** Grantor may request the right to perform periodic and temporary fundraising activities on the Property if

the revenues earned from those activities will be used for stewardship of the Property. Such fundraising activities shall be allowed only upon written approval of Grantee if Grantee determines that the proposed activity will not substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed.

Where Grantee's approval is required, as set forth above, Grantee shall grant or withhold its approval in writing within a reasonable period of time. Grantor's written request shall include a description of the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with purpose of this Easement. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement. If Grantee does not respond to the request within 60 days, the request shall be deemed denied. In the event of approval, any deviation from the nature, scope, design, location, timetable or any other material aspect of the proposed activity requires that Grantor submit an additional request for approval.

4. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:
  - (a) **Subdivision.** Any division or subdivision of title to the Property, whether by physical or legal process, is prohibited.
  - (b) **Commercial or Industrial Activity.** No commercial or industrial uses shall be allowed on the Property.
  - (c) **Mining.** The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance is prohibited.
  - (d) **Water Rights.** Grantor shall retain and reserve the right to use water rights sufficient to maintain and improve the Conservation Values of the Property, and shall not transfer, encumber, lease, sell, or otherwise separate water rights necessary and sufficient to maintain and improve the Conservation Values of the Property from title to the Property itself.
  - (e) **Trash and Dumping.** The dumping or uncontained accumulation of any kind of trash or refuse on the Property is prohibited.
5. **Reserved Rights.** Grantors reserve to themselves, and to their personal representatives, heirs, successors, assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of

the foregoing, and subject to the terms of paragraph 3, the following rights are expressly reserved:

- (a) To engage in and permit others to engage in recreational uses of the Property, including, without limitation, hiking, horseback riding, and other forms of passive recreation that require no surface alteration or other development of the Property.
- (b) To engage in and permit others to engage in educational and scientific study activities, without limitation, provided that no unauthorized alteration of the Property or of objects or sites addressed in paragraph 7 will occur as a result of these activities.
- (c) To remove invasive plant species and to re-vegetate portions of the Property with indigenous plants if needed after flood, fire, or other disturbance.

Grantor is required to notify Grantee prior to undertaking or permitting new activities on the Property, if not specifically listed above, in order to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are not inconsistent with the purpose of the Easement. Grantor shall provide notice to Grantee in writing not less than 60 days prior to the date Grantor intends to undertake or permit the new activity in question.

#### **6. Notice of Intention to Undertake Certain Permitted Actions.**

6.1 Where Grantee's approval is required, as set forth in paragraphs 3(a) through 3(d), Grantee shall grant or withhold its approval in writing within 60 days of receipt of Grantor's written request therefore. The written request shall include a description of the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with purpose of this Easement. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement. If Grantee does not respond to the request within the 60-day time frame, the request shall be deemed denied. In the event of approval, any deviation from the nature, scope, design, location, timetable or any other material aspect of the proposed activity requires that Grantor submit an additional request for approval.

6.2 Grantor is required to notify Grantee prior to undertaking permitted activities consistent with the Easement, other than those activities governed by paragraphs 3(a) through 3(d) and 6.1 to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are not inconsistent with the purpose of the Easement. Grantor shall provide notice to Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question.

## 7. **Historic Properties and Preservation of Resources.**

**7.1 Definition.** Historic Properties are defined as sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture which meet eligibility criteria which the Arizona Parks Board establishes for listing on the Arizona Register of Historic Places or which are listed on the National Register of Historic Places.

**7.2 General Preservation.** Grantor agrees to consider the use of and impact upon historic properties located on the Property and to undertake any reasonable preservation that is necessary to carry out the terms of this Easement. In addition, the Grantor agrees to avoid any demolition, substantial alteration or significant deterioration of historic properties and objects on the Property.

**7.3 Land Uses and Historic Preservation.** Grantor agrees that only those uses that are compatible with preservation of the cultural resources located on the Property shall be allowed on the Property and ensure that the pre-historical, historical, architectural or culturally significant values will be preserved or enhanced.

**7.4 Unintentional Disturbance.** The Grantor agrees to monitor the Property for the unintentional disturbance of human remains or funerary objects and historic properties on the Property and shall report any such disturbance to the Director of the Arizona State Museum, the State Historic Preservation Officer and the Grantee. The Grantor agrees to exercise any and all measures recommended by either the Director of the Arizona State Museum, or other permitting authority as established by state law, or the Grantee, to see that on further disturbance of the remains or objects occurs.

**7.5 Prohibition on Excavation.** The Grantor agrees that it will not disturb or excavate or grant any other person permission to disturb or excavate in or upon any historic property, or any historic or prehistoric ruin, burial ground, archaeological or vertebrate pale ontological specimen. For the purpose of this provision, archaeological specimen means any item resulting from past human life or activities which is at least 50 years old including petroglyphs, pictographs, paintings, pottery, tools, ornaments, jewelry, textiles, ceremonial objects, weapons, armaments, vessels, vehicles and human skeletal remains. Archaeological specimen does not include arrowheads, coins or bottles. Notwithstanding the applicability of these prohibitions, the Grantee, in consultation with the State Historic Preservation Officer, may consider and allow for the excavation in or upon a historic property, provided that the Conservation Values of the Property are not adversely affected. In addition, any excavation of disturbance that is allowed by the Grantee is still subject to approval by and the permitting requirements of the Director of the Arizona State Museum, or other permitting authority established in law.

**7.6 Prohibition on Defacing Property.** The Grantor agrees not to deface or otherwise alter any site or object on the Property and embraced within the terms stated in provisions 7.1 through 7.5. The Grantor further agrees to make reasonable efforts to avoid the potential that persons and entities entering upon the site for approved purposes

may deface or otherwise alter any site or object embraced within the terms stated in provisions 7.1 through 7.5.

**7.7 Reporting Discoveries.** The Grantor agrees that during the course of acting as steward of the Property and especially during any work to prepare the Property for public access, such as a survey, excavation, construction or other like activity, that it shall report promptly to the Director the Arizona State Museum, or other permitting authority as established by state law, the State Historic Preservation Officer and the Grantee, the existence of any archaeological, pale ontological or historical site or object that is at least 50 years old and that is discovered in the course of such survey, excavation, construction, other like activity, or other activities undertaken as the steward of the Property. All such discoveries are subject to the provisions of the Arizona Antiquities Act. Any discoveries may require treatment such as remediation or restoration if the site or object was adversely impacted as a result of the survey, excavation, construction or other like activity, which the cost of any such remediation or restoration shall be borne by Grantor.

## **8. Grantee's Remedies.**

**8.1 Notice of Violation; Corrective Action.** If Grantee determines that a violation of the terms of this Easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by Grantee at Grantor's expense.

**8.2 Injunctive Relief.** If Grantor fails to cure the violation within 20 days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a 20 day period, fail to begin curing the violation within the 20 day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury.

**8.3 Damages.** Grantee shall be entitled to recover damages up to, but not in excess of the grant amount, directly resulting from violation of the terms of this Easement or injury to any conservation values protected by this Easement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. Without limiting the Grantors' liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.

**8.4 Emergency Enforcement.** If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this

paragraph 8 without prior notice to Grantor or without waiting for the period provided for cure to expire.

**8.5 Scope of Relief.** Grantee's rights under this section 8 apply equally in the event of either actual or threatened violations of the terms of this Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in paragraph 8.2, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph 8 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

**8.6 Costs of Enforcement.** All reasonable costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs and expenses of suit and reasonable attorneys' fees, and any costs of restoration necessitated by Grantors' violation of the terms of this Easement shall be borne by Grantor.

**8.7 Forbearance.** Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

**8.8 Waiver of Certain Defenses.** Grantors hereby waive any defense of laches, estoppel, or prescription.

**8.9 Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, mitigate significant injury to the Property resulting from such causes. Notwithstanding the foregoing, nothing herein shall preclude Grantor's and Grantee's rights to pursue any third party for damages to the Property from vandalism, trespass or any other violation of the terms of this Easement.

**9. Arbitration.** Notwithstanding the remedies available to the parties pursuant to Paragraph 8 above, the parties agree to resolve all disputes arising out of or relating to this Easement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.

**10. Access.** Grantor agrees to provide reasonable public access to the Property and agrees to impose no restrictions that would limit reasonable public access.

**11. Records Retention.** Grantor agrees to retain all data, books and other records ("Records") relating to the grant for a period of five years. All records shall be open to inspection and audit by the grantee at reasonable times. Upon request, the Grantor will provide a legible copy of any or all such records within a reasonable time.

**12. Annual Reports and Certification.** Grantor agrees to report annually on the condition of the Property and to report any change in the Property from the Baseline Documentation to the Grantee in a format of the Grantee's choosing. The Grantor shall certify compliance with the obligations of the Deed of Conservation Easement every year in perpetuity, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following point shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use appearance, maintenance, management, availability, environment, signing, and interim use.

**13. Costs, Liabilities, Taxes, and Environmental Compliance.**

**13.1 Costs, Legal Requirements, and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate liability self-insurance coverage. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations, and requirements. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by the Grantors.

**13.2 Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

**13.3 Representations and Warranties.** Grantors represent and warrant that, after reasonable investigation and to the best of their knowledge:

- (a) No substance defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, soil, or in any way harmful or threatening to human health or the environment exists or has been released, generated, treated, stored, used disposed of, deposited, abandoned, or transported in, on, from or across the Property;
- (b) There are not now any underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned, and no underground storage tanks have been removed

from the Property in a manner not in compliance with applicable federal, state, and local laws, regulations, and requirements;

- (c) Grantor and the Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Property and its use;
- (d) There is no pending or threatened litigation in any way affecting, involving, or relating to the Property; and
- (e) No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, local law, regulation, or requirement applicable to the Property and its use, nor do there exist any facts or circumstances that the Grantor might reasonably expect to form the basis for any such proceedings, investigations, notices, claims, demands, or orders.

**13.4 Remediation.** If, during Grantor's ownership of the Property, there occurs, a release in, on, or about the Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, Grantor agree to take all steps reasonably necessary to assure its containment and remediation, including any cleanup that may be legally required, unless the releases were caused by the Grantee, in which case Grantee shall be responsible therefore.

**13.5 Control.** Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

#### **14. Extinguishment and Condemnation.**

**14.1 Extinguishment.** If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement may be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction or by mutual written agreement of the parties. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or any other property received in connection with an exchange or involuntary conversion of the Property) after such termination or extinguishment, and after the satisfaction of prior claims and net of any costs or expenses association with such sale, Grantor and Grantee shall divide the proceeds from such sale (minus any amount attributable to the value of improvements made by Grantor after the effective date of this Easement, which amount is reserved to Grantor) in accordance with their respective percentage interests in the fair market value of the Property, adjusted, if necessary, to reflect a partial termination or

extinguishment of this Easement. Grantor shall use all such proceeds received by Grantor in a manner consistent with Grantor's conservation purposes.

**14.2 Condemnation.** If all or any part of the Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Easement, in whole or in part, Grantor and Grantee shall act jointly to recover the full value of their interests in the Property, including Grantee's interest in the amount of the Grant Award, subject to the taking or in lieu of purchase and all direct or incidental damages resulting there from. All expenses reasonable incurred shall be paid out of the amount recovered.

**15. Amendment.** Notwithstanding the provisions related to extinguishment of this Easement, if circumstances arise under which an amendment to or modification of this Easement would be appropriate, the Grantor and Grantee are free to jointly amend this Easement, provided that no amendment shall be allowed that will affect the qualifications of this document as an Easement under the laws of Arizona, and any amendment shall be consistent with the purpose of this Easement and shall not have a material negative affect on the Conservation Values. Such amendments shall be in writing and executed by both Grantor and Grantee.

**16. Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest at least 30 days prior to the date of such transfer. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

**17. Estoppel Certificates.** Upon request by Grantor, Grantee shall within 30 days of receiving the request, execute and deliver to Grantor, or to any party designated by Grantors, any document, including an estoppel certificate, which certifies, to the best of Grantee's knowledge, Grantor's compliance with any obligation of Grantor contained in this Easement or otherwise evidences the status of this Easement. Such certification shall be limited to the condition of the Property as of Grantee's most recent inspection. If Grantor requests more current documentation, Grantee shall conduct an inspection, at Grantor's expense, within 30 days of receipt of Grantor's written request therefore.

**18. Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantors:  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

To Grantee:  
Arizona State Parks  
1300 West Washington Street  
Phoenix, Arizona 85007

or to such other address as either party from time to time shall designate by written notice to the other.

**19. Recordation.** Grantee shall record this instrument in timely fashion in the official records of Maricopa County, Arizona, and may re-record it at any time as may be required to preserve its rights in this Easement.

**20. General Provisions.**

**20.1 Controlling Law.** The laws of the State of Arizona shall govern the interpretation and performance of this Easement. Proper venue for any dispute relating to the Easement shall be the Superior Court of Maricopa County.

**20.2 Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of A.R.S. §33-271 through §33-276 and A.R.S. §41-511.23. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

**20.3 Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

**20.4 Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

**20.5 No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

**20.6 Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties, hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and its successors, and assigns, and the above-named Grantee and its successors and assigns.

**20.7 Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

**20.8 Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

**20.9 Non-discrimination.** The Parties hereby acknowledge that they are bound by Executive Order 99-4 concerning non-discrimination in employment.

**20.10 Non-Availability of Funds.** Every payment obligation of the Grantee and Grantor under this Easement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Easement, this Easement may be terminated by the Grantee at the end of the period for which funds are available. No liability shall accrue to the Grantee in the event this provision is exercised, and the Grantee shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

**20.11 Counterparts.** The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, the Grantor and the Grantee have executed this Deed of Conservation Easement, which shall become effective immediately upon signature by both parties.

GRANTOR: CITY OF FLAGSTAFF

ACKNOWLEDGMENT BY GRANTOR

\_\_\_\_\_  
Signature

State of Arizona )  
County of \_\_\_\_\_ )

\_\_\_\_\_  
Print Name

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Title

By \_\_\_\_\_  
GRANTOR

\_\_\_\_\_  
Date

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

(Seal)

GRANTEE:  
ARIZONA STATE PARKS BOARD

ACKNOWLEDGMENT BY GRANTEE

\_\_\_\_\_  
Signature

State of Arizona )  
County of \_\_\_\_\_ )

\_\_\_\_\_  
Print Name

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Title

By \_\_\_\_\_  
GRANTEE

\_\_\_\_\_  
Date

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

(Seal)

**Janice K. Brewer**  
Governor

**Bryan Martyn**  
Executive Director



**Board Members**

**Walter D. Armer, Jr.,** Vail, *Chair*  
**Maria Baier,** State Land Commissioner, *Vice Chair*  
**Kay Daggett,** Sierra Vista  
**Alan Everett,** Sedona  
**Larry Landry,** Phoenix  
**William C. Scalzo,** Phoenix  
**Tracey Westerhausen,** Phoenix

September 26, 2012

McKenzie Jones  
Sustainability Specialist  
City of Flagstaff  
211 W. Aspen  
Flagstaff, AZ 86001

Re: FY 2012 Growing Smarter State Trust Land Acquisition Grant Award Project  
#231202, Picture Canyon

Dear Ms. Jones:

Congratulations on your FY 2012 Growing Smarter Grant!

Enclosed are two original Participant Agreements and Deeds of Conservation Easement. These documents will govern the execution of the grant and the ongoing relationship of State Parks and the City of Scottsdale after acquisition. Please have your legal counsel review the documents as to form and as being within the authority of your agency to execute.

Following your legal counsel's review of the documents, please have them signed by the individual authorized in the application resolution and return ALL copies to State Parks no later than December 30, 2012. If the documents are not returned within this time period, the project may be considered for withdrawal. A fully executed agreement, along with grant administration information will be provided to you.

Please keep in mind that this conditional grant award will become final and available after it is determined by the Arizona State Land Department (ASLD) that you are the highest and best bidder for the subject parcel at public auction. Assuming success at the auction, your organization will receive the following from the ASLD:

1. A land sales receipt,
2. Affidavit of being the highest and best bidder
3. Affidavit of having inspected the land and public records

A copy of each of these items must be provided to State Parks in order to receive payment of grant monies.

Should you have any questions or concerns, please contact me at [dpulsifer@azstateparks.gov](mailto:dpulsifer@azstateparks.gov) or (602) 542-7127.

Sincerely,

Doris Pulsifer  
Chief of Resources and Public Programs

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Barbara Goodrich, Management Services  
Director  
**Date:** 09/18/2012  
**Meeting** 10/16/2012  
**Date:**



---

**TITLE:**

**Consideration and Adoption of Resolution No. 2012-037:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring, for purposes of section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to Street and Utility Improvements, and FUTS and Open Space purchases.

**RECOMMENDED ACTION:**

Read Resolution No. 2012-037 by title only.  
Adopt Resolution No. 2012-037.

**Policy Decision or Reason for Action:**

Approval of this resolution will allow the City to reimburse itself for expenditures made on current voter approved bonded projects for expenditures made in advance of issuing the debt.

**Financial Impact:**

These expenditures will be reimbursed from proceeds of the sale of obligations or other financing mechanisms to be used in the future by or on behalf of the City.

**Connection to Council Goal:**

Effective governance.

**Has There Been Previous Council Decision on This:**

Yes. The May 2004 bond election authorized the Open Space/FUTS project. The November 2010 bond election authorized the Street/Utility improvements.

**Options and Alternatives**

Approve the reimbursement resolution as this allows the City the greatest flexibility in assuring expenditures are reimbursed and debt can be issued when it is most advantageous to the City.  
Do not approve the reimbursement resolution and require that bonded debt be issued in advance of the proposed capital projects.

**Background/History:**

On May 18, 2004, a general election was held by the City of Flagstaff whereby the citizens authorized obligations to be issued in relation to ten capital projects. Question 302 authorized a total of \$7,600,000 for 'Neighborhood Open Space and FUTS Land Acquisition'. To date, we have issued \$2.4 million of this authority, leaving a remaining balance of \$5.2 million. It is anticipated the City will have additional opportunity to purchase open space and FUTS lands prior to the end of the fiscal year. In particular, the Picture Canyon acquisition is anticipated to be completed on or around October 30, 2012.

On November 2, 2010, a general election was held by the City of Flagstaff whereby the citizens authorized obligations to be issued in relation to two capital projects. Question 404 authorized a total of \$16,500,000 for 'Streets and Utilities Improvements'. To date, we have issued \$10,040,000 of this authority, leaving a remaining balance of \$6,460,000. These projects are anticipated to be complete by late summer/early fall 2013.

The dollar amounts shown above indicate the maximum that will be issued. The City will wait for the contracted amounts to be determined and will also aim for the most favorable market conditions to issue the debt at low interest rates. The City generally does not want to issue debt and incur interest expense if the proceeds are not needed in the immediate future.

**Key Considerations:**

IRS regulations are very specific as to what capital expenditures are eligible for reimbursement. These expenditures must be any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax guidelines.

**Community Benefits and Considerations:**

This resolution allows capital project timing to not be hampered by bond issuance timing.

**Community Involvement:**

Empower - the final decision making was in the hands of the public.

Bonding and project approval was received at the general elections held May 18, 2004 and November 2, 2010.

**Expanded Options and Alternatives:**

Approve the reimbursement resolution as this allows the City the greatest flexibility in assuring expenditures are reimbursed and debt can be issued when it is most advantageous to the City. Do not approve the reimbursement resolution and require that bonded debt be issued in advance of the proposed capital projects.

**Date of Council Approval:**

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**Attachments:**     Resolution No. 2012-037

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**Form Review**

**Inbox**  
Management Services Director (Originator)

**Reviewed By**  
Barbara Goodrich

**Date**  
10/01/2012 06:04 PM

Legal Assistant  
Senior Assistant City Attorney DW  
DCM - Josh Copley  
City Manager

Vicki Baker  
David Womochil  
Elizabeth A. Burke  
Kevin Burke

10/02/2012 08:21 AM  
10/02/2012 11:31 AM  
10/03/2012 11:42 AM  
10/03/2012 01:20 PM  
Started On: 09/18/2012 06:24 PM

Form Started By: Barbara Goodrich

Final Approval Date: 10/03/2012

## RESOLUTION NO. 2012-037

### RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO STREET AND UTILITY IMPROVEMENTS AND FUTS AND OPEN SPACE PURCHASES

#### RECITALS:

WHEREAS, the City of Flagstaff, Arizona, a political subdivision of the State of Arizona (hereinafter referred to as the "City"), is authorized and empowered pursuant to law to issue or cause to be issued obligations to finance the costs of various capital facilities and equipment owned or to be owned by the City; and

WHEREAS, it is contemplated that certain expenditures made by the City with regard to capital facilities and equipment owned or to be owned by the City will be reimbursed from the proceeds of the sale of obligations to be issued in the future by or on behalf of the City;

#### ENACTMENTS:

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, THAT:**

Section 1. Definitions. The following terms shall have the meanings assigned thereto as follows:

"Official intent" means a declaration of intent of the City to reimburse an original expenditure with proceeds of an obligation.

"Original expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

"Reimbursement bond" means the portion of an issue of obligations allocated to reimburse an original expenditure that was paid before the issue date of such issue.

Section 2. Official Intent. This Resolution is official intent relating to reimbursement for the original expenditures indicated in Exhibit A hereto which are capital expenditures (being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles).

Section 3. Project Descriptions. The projects for which such original expenditures are to be paid are for those described on the Exhibit attached hereto and the maximum principal amount of obligations (including the reimbursement bonds for such purposes) to be issued for such projects will not exceed \$11,700,000.

Section 4. Reasonableness of Official Intent. On the date of this Resolution, the Mayor and Council of the City has a reasonable expectation (being that a prudent person in the same

circumstances would have based on all the objective facts and circumstances) that it will reimburse such original expenditures with proceeds of such obligations. (Official intents have not been declared by the Mayor and Council of the City as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for such projects. Moreover, the Mayor and Council of the City does not have a pattern (other than in extraordinary circumstances) of failure to reimburse actual original expenditures covered by official intents.)

Section 5. Reimbursement Period. With certain exceptions, an allocation in writing that evidences use of proceeds of the reimbursement bonds to reimburse the original expenditures shall be made not later than 18 months after the later of the date that the original expenditure is paid or the date the project is "placed in service," but in no event more than 3 years after the original expenditure is paid.

Section 6. Public Record. This Resolution shall be included as of the date hereof in the publicly available official records of the City, such records being maintained and supervised by the Clerk of the City, being the main administrative office of the City, and shall remain available for public inspection on a reasonable basis.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 16<sup>th</sup> day of October, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT A

## ORIGINAL EXPENDITURES INTENDED TO BE REIMBURSED

| <u>Description of Original Expenditures</u>                              | <u>Amount of Expenditures</u> | <u>Dates of Original Expenditures</u> |
|--|-------------------------------|---------------------------------------|
| Completion of 2010 Street/Utility Improvements                           | \$6,500,000                   | After October 1, 2012                 |
| Land purchases for open space and Flagstaff Urban Trail System additions | \$5,200,000                   | After October 1, 2012                 |

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Jill Trompeter, Real Estate Manager  
**Date:** 10/03/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration of Ordinance:** Ordinance No. 2012-16 authorizing the purchase of approximately 479 acres known as Picture Canyon.

**RECOMMENDED ACTION:**

- 1) At the Council meeting of October 16, 2012, read Ordinance No. 2012-16 for the first time by title only.
- 2) At the Council meeting of October 16, 2012, read Ordinance No. 2012-16 for the final time by title only (per City Charter this requires a unanimous vote of Councilmembers present).
- 3) Adopt Ordinance No. 2012-16.

**Policy Decision or Reason for Action:**

In 2011, the City Council adopted Resolution 2011-22 in support of protecting Picture Canyon and since then, the City has been awarded a grant through Arizona State Parks Growing Smarter initiative to be used towards the acquisition of Picture Canyon.

This acquisition will be through a live auction process which will be held on October 30, 2012. Provided the City is the successful bidder, staff will be required to complete the closing process of sale no later than November 28, 2012. Staff is requesting both a first read and final read consecutively to meet the Public Auction purchasing requirements.

**Financial Impact:**

This purchase has been budgeted through the Open Space Funds and the City has been awarded a grant through Arizona State Parks Growing Smarter grant. Through the auction process, the City will be required to meet the terms of the sale which include a deposit or initial fee of \$621,340.00 that will be credited towards the total purchase. Within 30 days, the City will be required to pay the full balance, including administrative fees.

**Connection to Council Goal:**

A sustainable community through economic vitality, environmental protection and social inclusion.

Acquiring Picture Canyon as open space will provide a natural place within city limits for members of the Flagstaff community to learn about ecology, geology, archaeology, and civic engagement while participating in outdoor recreation. Preserving the canyon will protect important view sheds for Flagstaff residents and visitors to the region.

**Has There Been Previous Council Decision on This:**

Yes, June 7, 2011 Council adopted Resolution 2011-22 in support of the preservation of Picture Canyon. On April 3, 2012, Council adopted Resolution 2012-12 approving a cultural resources policy for Picture Canyon. On June 5, 2012 Council passed Resolution 2012-24 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Picture Canyon.

**Options and Alternatives**

- Option A – An unanimous vote to approve the ordinance, for both a first and second read
- Option B – Read for the first time by title and second time by title October 23, 2012
- Option C -- Not authorize the purchase of Picture Canyon

**Background/History:**

As critical riparian habitat, a popular recreation corridor, and home to over 125 Northern Sinaguan petroglyph panels, Picture Canyon is a natural and cultural amenity for northern Arizona. Efforts to protect Picture Canyon began decades ago and continue today. A milestone was achieved in August 2011 when the City of Flagstaff Open Spaces Commission approved the use the of the remaining \$3.18 million Open Space bond funds for the acquisition of Picture Canyon. In April 2012, the State Land Commissioner ordered that Picture Canyon be reclassified as suitable for conservation purposes. As directed by Council in June 2012, the City submitted the Growing Smarter Grant application. On September 20, 2012, the Arizona State Parks Board awarded the City of Flagstaff \$2.389 million to go toward the costs of acquiring Picture Canyon for conservation purposes.

**Community Involvement:**

INFORM & INVOLVE: On February 14, 2012, Arizona State Land Department held a public comment hearing on the reclassification of Picture Canyon for conservation purposes. Over 300 community members attended and all of the testimony received was in support of the reclassification.

**Date of Council Approval:**

**Attachments:**     Ordinance No. 2012-16

**Form Review**

| Inbox                              | Reviewed By        | Date                |
|------------------------------------|--------------------|---------------------|
| Real Estate Manager (Originator)   | Jill Trompeter     | 10/03/2012 05:58 PM |
| Risk Manager                       | Debbie Jo Maust    | 10/04/2012 09:59 AM |
| Purchasing Director                | Elizabeth A. Burke | 10/04/2012 11:52 AM |
| Senior Procurement Specialist - PB | Patrick Brown      | 10/04/2012 01:15 PM |
| Legal Assistant                    | Vicki Baker        | 10/04/2012 01:19 PM |
| Senior Assistant City Attorney DW  | David Womochil     | 10/05/2012 10:19 AM |
| Senior Assistant City Attorney DW  | David Womochil     | 10/05/2012 10:19 AM |
| Finance Director                   | Rick Tadder        | 10/05/2012 10:46 AM |
| Legal Assistant                    | Vicki Baker        | 10/05/2012 10:51 AM |
| Senior Assistant City Attorney DW  | David Womochil     | 10/05/2012 10:56 AM |
| DCM - Jerene Watson                | Jerene Watson      | 10/05/2012 11:24 AM |

Form Started By: Jill Trompeter

Started On: 10/03/2012 04:37 PM

Final Approval Date: 10/05/2012

**ORDINANCE NO. 2012-16**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION AND PURCHASE OF APPROXIMATELY 479 ACRES MOST COMMONLY REFERRED TO AS PICTURE CANYON**

**RECITALS:**

WHEREAS, in May 2004 the voters of the City of Flagstaff approved a bond measure for neighborhood open space and Flagstaff Urban Trail System land acquisition; and

WHEREAS, in November 2009 the Flagstaff City Council accepted the proposed Open Space Property Acquisition Plan (the "Open Space Plan") recommended by the Open Space Commission; and

WHEREAS, in June 2011 the Flagstaff City Council adopted a Resolution in support of the preservation of Picture Canyon; and

WHEREAS, pursuant to Article 1, Section 3 of the Charter of the City of Flagstaff, the City has the power and authority to acquire real property; and

WHEREAS, the Arizona State Land Department is the lawful owner of approximately 479 Acres identified as Lots 1 thru 4, S2NE; M&B In S2, Section 4, otherwise known as Picture Canyon; and

WHEREAS, it is necessary to direct and authorize the Assistant to the City Manager – Real Estate to acquire those parcels of open space identified in the Open Space Plan.

**ENACTMENTS:**

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

SECTION 1. That the Assistant to the City Manager – Real Estate is hereby authorized to negotiate with the owners of those parcels of real property identified as Picture Canyon.

SECTION 2. That the Assistant to the City Manager - Real Estate is hereby authorized to acquire through purchase or exchange from the property owner(s), with the approval of the terms and conditions of sale or exchange by the City Manager, those parcels of real property identified as Picture Canyon, and to execute all documents and take all actions necessary to consummate these acquisitions.

SECTION 3. That the City Council reserves the right of final approval for these acquisitions.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 16<sup>th</sup> day of October, 2012.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Rick Compau, Purchasing Director  
**Co-Submitter:** Pat Bourque  
**Date:** 09/26/2012  
**Meeting Date:** 10/16/2012



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**TITLE:**

**Consideration of the Response to Request For Proposals No. 2012-49:** Purchase of property for Core Services Maintenance Facility located on the northwest corner of West Kaibab Lane and South Thompson Street.

**RECOMMENDED ACTION:**

Declare the proposal of F.W. Thompson as the sole proposal responsive to the City's request for proposals and continue negotiations for ~~Approve~~ the purchase of 16.75 acres of land and improvements located in the area generally described as the northwest corner of West Kaibab Lane and South Thompson Street contingent upon the following terms: 1) negotiation of a purchase agreement acceptable to the City Council and the property owners; 2) ~~voter approval of bond funding.~~ Subject to the passage of Ballot question #406 presented to the Flagstaff voters on November 6, 2012.

**Policy Decision or Reason for Action:**

Award of this property purchase will provide the necessary acreage for the new Core Services Maintenance Facility and some structures to house Fleet Maintenance and Public Works.

**Financial Impact:**

In the Fiscal Year 2013 budget we have appropriated \$28,295,000 in account 403-2418-691-4104 for the Core Services Maintenance Facility. Execution of this purchase is contingent upon voter approval on November 6, 2012 of Ballot Question 406. If this bond initiative is approved by the voters, bonds will be sold to acquire the property and additional infrastructure. In addition to bonds being sold the City will be selling two pieces of City owned property and re-instituting the \$2.50 per ton Landfill surcharge to help support the overall project.

**Connection to Council Goal:**

Maintain and deliver quality, reliable infrastructure. This property purchase for the new Core Services Maintenance Facility will provide maintenance and support of the delivery of core City services and programs including: street maintenance, snow plowing and clearing operations, drainage maintenance, pot hole and side walk repair and street sweeping; residential and commercial trash and recycling collection, bulking trash collection; maintenance of all City vehicles and equipment, including fire, police, streets, solid waste, and water and wastewater department vehicles; maintenance operations for all City parks and athletic fields.

**Has There Been Previous Council Decision on This:**

Yes. Council approved a similar ballot question for the November 2010 bond election for \$42 million dollars, which was not approved by the voters. The Core Services Maintenance Facility was introduced to Council during the April 2012 Budget Retreat and approved for appropriation. The Council approved Resolution 2012-30 to place the proposed project on the November 2012 bond election.

**Options and Alternatives**

Option A: Declare the response submitted by F.W. Thompson to be the sole responsive bid and authorize the purchase of the property with the contingencies described above;

Option B: Reject the proposal and continue to look for alternative funding sources;

Option C: Reject the proposal and continue existing operations in the existing locations;

Option D: Reject the proposal and consider a new Core Services Maintenance Facility for a future date;

**Background/History:**

The existing Core Services Maintenance Facility is located at 419 N. Mogollon, Flagstaff, Arizona. This facility was originally built as a horse barn for the Army Corps of Engineers and was later purchased by the City of Flagstaff and used as a Public Works yard. Over the years, there have been numerous structures built on this property as growth dictated. The existing facility is not adequate to maintain the numerous vehicles and equipment necessary to provide core services. A new facility would also provide an indoor space for all fleet maintenance repairs, some of which are currently performed outdoors in inclement weather, including snow.

The City has been in need of a new Core Services Maintenance Facility for many years. The City has outgrown the existing facility and core service operations are scattered throughout the City. In 2010, Council approved a bond initiative to construct a new facility on McAllister Ranch located on West Rt. 66. The bond question was for a total dollar amount of \$42 million to build the new facility, which included all new infrastructure (e.g., water, sewer, electricity, as well as Rt. 66 road improvements for traffic flow). This measure was not approved by the voters. At the April 2012 Budget Retreat the project was discussed and Council approved setting budget authority for the project. The Council then voted on July 17, 2012 to approve the measure for a November election through Resolution 2012-30.

The City conducted a Request For Proposals (RFP) and one (1) proposal response was submitted by F.W. Thompson. The RFP outlined five (5) evaluation criteria as follows: Location (20%), Quality of on-site and off-site infrastructure of utilities and roadways (20%), Usable existing facilities that would interact with the Public Works function (20%), Possible phased approach to purchase land (10%) and Possible purchase of current City owned property (30%).

After evaluation of the proposal response submitted by F.W. Thompson, the City began negotiating purchase terms.

**Key Considerations:**

The proposal from F.W. Thompson for the purchase of 16.75 acres meets the evaluation criteria set forth in the Requests for Proposals issued by the City.

**Community Benefits and Considerations:**

The City will be able to operate from a new Core Services Maintenance Facility in a more cost effective manner by providing City services from a centralized location, allowing cost savings on fuel when moving vehicles from various storage locations around the City to the current yard. Cost-related efficiencies also include having street maintenance, storage of materials (cinders, deicer, sand, rock, signs, gravel), snow plowing and clearing operations personnel, equipment and administration of these functions co-located in order to respond and perform drainage maintenance, pot hole and side walk repair and street sweeping; residential and commercial trash and recycling collection, bulking trash collection; maintenance of all City vehicles and equipment, including fire, police, streets, solid waste, and water and wastewater department vehicles; maintenance operations for all City parks, trails and athletic fields.

**Community Involvement:**

INFORM: Public participation goal is to provide the public with balanced and objective information to assist them in understanding the problems and inefficiencies, the desired needs, the value added benefits and the alternatives and/or solutions.

**Expanded Options and Alternatives:**

- Option A: Declare the response submitted by F.W. Thompson to be the sole responsive bid and authorize the purchase of the property with the contingencies described above;
- Option B: Reject the proposal and continue to look for alternative funding sources;
- Option C: Reject the proposal and continue existing operations in the current locations;
- Option D: Reject the proposal and consider a new Core Services Maintenance Facility for a future date.

**Date of Council Approval:**

**Attachments:**     [Map](#)

**Form Review**

| Inbox                               | Reviewed By        | Date                |
|-------------------------------------|--------------------|---------------------|
| Purchasing Director (Originator)    | Rick Compau        | 09/26/2012 11:46 AM |
| Finance Director                    | Rick Tadder        | 09/26/2012 02:36 PM |
| Public Works Director               | Erik Solberg       | 09/27/2012 01:19 PM |
| Legal Assistant                     | Vicki Baker        | 09/27/2012 01:36 PM |
| Senior Assistant City Attorney DW   | David Womochil     | 10/01/2012 04:32 PM |
| Purchasing Director (Originator)    | Elizabeth A. Burke | 10/03/2012 04:19 PM |
| Public Works Section Head - Bourque | Elizabeth A. Burke | 10/03/2012 04:24 PM |
| Legal Assistant                     | Elizabeth A. Burke | 10/03/2012 04:25 PM |
| Public Works Section Head - Bourque | Patrick Bourque    | 10/04/2012 11:58 AM |
| Purchasing Director (Originator)    | Elizabeth A. Burke | 10/04/2012 12:04 PM |
| Public Works Section Head - Bourque | Elizabeth A. Burke | 10/04/2012 03:02 PM |
| Senior Assistant City Attorney DW   | David Womochil     | 10/05/2012 10:03 AM |
| DCM - Jerene Watson                 | Jerene Watson      | 10/05/2012 10:23 AM |
| Purchasing Director (Originator)    | Rick Compau        | 10/10/2012 03:40 PM |
| Public Works Director               | Erik Solberg       | 10/10/2012 03:56 PM |
| Legal Assistant                     | Vicki Baker        | 10/11/2012 09:56 AM |
| Senior Assistant City Attorney DW   | David Womochil     | 10/11/2012 10:43 AM |
| DCM - Jerene Watson                 | Jerene Watson      | 10/11/2012 02:24 PM |

Form Started By: Rick Compau

Started On: 09/26/2012 09:24 AM

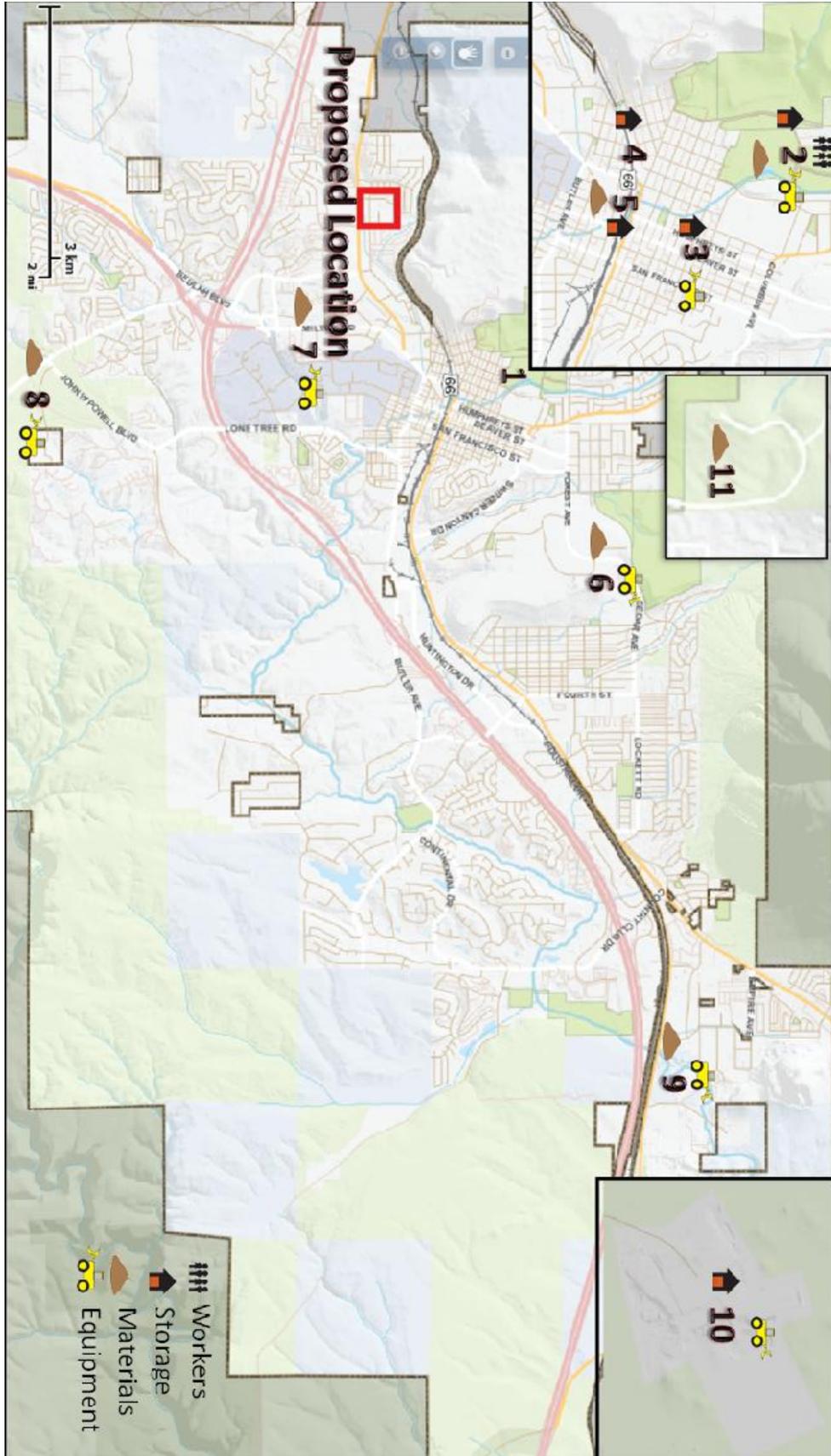
Final Approval Date: 10/11/2012

## Core Services Satellite Sites - 2012

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1. Mogollon Yard
2. Thorpe Park
  - a. Facilities
    - i. 10 Employees
    - ii. Equipment
    - iii. Tools
  - b. Parks
    - i. 24 Employees
    - ii. Equipment
    - iii. Materials (Irrigation, fencing, bagged fertilizer)
3. Cherry Building
  - a. SEMS
    - i. 5 Employees
    - ii. 2 AmeriCorps
    - iii. Vehicles
    - iv. Materials (Various for SEMS operations)
4. Coconino Warehouse
  - a. Facilities
    - i. City records retention
    - ii. Parking for City
5. Phoenix Warehouse
  - a. Facilities
    - i. Furniture, Decorations
  - b. Streets
    - i. De-Icer
    - ii. Temp. asphalt repair
    - iii. Traffic Material
6. McMillan Mesa
  - a. Streets
    - i. 2 Loaders
    - ii. 1 Dozer
    - iii. 1 Material Processor
    - iv. 5,000 yards of cinders for snow operations
    - v. 8,000 yards of road and shoulder dirt
7. Cemetery
  - a. Streets
    - i. 1 Loader
    - ii. 1 Motor Grader
    - iii. Traffic Material (Poles, traffic lights, street lights)
8. Lake Mary Water Treatment Plant
  - a. Streets
    - i. 1 Loader (When not snowing)
9. Wildcat
  - a. Streets
    - i. Guardrail Material
    - ii. Materials (10,000 gallon Lignin tank -dust abatement, culverts
    - iii. 1 Loader (When not snowing)
10. Landfill
  - a. Solid Waste
    - i. 2 collection trucks
    - ii. Various containers
  - b. Streets
    - i. 1 Grader (When not snowing)
11. Kinlani Yard
  - a. Parks
    - i. Materials (Fencing, sand, top soil)

# Core Services Satellite Sites - 2012



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**FROM::** Barbara Goodrich  
**Date:** 10/05/2012  
**Meeting Date:** 10/16/2012



---

**TITLE**

**Discussion Item:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Annual update presentation

**RECOMMENDED ACTION**

This is presented as information only.

**INFORMATION**

In 2000, the City of Flagstaff voters approved a transportation tax that has four separate components one of which is transit. The transit portion of the transportation tax was originally approved for 10 years, expiring in 2010 but was renewed in 2008 until 2020. The transit portion of the transportation tax generates approximately \$4.2 in annual revenues. The tax was approved in five separate areas as follows:

|                                      |                |
|--------------------------------------|----------------|
| Continue Mountain Line Bus Service - | \$0.00175      |
| Purchase hybrid buses -              | 0.00020        |
| Mountain Link line -                 | 0.00020        |
| Expand service area                  | 0.00040        |
| More frequent service                | <u>0.00040</u> |
| Total                                | \$0.00295      |

This translates into 29.5 cents sales tax for every \$100 spent.

NAIPTA is presenting to supply both programmatic and statistical information on service provision.

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**Attachments:** PowerPoint Presentation

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**Form Review**

**Inbox**  
City Manager

**Reviewed By**  
Elizabeth A. Burke

**Date**  
10/05/2012 11:11 AM  
Started On: 10/05/2012 09:33 AM

Form Started By: Barbara Goodrich

Final Approval Date: 10/05/2012



# PROMISES MADE...

# And Keeping Them

Mountain Line Transit System

Report to Council

October 16, 2012



*Getting you where you want to go*

# Quick Review

- NAIPTA operates Mountain Line on behalf of the City of Flagstaff
- Funding Sources
  - Dedicated Transit Tax
  - Fare Box Return
  - Leveraged Grants





# Leading up to today...

## *Mountain Line Citizens' Review Commission*

- **Co-Chairs**  
    **LaVelle McCoy & Jack Welch**
- **Members:**

**Celia Barotz**

**Jean Richmond-Bowman**

**Chris Bavasi**

**Denise Scher**

**Rich Bowen**

**Jed Schenck**

**Tony Gonzales**

**Bob Tullis**

**Bill Mayes**

**Gene Westerhaus**



*Getting you where you want to go*



# Leading up to today...

## *Mountain Line*

## *Citizens' Review Commission*

### Duties:

- Review Past Performance
- Understand Finances
- Examine Plans
- Develop Recommendations

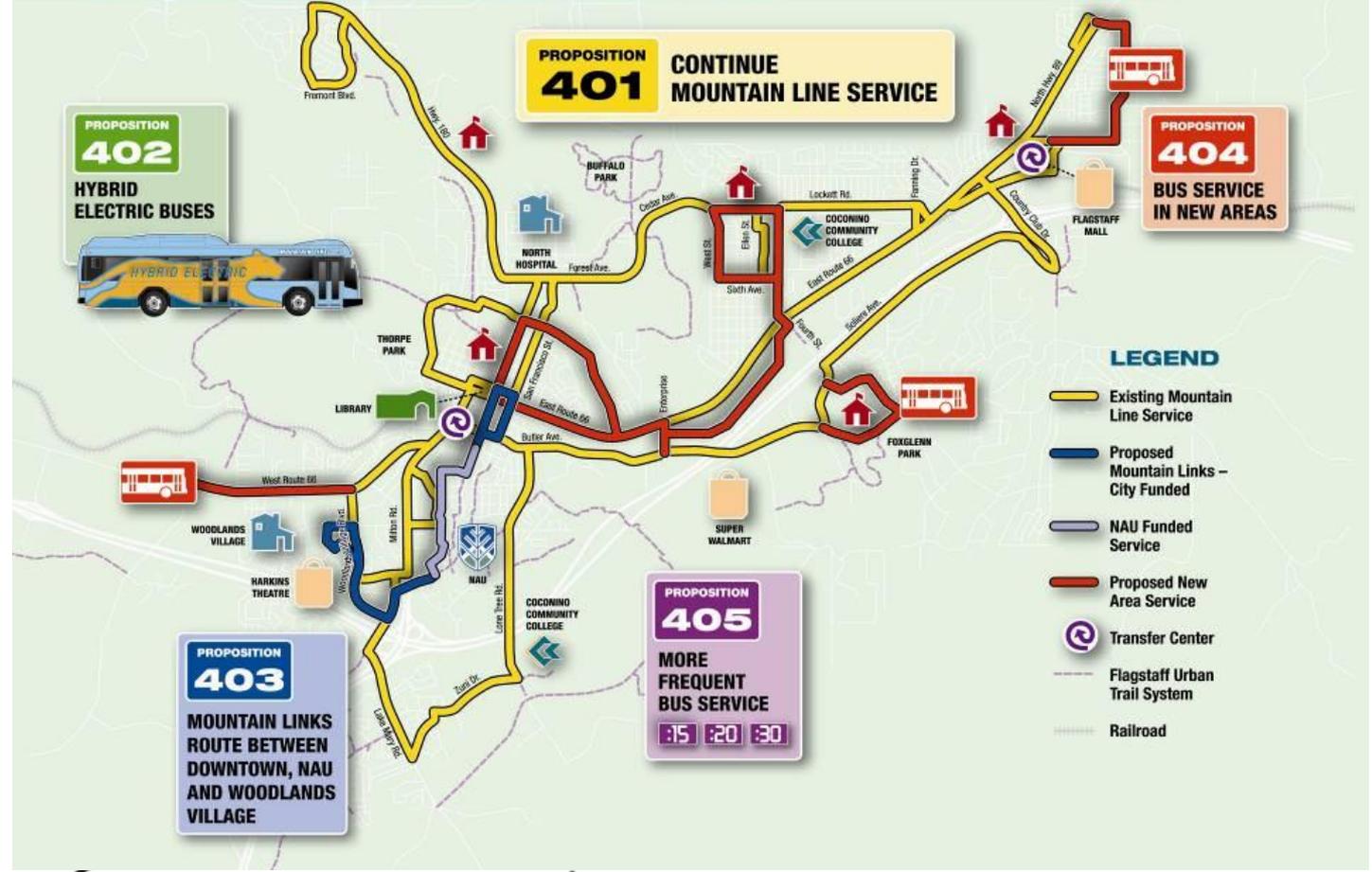


*Getting you where you want to go*



# Promises Made

## FIVE PROPOSITIONS LET YOU DECIDE...

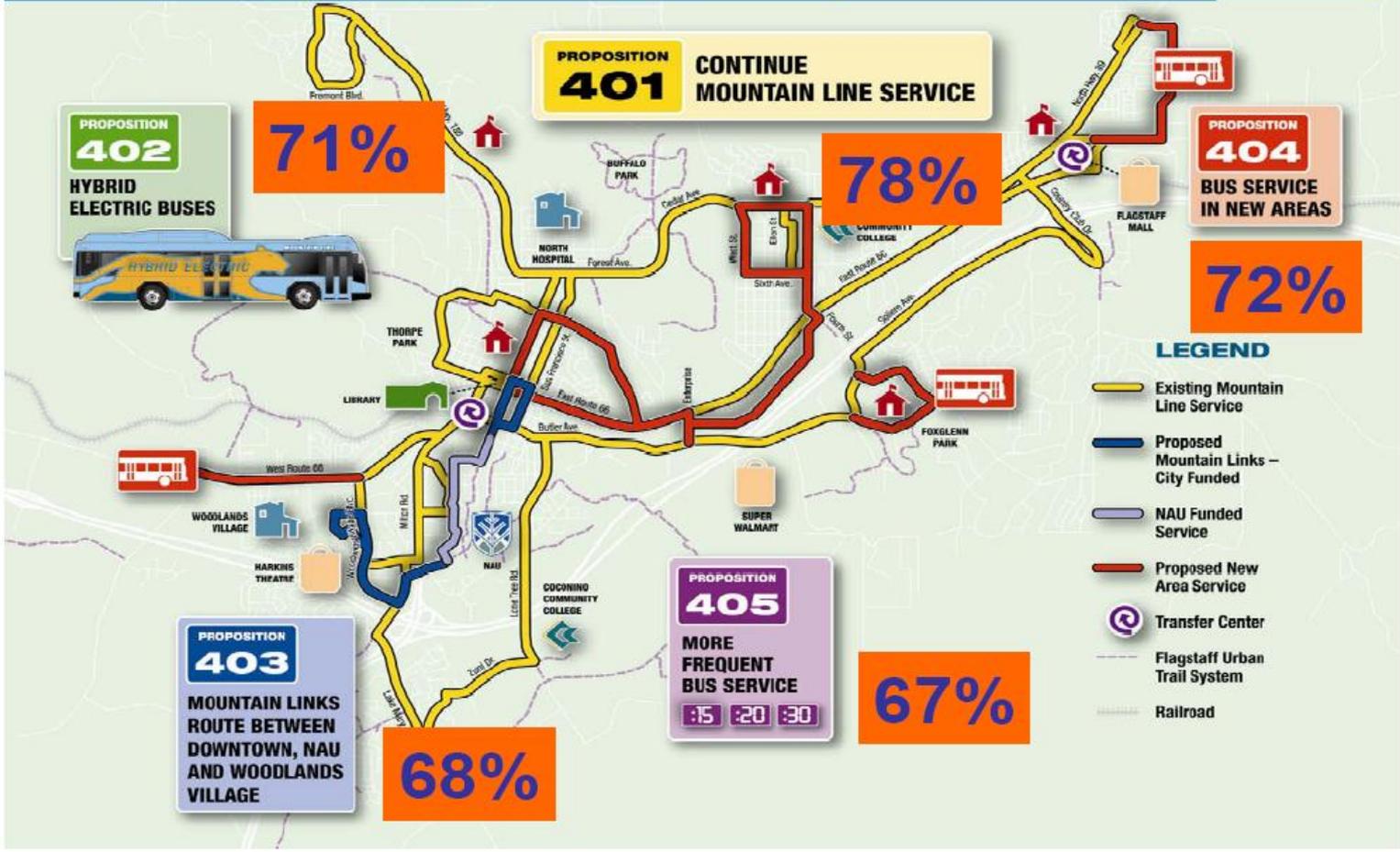


This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.



# Promises Approved

**FIVE PROPOSITIONS LET YOU DECIDE... AND YOU DID!**

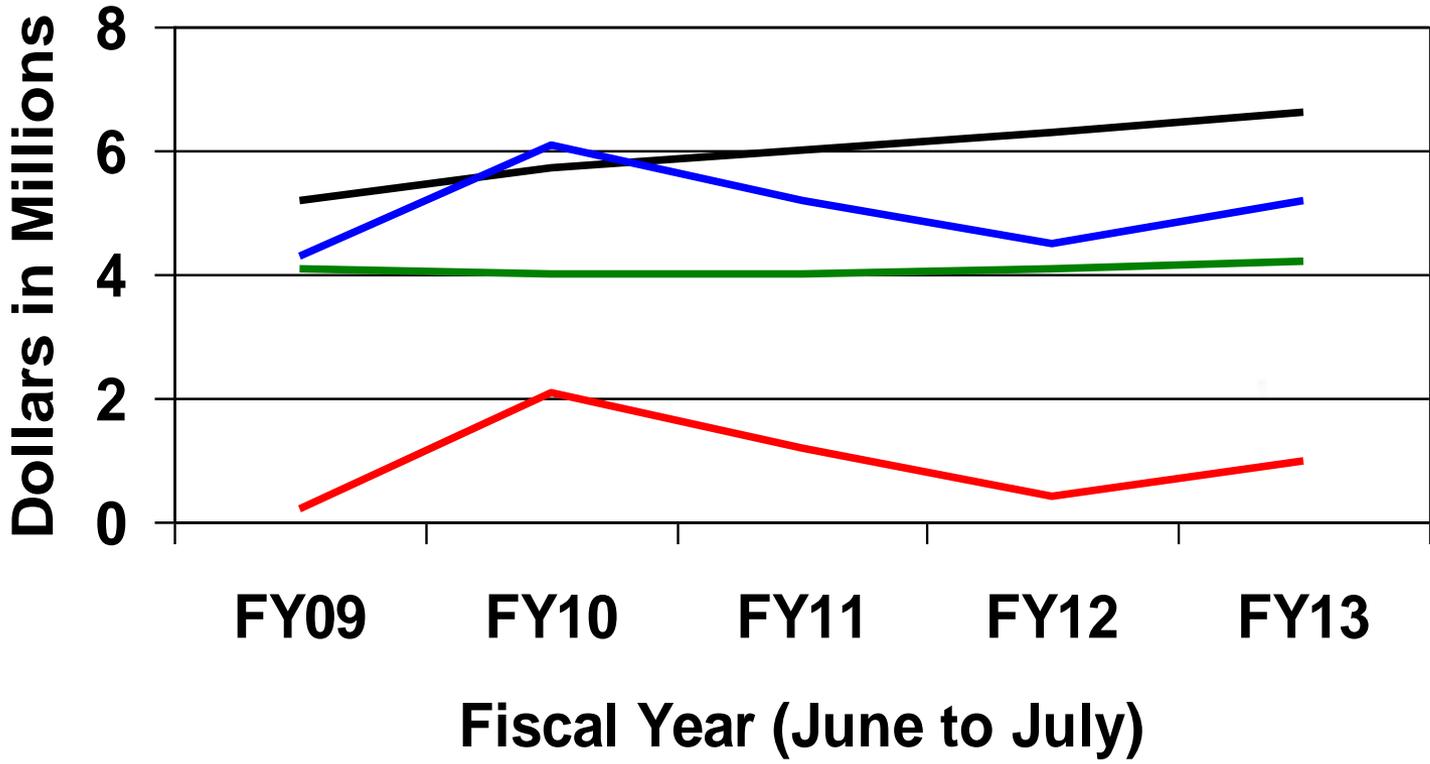


*Getting*

This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.



# The Great Recession



— August Proj.      — \$\$ Needed  
— November Proj.    — Deficit



*Getting you where you want to go*



# Financial Details

| Prop | Purpose                | Estimate  | Revised   |
|------|------------------------|-----------|-----------|
| 401  | Maintain Existing      | 3,400,000 | 2,400,000 |
| 402  | Hybrid Bus             | 400,000   | 275,000   |
| 403  | NAU Downtown Woodlands | 400,000   | 275,000   |
| 404  | More Coverage          | 800,000   | 550,000   |
| 405  | More Frequency         | 800,000   | 550,000   |
|      |                        | 5,800,000 | 4,050,000 |



*Getting you where you want to go*

# One More Look

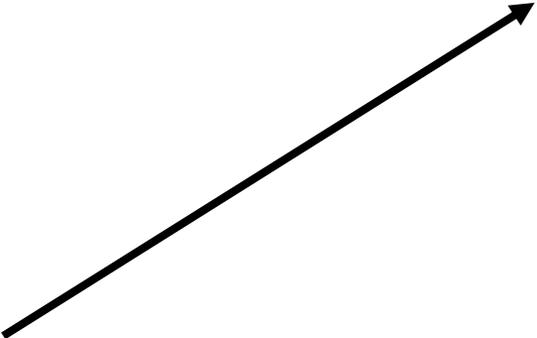
- FY2009 Revenue = \$3,400,000
- 71% Ballot Increase = \$5,800,000
- 30% Decrease = \$4,050,000

Bottom Line: We promised \$2,400,000 worth of increased service and received \$650,000 of additional revenue.





**\$2,400,000**



**\$650,000**



*Getting you where you want to go*



# Response

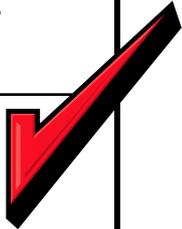
- Reconvene Citizen Review Commission
  - Maintain Existing Service Levels
  - Modify Implementation Schedule
  - Pursue New Funding Sources
  - Cut Costs Wherever Possible



*Getting you where you want to go*



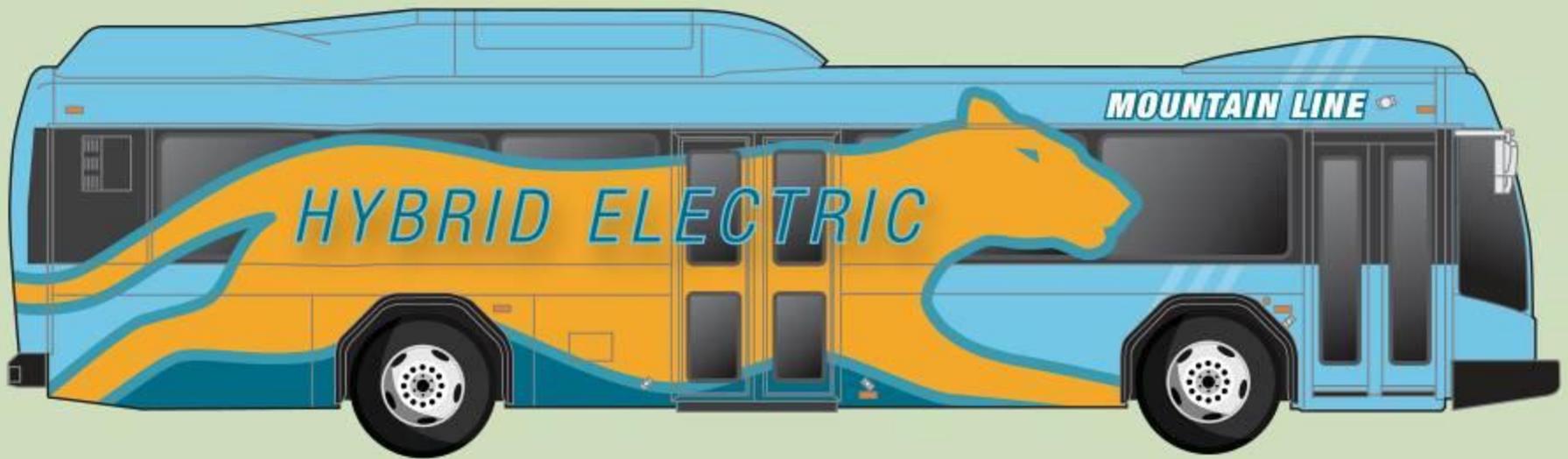
# Results

| Prop # | Promise                   | Result   |
|--------|---------------------------|--|
| 401    | Maintain Existing Service | Done  |
|        |                           |  |
|        |                           |  |
|        |                           |  |
|        |                           |  |
|        |                           |  |



*Getting you where you want to go*

# Proposition 402 – Support Hybrid Vehicles and Other Transit Capital



Tax Rate  
.0002

This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.

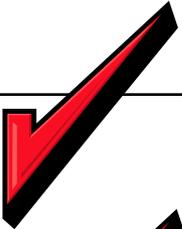
**50% Quieter**  
**40% LESS Emissions**  
**\$200,000 MORE Expensive**



*Getting you where you want to go*



# Results

| Prop # | Promise                    | Result  |
|--------|----------------------------|---|
| 401    | Maintain                   | Done   |
| 402    | Hybrid Fleet<br>(21 buses) | Doing  |



*Getting you where you want to go*

# Proposition 403 – Mountain Links – Downtown to Woodlands Village via NAU

This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.

Tax Rate  
.0002

**WOOD-  
LANDS  
VILLAGE**

**DOWNTOWN**

**NAU**

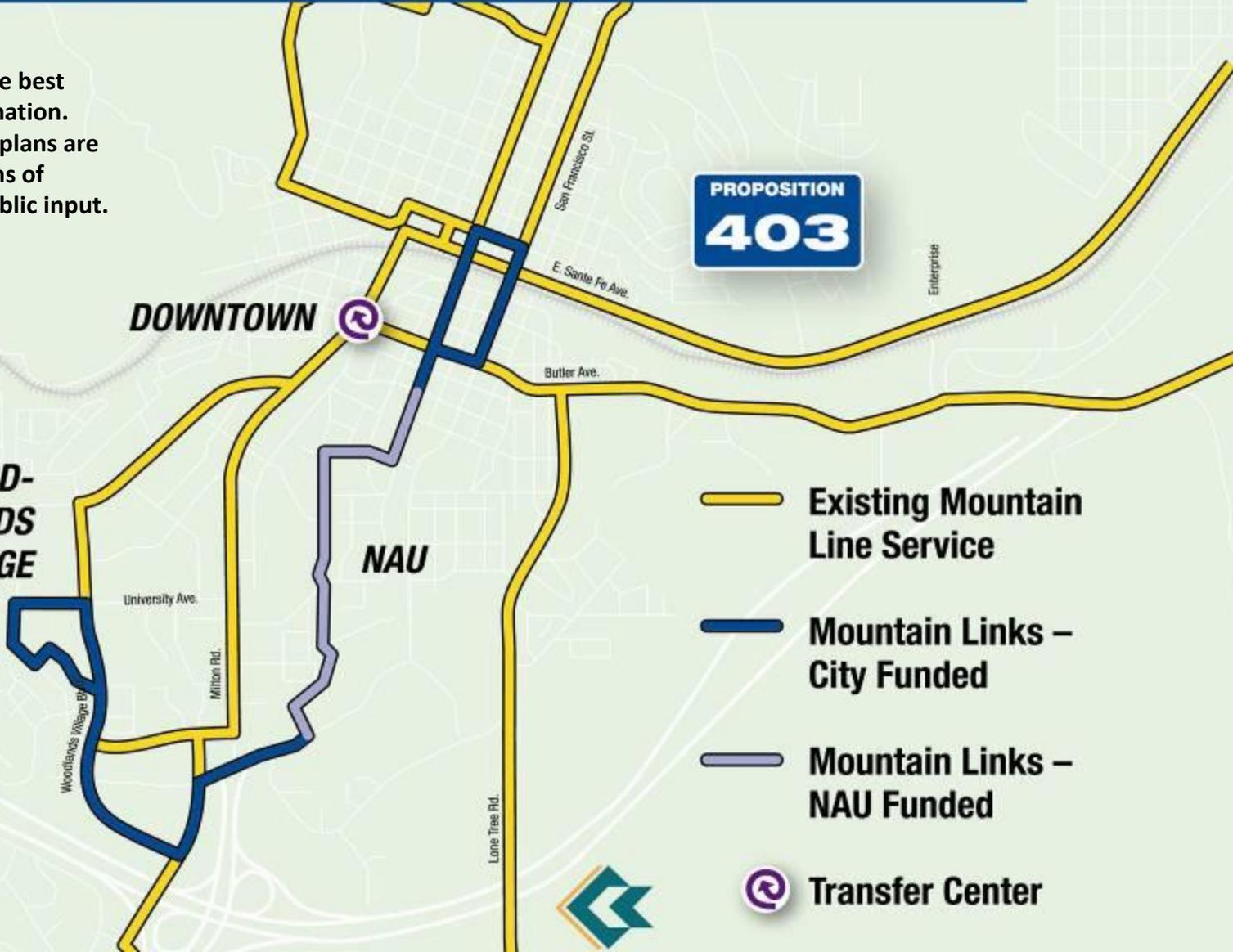
**PROPOSITION  
403**

 Existing Mountain Line Service

 Mountain Links – City Funded

 Mountain Links – NAU Funded

 Transfer Center







DOWNTOWN FLAGSTAFF ♦ NAU ♦ WOODLANDS VILLAGE

BIF &

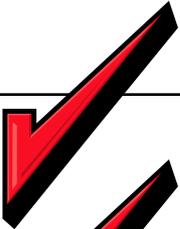
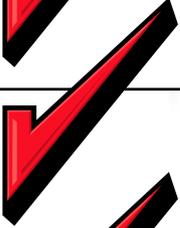
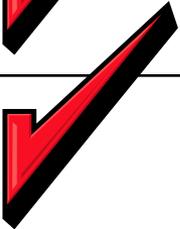
P

DOWNTOWN FLAGSTAFF

SOUTHERN ARIZONA UNIVERSITY



# Results

| Prop # | Promise        | Result  |
|--------|----------------|---|
| 401    | Maintain       | Done   |
| 402    | Hybrid Fleet   | Doing  |
| 403    | Mountain Links | Done   |

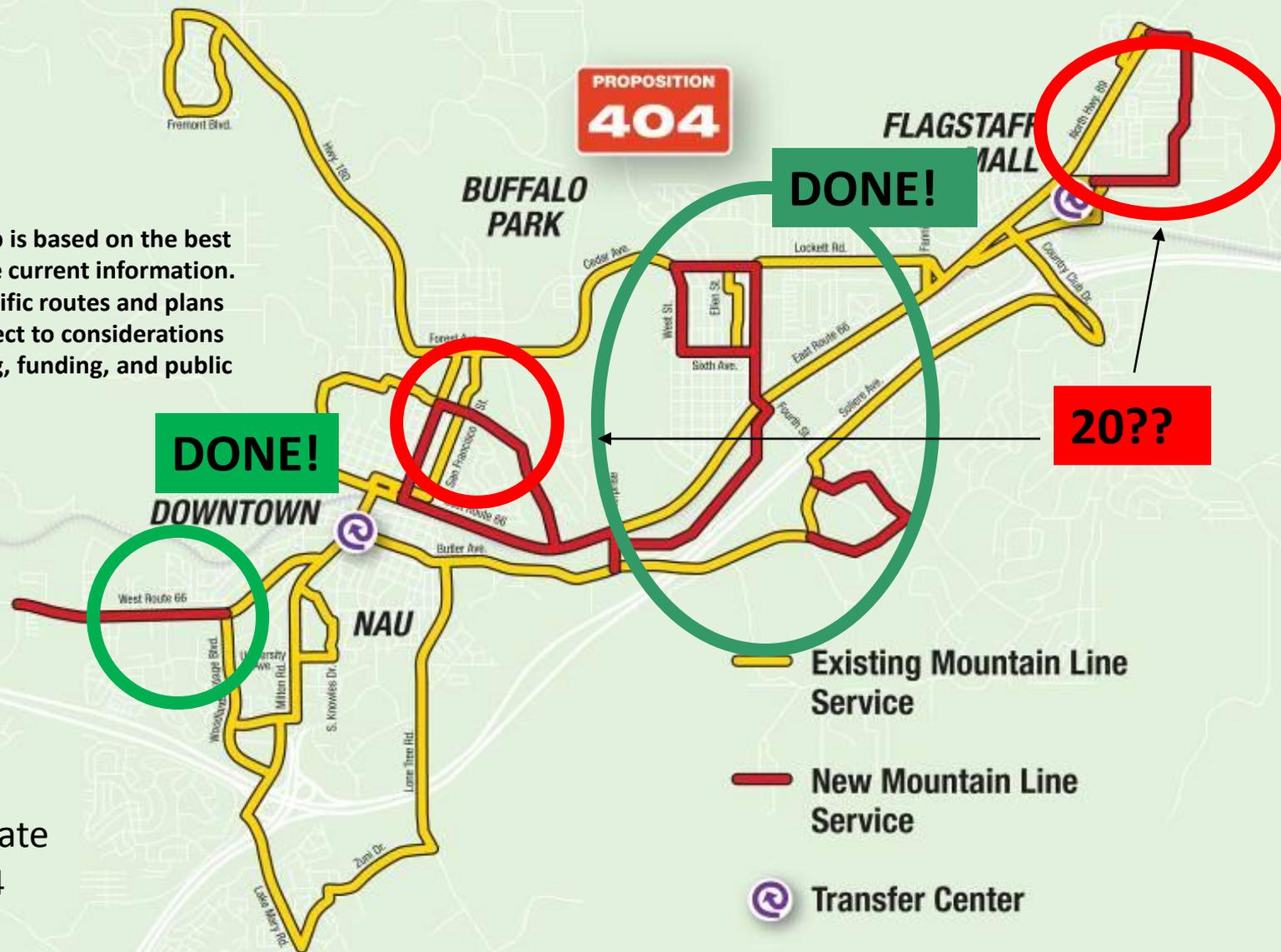


*Getting you where you want to go*

# Proposition 404 – Bus Service in New Areas

This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.

Tax Rate  
.0004



**DONE!**

**DOWNTOWN**

**NAU**

**BUFFALO PARK**

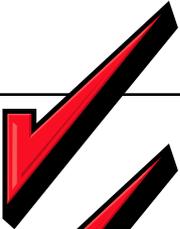
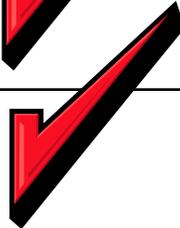
**FLAGSTAFF MALL**

**DONE!**

**20???**



# Results

| Prop # | Promise        | Result   |
|--------|----------------|--|
| 401    | Maintain       | Done    |
| 402    | Hybrid Fleet   | Doing   |
| 403    | Mountain Links | Done    |
| 404    | New Service    | Doing  |



*Getting you where you want to go*

# Proposition 405 – Increase Frequency on Existing Routes

This map is based on the best available current information. The specific routes and plans are subject to considerations of timing, funding, and public input.



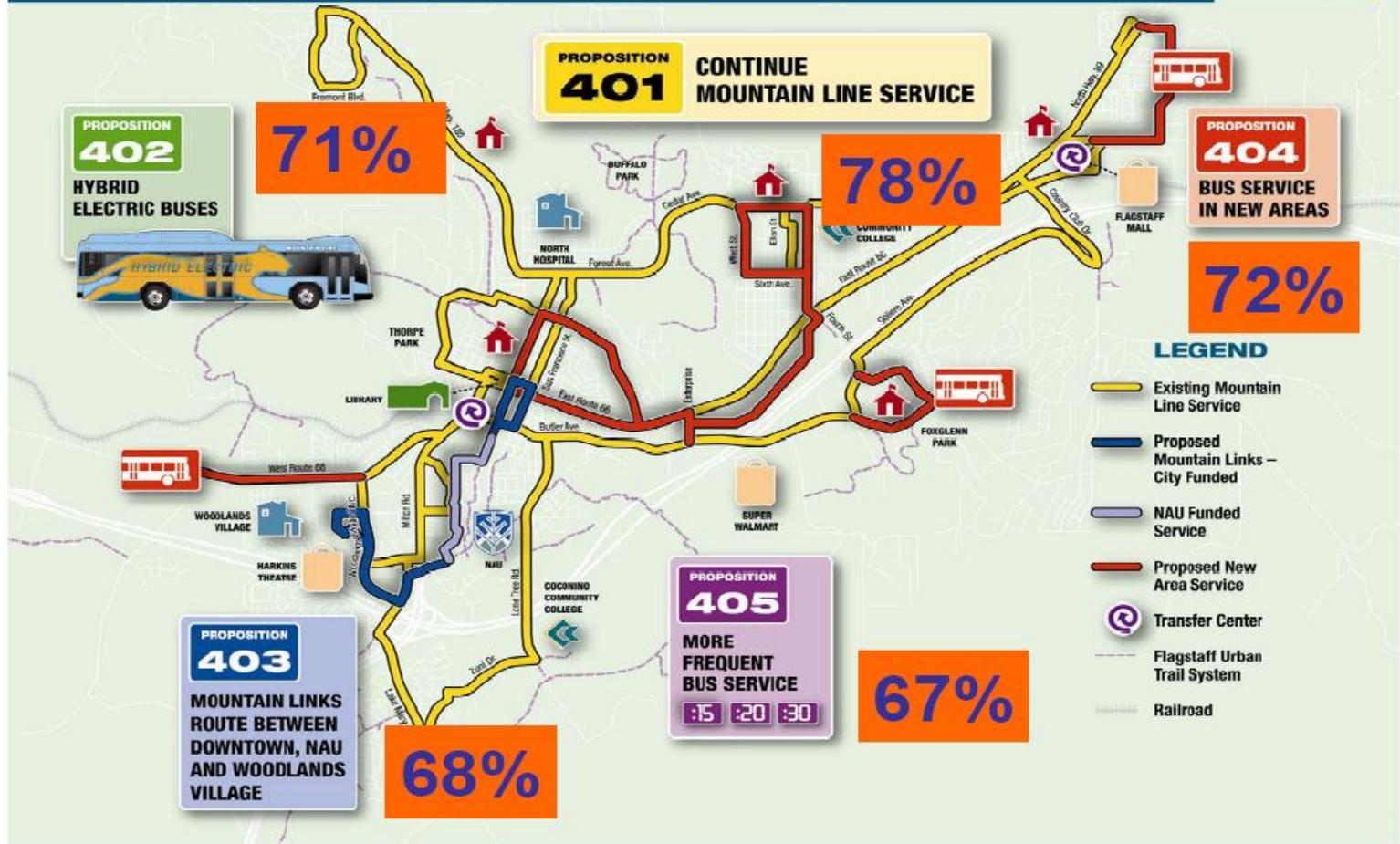
Tax Rate  
.0004



# Promises Approved

FIVE PROPOSITIONS LET YOU DECIDE...

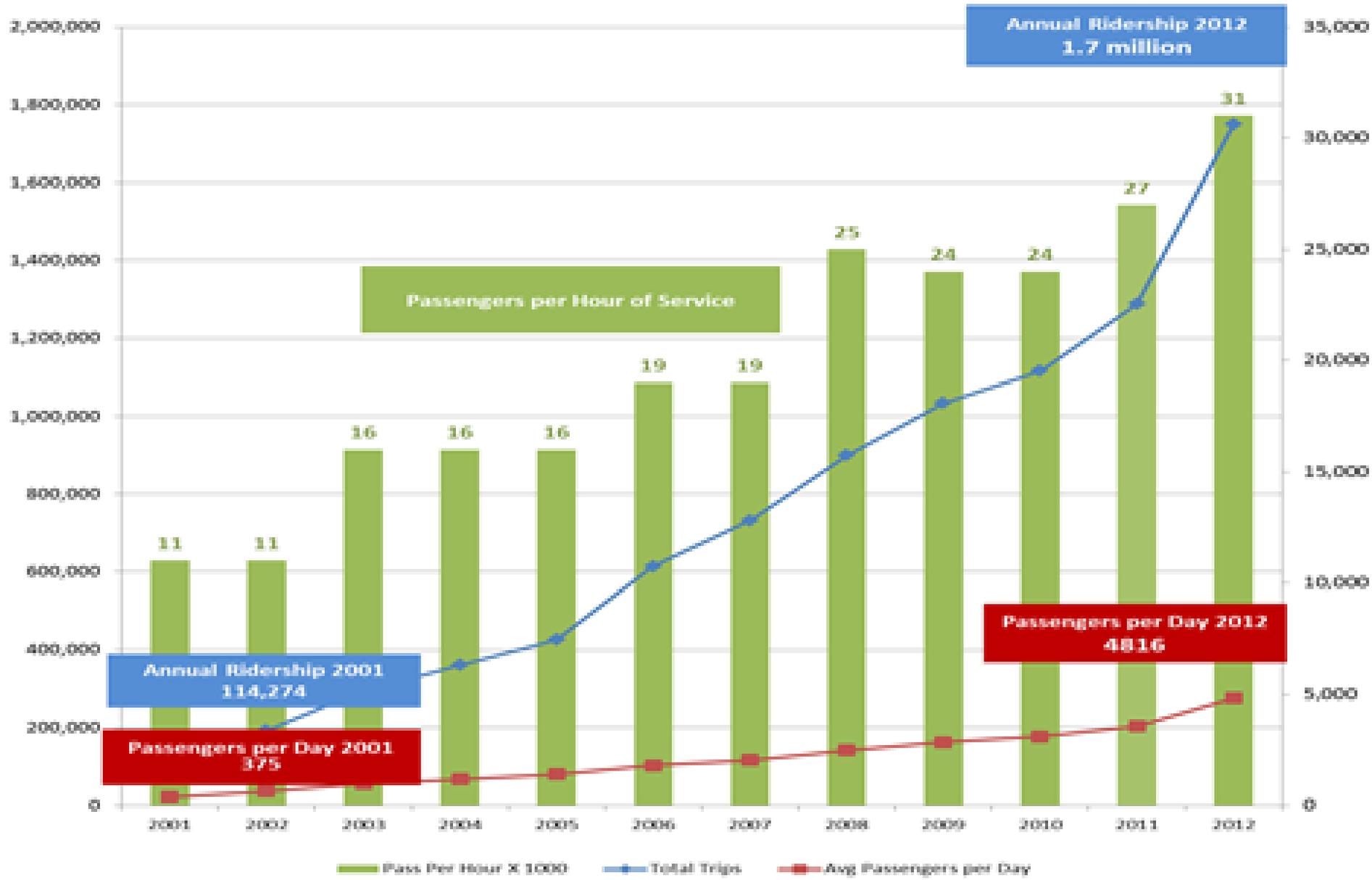
AND YOU DID!



*Getting*

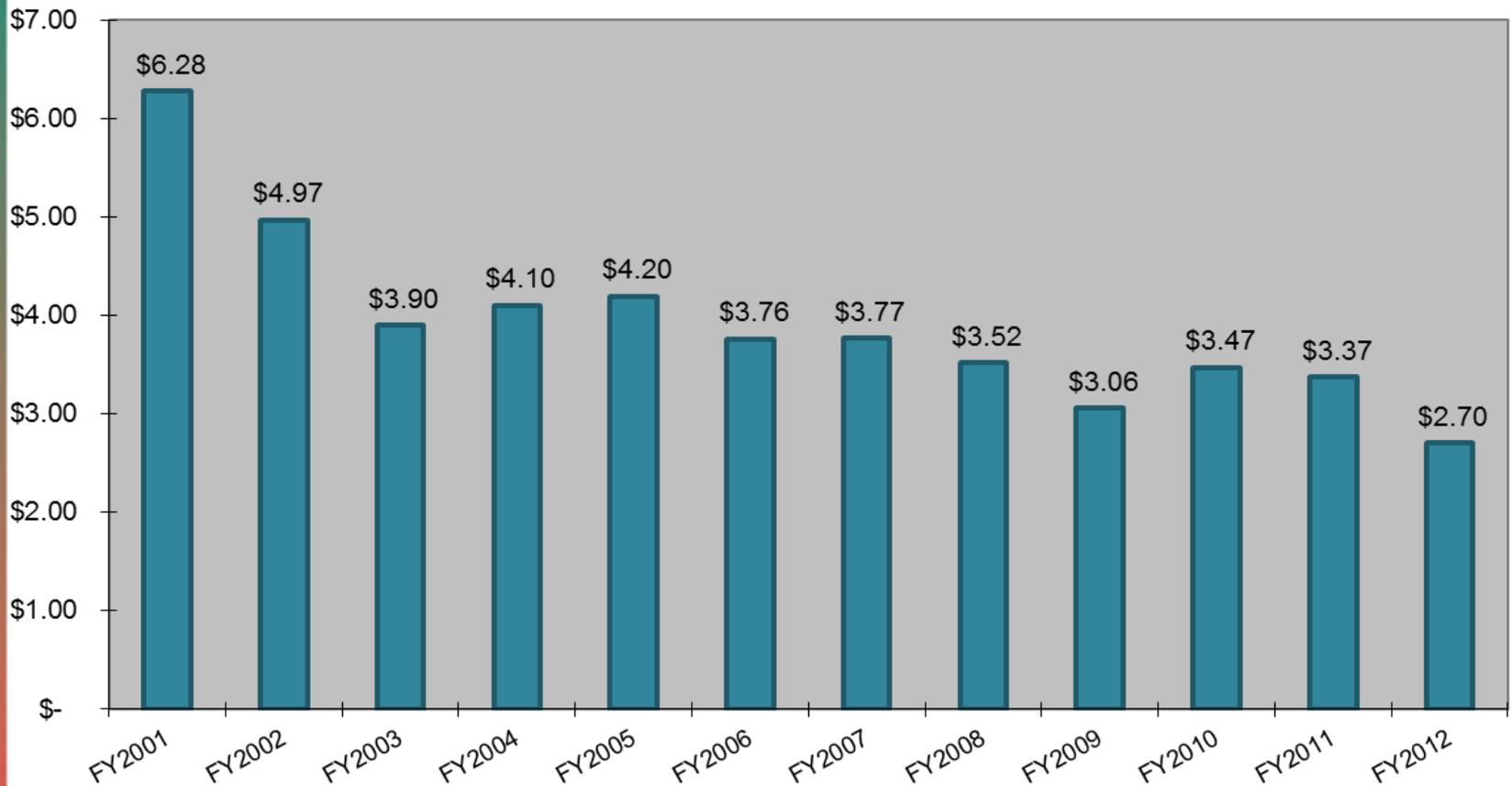
This map is based on the best available current information. The specific routes and plans are subject to conversations of timing, funding, and public input.

# Mountain Line: 12 Years and Growing Strong





## Mountain Line Cost per Boarding

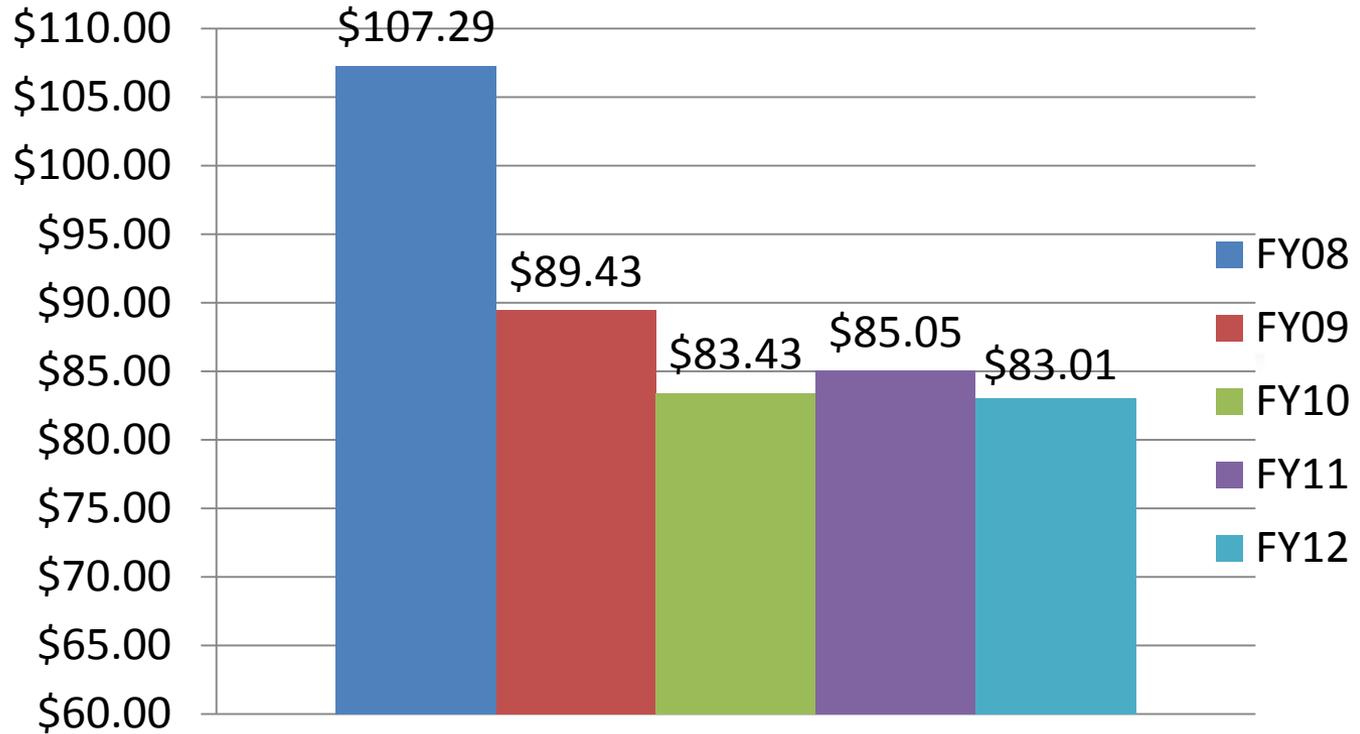


Cost per boarding dropped to lowest in our history

*Getting you where you want to go*



# Efficiency: Cost Per Hour

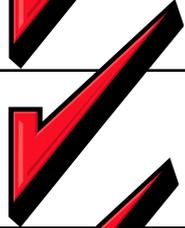
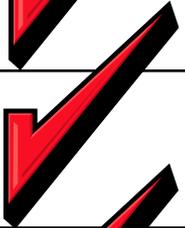
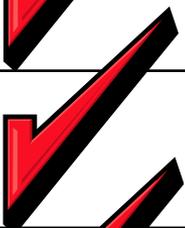
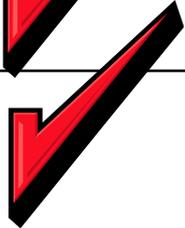


**Cost Per Service Hour reduced 7%  
since FY 2009**

*Getting you where you want to go*





| Prop # | Promise       | Result  |
|--------|---------------|---|
| 401    | Maintain      | Done                         |
| 402    | Hybrid Fleet  | Doing                        |
| 403    | Mountain Link | Done                         |
| 404    | New Service   | Doing                        |
| 405    | More Frequent | Route 4, 10<br>Coming Soon  |



*Getting you where you want to go*



# PROMISES MADE...

# And Keeping Them

Mountain Line Transit System

Report to Council

October 16, 2012



*Getting you where you want to go*

15. B.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**Submitted By:** Elizabeth A. Burke, City Clerk  
**Date:** 08/29/2012  
**Meeting Date:** 10/16/2012



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**TITLE**

**Discussion Item:** Flagstaff Children's Memorial Park

**RECOMMENDED ACTION:**

Discussion

**INFORMATION**

At the 09/18/2012, Council Meeting, Councilmember Barotz requested that this item be placed under Discussion Items to see if there was a majority of Council interested in placing it on a future agenda for consideration.

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**Attachments:** [Map](#)

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**Form Review**

Form Started By: Elizabeth A. Burke

Started On: 09/20/2012 04:12 PM

Final Approval Date: 09/20/2012



JLB PROJECT MEMORIAL

SITE LOCATION AND CONCEPT PLAN

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**Submitted By:** Elizabeth A. Burke, City Clerk  
**Date:** 08/29/2012  
**Meeting Date:** 10/16/2012



---

**TITLE**

**Discussion Item:** Reading of Proclamations at Council Meetings

**RECOMMENDED ACTION:**

Discussion/No recommendation

**INFORMATION**

Vice Mayor Evans asked to place this item on the agenda for Discussion.

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**Attachments:**

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**Form Review**

| <b>Inbox</b>                        | <b>Reviewed By</b>              | <b>Date</b>                     |
|-------------------------------------|---------------------------------|---------------------------------|
| DCM - Jerene Watson                 | Jerene Watson                   | 10/04/2012 01:41 PM             |
| Form Started By: Elizabeth A. Burke |                                 | Started On: 10/03/2012 12:12 PM |
|                                     | Final Approval Date: 10/04/2012 |                                 |