

Council Meeting Date: November 8, 2007

Agenda Item Number: 15a

SUBJECT: Requests the City Council authorize a fiscal year 2007/2008 grant award of \$50,000 to be distributed by the Tempe Community Council to the Centers for Habilitation as part of a City of Tempe grant assistance program for transportation services for elderly and disabled residents.

DOCUMENT NAME: 20071108PWgj01 **TRANSPORTATION PLANNING (1101-01)**

SUPPORTING DOCS: Yes

COMMENTS: Subject to execution of final written agreement between Tempe Community Council and the City of Tempe for an amount not to exceed \$50,000.

PREPARED BY: Greg Jordan, Transit Administrator, 858-2094

REVIEWED BY: Carlos de Leon, Deputy Public Works Manager, 350-8527

LEGAL REVIEW BY: Mary Wade, Assistant City Attorney, 350-8612

FISCAL NOTE: Allocation of regional Proposition 400 funds for ADA related dial-a-ride expenses has made local funds available for this grant program. Sufficient funds are provided in cost center 3914, account number 6622.

RECOMMENDATION: Recommend Approval

ADDITIONAL INFO: Beginning with fiscal year 2007/2008, \$50,000 in annual grant assistance is being made available by the City of Tempe to eligible providers of transportation services to Tempe's elderly and disabled residents. This program is in direct response to concerns and recommendations made by the *Tempe Community Council's 2004 Task Force on Disability Issues*. The program's purpose is to strengthen and diversify the public transportation services available to meet the differing situational needs of Tempe's elderly and disabled residents.

The cost to fund this program on an annual basis does not entail a net increase in the city's annual operating budget. Allocation of regional Proposition 400 funds for ADA related dial-a-ride expenses has made local transit sales tax funds available for this grant program.

The Tempe Community Council (TCC) administered the grant solicitation and evaluation process and will coordinate and monitor the distribution of funds to the successful applicant, The Centers for Habilitation (TCH). In addition TCC will receive a year-end summary report from TCH and will provide a summary evaluation to the city of Tempe. Although TCH was the only applicant, the eligibility requirements were stringent in that applicants must be agencies that are present or past recipients of grant assistance through the Federal Transit Administration's 5310 Elderly Individuals and Individuals with Disabilities Transportation Program. This ensures potential recipients have established sufficient experience and competency in providing transportation for disabled and elderly residents. TCH met this requirement and submitted a program application that demonstrated a strong contribution toward the goal of strengthening and diversifying mobility services in Tempe.

Approved by Glenn Kephart, Public Works Manager

Memorandum



Public Works Department

October 25, 2007

To: Council Committee on Transportation, Housing, and Environment

Fr: Greg Jordan – Transit Administrator, City of Tempe
Jayson Matthews – Assistant Director, Tempe Community Council

Re: City of Tempe Grant Assistance for Transportation Services for Elderly and Disabled Residents for fiscal year 2007/2008 - Recommendation to Award Funding to The Centers for Habilitation

Grant Description

Beginning in fiscal year 2007/2008, the City of Tempe (COT) is providing \$50,000 in annual recurring grant assistance to eligible providers of transportation services to Tempe's elderly and disabled residents in order to strengthen the public transportation services available to meet the mobility needs of these populations. Eligible recipients for this local grant program must be current or past recipients of federal assistance through the Federal Transit Administration's (FTA) 5310 Elderly Individuals and Individuals with Disabilities Transportation Program. This ensures potential recipients have already established sufficient experience and competency in providing transportation for the disabled and elderly. Grant assistance may be used for capital or operating needs.

Funding

Funding is provided by local transit sales tax revenue originally allocated to providing Dial-a-Ride service in Tempe. With regional *Proposition 400* funds now covering the cost of ADA Dial-a-Ride costs, local COT funds may be reprogrammed for annual allocation to alternative uses including this program.

Establishment

The establishment of this grant program is in response to the general conclusions and recommendations provided by the Tempe Community Council's Task Force on Disability Issues 2004 report on Transportation in Tempe. This report concludes that *"there remains a crucial need for additional transportation options for people with disabilities who live alone or live a significant distance from available public transportation routes."*

The 2004 Task Force report and city staff's initial responses were submitted to the Council Committee on Transportation and Affordable Housing for consideration in December 2006 and January 2007 and to the prior Council Transportation Committee in November 2005 and January 2006. City staff identified and the 2006 Council Transportation Committee authorized establishment of a grant program in the amount of

\$50,000 to be modeled on the Federal Transit Administration's (FTA) 5310 Elderly Individuals and Individuals with Disabilities Transportation Program.

While the Task Force report did not specifically call for a grant program, such a program serves as an additional strategy to further the goals established by the report.

The existing regional Dial-a-Ride system operated by Valley Metro suffers from structural and operational performance problems that constrain the availability and quality of service for Tempe residents. Although Valley Metro is pursuing regionalization of the Dial-a-Ride system, Tempe is concurrently pursuing a strategy of diversification of mobility services that includes providing and promoting the following services:

- A comprehensive transit system across the city (Bus & LRT)
- The Orbit neighborhood circulator system as a bridge between neighborhoods and local destinations as well as complimentary transit services
- Local and regional Dial-a-Ride services
- A taxi coupon program in partnership with other east valley cities
- Specialized regional paratransit service through Maricopa County
- Alternative and innovative methods of providing mobility to Tempe's disabled and elderly population through grant assistance

A strategy of diversification gives Tempe's elderly and disabled citizens access to a range of mobility services that meet their individual and situational needs. This strategy also enables Tempe to control the escalating costs that invariably come with too great a reliance on traditional Dial-a-Ride systems.

Administration

The Tempe Community Council (TCC) administers this local grant program for COT consistent with its standard process for soliciting, evaluating and awarding grant funds. One application was received by The Centers for Habilitation (TCH). The application was evaluated by a panel of three transportation professionals and one TCC representative based on the grant program's stated goals, overall strength of the proposed service, demonstrated competency in providing elderly and disabled transportation, and service to the Tempe community. TCH application received favorable scores from the panel and indicated allocation of funding to TCH was appropriate.

Funding Award

Based on the evaluation, administrators for the TCC and COT recommend full funding (\$50,000) be awarded to TCH for fiscal year 2007/2008 to support their disabled and elderly transportation services. Payment would be issued to TCH only following approval by the Council Committee on Transportation, Housing and Environment and the City Council. Should the award be authorized, TCH would receive a congratulatory letter, a check for the authorized amount, information on program and reporting requirements, and a synopsis of their application's evaluation including generalized comments regarding strengths and weaknesses.

Evaluation

Use of funds will be monitored by TCC and COT staff through an end of fiscal year summary. Performance will be evaluated based on ridership and success training and certifying TCH drivers. Since TCH proposes to allocate grant funds to the maintenance

of its 38 accessible vehicles, COT staff will request documentation from TCH on its preventative maintenance program as well as statistics on road failures and fuel efficiency.

Staff Recommendation

Staff recommend the Council Committee on Transportation, Housing, and Environment approve the funding award to TCH and forward to the full City Council for consideration.

Please contact Greg Jordan, Transit Administrator at greg_jordan@tempe.gov or at extension 2094 or Jayson Matthews, TCC Assistant Director at jayson_matthews@tempe.gov or at extension 2302.

Thank you.

**FUNDING AGREEMENT
BETWEEN
THE CITY OF TEMPE
AND
TEMPE COMMUNITY COUNCIL**

THIS FUNDING AGREEMENT, (“**Agreement**”), is made and entered into this _____ day of _____, 2007 (“**Effective Date**”), by and between the City of Tempe, a municipal corporation duly organized and existing under the laws of the State of Arizona, located at 31 E. Fifth Street Tempe, Arizona, (“**Tempe**”), and Tempe Community Council (“**TCC**”). The entities are referred to jointly herein as “**Parties**” and individually as “**Party**”. This Agreement constitutes the entire understanding and agreement of the Parties.

RECITALS

WHEREAS, the TCC is responsible for administering grant solicitations and coordinating the distribution of funds to successful applicants for transportation related dial-a-ride expenses for elderly and disabled residents;

WHEREAS, Tempe seeks to reallocate a portion of previously programmed local transit sales tax funds to transportation related expenses for this grant program as part of the City of Tempe’s grant assistance program for transportation services for elderly and disabled residents;

WHEREAS, Tempe desires to disburse the aforementioned contribution to TCC and to set forth the mutual understandings between Tempe and TCC.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties hereby agree as follow:

A G R E E M E N T

1. Purpose. The purpose of this Agreement is to set forth the rights and responsibilities of the Parties with respect to the acceptance and distribution of the grant funds as herein defined. TCC will administer the funds as set forth herein, evaluate the process and coordinate the distribution to the successful applicant, The Centers for Habilitation (“TCH”).

2. Funding Schedule. Tempe shall deliver a one-time grant award not to exceed \$50,000.00 to TCC for distribution to TCH (“**Grant Award**”) after the Tempe City Council approves the Grant Award.

3. Term. The term of this Agreement shall begin on the date of execution and shall terminate when Tempe has provided the Grant Award.

4. Oversight. TCC shall be responsible for the administration of the grant evaluation process and the distribution and oversight of the grant funds to TCH for the fiscal year 2007/2008. In addition TCC will receive a year-end summary report from TCH and will provide a summary evaluation to the city of Tempe.

5. Indemnification and Hold Harmless. TCC agrees to indemnify, defend and hold harmless Tempe from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) ("**Claims**") alleging any injury of any person (including death) or property damage related to the actions and/or events associated with this Agreement, which said claims allegedly may result in vicarious/derivative liability to Tempe and/or caused by the act, omission, negligence, misconduct or other fault of TCH, its officers, officials, agents, employees, contractors and/or volunteers.

6. Transactional Conflicts of Interest. Each Party acknowledges that this Agreement is subject to cancellation pursuant to the provisions of Arizona Revised Statutes § 38-511.

7. Waiver. No waiver, whether written or tacit, of any remedy or provision of this Agreement shall be deemed to constitute a waiver of any other provision hereof or a permanent waiver of the provision concerned, unless otherwise stated in writing by the Party to be bound thereby.

8. Severability. If any provision of this Agreement shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected thereby and shall remain in effect and be valid and enforceable to the fullest extent permitted by law.

9. Notice. Any notice, consent or other communication ("**Notice**") required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, three (3) days after the Notice is deposited in the United States mail addressed as follows:

If intended for Tempe:

CITY OF TEMPE

Gregory Jordan, Transit Administrator
20 East 6th Street
Tempe, AZ 85281
Telephone: 480-350-8221
Facsimile: (480) 350-8930

If intended for TCC:

TEMPE COMMUNITY COUNCIL

Katherine Hanley, Executive Director

34 E. 7th St.

Tempe, Arizona 85281

Telephone: (480) 858-2300

Facsimile: (480) 858-2319

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

TEMPE COMMUNITY COUNCIL

By: _____

Date: _____

ATTEST:

By: _____

CITY OF TEMPE, a municipal corporation

By: _____

Date: _____

ATTEST:

City Clerk

APPROVED:

City Attorney