

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

January 28, 2004  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

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| <ul style="list-style-type: none"><li>* Mayor Wendy Feldman-Kerr, Queen Creek, Chair</li><li>Mayor Keno Hawker, Mesa, Vice Chair</li><li>Mayor Douglas Coleman, Apache Junction</li><li>* Mayor Ron Drake, Avondale</li><li>* Mayor Dusty Hull, Buckeye</li><li>* Mayor Edward Morgan, Carefree</li><li>* Vice Mayor Ralph Mozilo, Cave Creek</li><li>Mayor Boyd Dunn, Chandler</li><li>* Mayor Robert Robles, El Mirage</li><li>* Mayor Wally Nichols, Fountain Hills</li><li>Councilmember Daniel Birchfield for<br/>Mayor Chris Riggs, Gila Bend</li><li>* Governor Richard Narcia, Gila River Indian<br/>Community</li><li>Mayor Steven Berman, Gilbert</li><li>* Mayor Elaine Scruggs, Glendale</li><li>Mayor James Cavanaugh, Goodyear</li><li>Mayor Vinicio Alvarez, Guadalupe</li></ul> | <ul style="list-style-type: none"><li>Councilmember Laura Bierl for<br/>Mayor J. Woodfin Thomas, Litchfield Park</li><li>Supervisor Max W. Wilson, Maricopa County</li><li>* Mayor Edward Lowry, Paradise Valley</li><li>Mayor John Keegan, Peoria</li><li>* Mayor Phil Gordon, Phoenix</li><li>* President Joni Ramos, Salt River<br/>Pima-Maricopa Indian Community</li><li>Mayor Mary Manross, Scottsdale</li><li>Mayor Joan Shafer, Surprise</li><li>* Mayor Neil Giuliano, Tempe</li><li>* Mayor Adolfo Gamez, Tolleson</li><li>Mayor Lon McDermott, Wickenburg</li><li>Mayor Bryan Hackbarth, Youngtown</li><li>Rusty Gant, ADOT</li><li>Joe Lane, ADOT</li><li>F. Rockne Arnett, Citizens Transportation<br/>Oversight Committee</li></ul> |
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- \* Those members neither present nor represented by proxy.
- # Attended by videoconference or by telephone conference call.

1. Call to Order

The meeting of the Regional Council was called to order by Regional Council Vice Chair Keno Hawker at 5:02 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Vice Chair Hawker introduced Councilmember Daniel Birchfield as proxy for Mayor Chris Riggs, Gila Bend, and Councilmember Laura Bierl as proxy for Mayor J. Woodfin Thomas, Litchfield Park.

Vice Chair Hawker stated that the RPTA has provided transit tickets for those who used transit to come to the meeting. He stated that garage parking validation was available from staff. Vice Chair Hawker noted that the revised agenda and a revised timeline for agenda item #8, Discussion of the Development of the FY 2005 MAG Unified Planning Work Program and Annual Budget, was at each place. Vice Chair Hawker stated that due to the room's acoustics, audience conversations carry over to the Council table, making it difficult to hear presentations. He requested that conversations be kept to a minimum during the meeting.

### 3. Call to the Audience

Vice Chair Hawker noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out the cards, which are available on the tables adjacent to the doorways inside the meeting room. He stated that there is a three minute time limit. The opportunity for public comment is provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Vice Chair Hawker recognized public comment from DD Barker, who stated that she received bus tickets and rode to the meeting on a clean-burning fuel bus; in addition, she will rideshare tomorrow. She stated that Mary Peters, Director of FHWA, said that you are either a part of the problem or a part of the solution. The costs for emergency vehicles responding to traffic accidents are paid from subsidy. Ms. Barker commented that to those who think gas taxes pay the way for their chosen mode, think again. She stated that being multimodal is positive. Ms. Barker commented that she did not feel the RTP is integrated. She said she had spoken to Frank Fairbanks about problems on transit. Ms. Barker stated that people want their money to be spent in a way they can get around safely and quickly. She commented that we face an ozone problem and it is not going away. All have the responsibility to be a part of the solution, not a part of the problem. Ms. Barker stated that a citizen, Bob McKnight, had asked her to bring propaganda. She said that Mr. McKnight has indicated that rail is putting the cart before the horse, and if you want rapid transit, get it up off the ground and don't put the disabled in the middle. Vice Chair Hawker thanked Ms. Barker for her comments.

Vice Chair Hawker called on Blue Crowley for his public comment. Mr. Crowley was not present.

Vice Chair Hawker announced that Mr. Smith was delayed at the Legislature on bills to authorize the extension of the half-cent sales tax for transportation. He noted that Mr. Smith would give his Executive Director's Report upon his arrival at the meeting.

### 5. Approval of Consent Agenda

Vice Chair Hawker stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Vice Chair Hawker stated that agenda items #5A through #5E were on the consent agenda.

Mayor Shafer moved to approve consent agenda items #5A, #5B, #5C, #5D, and #5E. Mayor Keegan seconded, and the motion carried unanimously.

5A. Approval of the November 25, 2003 and December 3, 2003 Meeting Minutes

The Regional Council, by consent, approved the November 25, 2003 and December 3, 2003 meeting minutes.

5B. Consultant Selection to Enhance the MAG Pedestrian Area Policies and Design Guidelines

The Regional Council, by consent, approved selecting HDR Engineering, Inc. as the consultant to enhance the MAG Pedestrian Area Policies and Design Guidelines for an amount not to exceed \$80,000. On May 20, 2003, the MAG Regional Council approved the FY 2004 Unified Planning Work Program and Annual Budget which included \$80,000 to enhance the *MAG Pedestrian Area Policies and Design Guidelines*. Since the creation of the *Guidelines* in 1995, many changes have occurred that have prompted the need to enhance the document. The goal of the project is to enhance the *Guidelines* to incorporate safety, elderly mobility, American with Disabilities Act guidelines, summaries of recent pedestrian projects and their economic impact, lessons learned through the MAG Pedestrian Design Assistance Program, and consideration of the *MAG Pedestrian Plan 2000*. A request for proposals (RFP) was advertised for consulting assistance to enhance the *Guidelines* in October 2003. Four consultant proposals were received in response to the RFP: (1) Community Design+ Architecture; (2) HDR Engineering, Inc.; (3) Otak, Inc.; (4) and Sherman Group, Inc. A multi-jurisdictional proposal review team interviewed three of the consultant teams and reached a consensus that the firm of HDR Engineering, Inc. be selected to assist in the enhancement of the *MAG Pedestrian Area Policies and Design Guidelines*. The Pedestrian Working Group unanimously concurred with the selection. The *MAG Pedestrian Area Policies and Design Guidelines* is a comprehensive manual of pedestrian policies and facility design that creates a regional standard that is used by community groups, planner and design professionals, and urban design students. The book has been requested nationwide and won the Arizona Planning Association's best ordinance award in 1996. The *Guidelines* identifies types of pedestrian areas commonly found in the MAG region, and proposes policies and design elements to promote walking. General Principles and General Recommendations in the *Guidelines* provide a basic understanding of pedestrian needs and recommendations for overall changes to better accommodate pedestrians. In addition, design guidelines provide specific guidance in areas such as walkway width, walkway separation from traffic, shade and transit access. The *Guidelines* provide the foundation for the MAG Pedestrian Design Assistance Program, a very successful MAG program which helps stimulate integration of pedestrian facilities into the planning and design of all types of infrastructure and development. The \$701,000 investment in the 17 projects funded through the Program has leveraged nearly \$5 million in federal transportation funds for pedestrian areas, which does not include substantial local or private funds used to construct the designs.

5C. Draft FY 2005-2009 MAG TIP Guidance Report

The Regional Council, by consent, accepted the Draft FY 2005-2009 MAG Transportation Improvement Program Guidance Report. Each year at the beginning of the cycle to develop the next Transportation Improvement Program (TIP), MAG provides a combined report which updates the regional Transportation Management Systems, Title VI, environmental justice and other socioeconomic factors,

and other policy changes with regard to programming TIP projects. This report is known as the TIP Guidance Report (TGR) and it normally also includes the application forms for applying for MAG federal funds. This year, the cycle to develop the TIP has been delayed to coordinate with the adoption of the Regional Transportation Plan (RTP) and to fit the expected schedule for extending the half-cent sales tax. As a result of deferring action on FY 2008 MAG Federally funded projects last year, there will be two years (2008 and 2009) of MAG Federal funds available. Policies outlined in the RTP, and included in the TGR, will guide the programming of all funds, including the extended half-cent sales tax funds anticipated to start in the latter part of FY 2006.

5D. Establishment of the MAG Transportation Safety Committee

The Regional Council, by consent, approved the establishment of the MAG Transportation Safety Committee. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 introduced the need for safety management at state and metropolitan levels. Since then, safety has been named as one of the key planning emphasis areas. There is renewed interest at the national level in explicit consideration of safety in the planning process. The upcoming reauthorization, titled SAFETEA, is likely to increase the role of MPOs in long-range planning for safer transportation systems. Over the last five years MAG has been very proactive in road safety. The implementation of median cable barriers on the freeway system and launching of the Freeway Service Patrols are two projects planned and funded by MAG that are continuing to save lives and reduce injuries. The official safety planning program at MAG was launched in 2001. The program established a Regional Transportation Safety Stakeholders Group that includes representation by many MAG member agencies, federal, state, and nonprofit entities. Recent activities that have been sponsored through the MAG Safety Program: Annual Regional Transportation Safety Forum, held during the Spring Conference of Arizona Institute of Transportation Engineers (next Forum on March 10, 2004); a three-day workshop on Safety Conscious Planning, May 2003; co-sponsorship of School Crossing Guard Training Workshop, August 2003; participation in the Governor's Highway Safety Advisory Council; serve as a pilot MPO on a Transportation Research Board project that is developing national guidelines on safety planning; develop a Draft Safety Action Plan; launch a MAG web page for Transportation Safety Planning.

5E. Status Update on the June 30, 2003 Single Audit and Management Letter Comments, MAG's Comprehensive Annual Financial Report (CAFR) and OMB Circular A-133 Reports (i.e., "Single Audit") for the Fiscal Year Ended June 30, 2003

The Regional Council, by consent, accepted the MAG Comprehensive Annual Financial Report and Single Audit Report for the year ended June 30, 2003. The public accounting firm of Deloitte & Touche LLP has completed the audit of MAG's Comprehensive Annual Financial Report (CAFR) and Single Audit for the fiscal year ended June 30, 2003. An unqualified audit opinion was issued on December 22, 2003 on the financial statements of governmental activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information. The independent auditors' report on compliance, with the requirements applicable to major federal award programs, expressed an unqualified opinion on the Single Audit. The Single Audit report indicated there were no reportable conditions in MAG's internal control over financial reporting considered to be material weaknesses, no instances of noncompliance considered to be material and no questioned costs. No new

or repeat Management Letter comments were issued for the fiscal year ended June 30, 2003. The Management Committee recommended acceptance.

6. EPA Modification to Eight-Hour Ozone Nonattainment Area Boundary

Lindy Bauer addressed the Regional Council on the new eight hour ozone nonattainment boundary. She stated that this designation will include new requirements and new tests for conformity. Ms. Bauer stated that on December 3, 2003, the Environmental Protection Agency sent a letter that indicated its intent to modify the Governor's recommendation for the eight-hour ozone nonattainment area boundary to include Area A in Pinal County. She noted that the Governor's recommendation was keeping the boundary within Maricopa County. Ms. Bauer stated that EPA cited in its letter that it is important to include Area A in the boundary because it is contiguous with the Phoenix Metro area and is experiencing high growth. She added that the EPA also indicated that the Salt River Pima-Maricopa Indian Community and the Fort McDowell Indian Communities would be included in the nonattainment area. Ms. Bauer stated that the Gila River Indian Community would not be included, and would be classified as attainment/unclassifiable.

Ms. Bauer noted that Area A is 327 square miles, more than half of which is State land that is expected to develop more slowly. She advised that the concern was including jurisdictions other than Maricopa County because it raised the question who would prepare the air quality plans and could complicate conformity. Ms. Bauer commented that the EPA proposition might not be as large an issue as first thought, because the Apache Junction transportation projects are already included in the TIP, the Regional Transportation Plan, and the transportation modeling that is used in air quality modeling. She commented that staff thinks that because Apache Junction is already included in the MAG transportation documents, that may help to resolve the issue, but it is still unresolved at this time.

Ms. Bauer explained that ADEQ submitted the 2003 eight hour ozone monitor data to EPA on December 16th. The data showed only two violating monitors, which were only slightly over the standard of .084 ppm. Ms. Bauer noted that the monitoring data indicated continuous air quality improvement, because the violations have steadily decreased from seven violations, to six violations, to three violations, and now to two violations. She stated that there were 40 times that monitors went over the standard, but they represent only two violations based upon the way EPA calculates violations. Ms. Bauer displayed the timeline. She stated that MAG will continue to work with ADEQ on the additional information due to EPA on February 6, 2004 before EPA makes its decision on April 15th.

Vice Chair Hawker thanked Ms. Bauer for her presentation. He asked the reason that the Gila River Indian Community would be classified as attainment/unclassifiable. Ms. Bauer replied that a monitor had been installed on Indian land and values were below the standard. In addition, the Gila River Indian Community petitioned the EPA to prepare its own air quality plan.

8. Discussion of the Development of the FY 2005 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough addressed the Regional Council on the development of the Unified Planning Work Program and Annual Budget. Ms. Kimbrough noted that the agenda packet included a timeline, draft dues and assessments, and a list of potential new projects. Ms. Kimbrough noted that adjustments to

the timeline were made to accommodate the IPG Certification on May 4 and 5, 2004 and to the workshop date from February 5th to February 13th. She explained that the inflation factor from the Regional Transportation Plan of 3.9 percent, or \$21,379, has been applied this year to the dues and assessments. She added that the inflation factor was not added last year because of economic concerns. Ms. Kimbrough stated that the proposed new projects narrative was reviewed by the Executive Committee and Management Committee. She stated that staff is further researching the Urban Heat Island, the Walking and Bicycling into the 21st Century Conference, and the School Crossing Safety Training Workshop projects. Ms. Kimbrough explained that a special assessment would potentially be applied to West Valley cities for the West Valley Needs Assessment, if those cities decide to proceed. In addition, a special assessment would potentially be applied for the Building Codes Compilation and Web Addition. She noted that these special assessments were shown on the Potential Additional Special Assessments attachment. Ms. Kimbrough advised that the next update on the Work Program would be given to the Regional Council at the February meeting.

Vice Chair Hawker asked for further information on the purpose of the Update of the Regional ITS Architecture project. Dr. Sarath Joshua stated that Regional ITS Architecture refers to the plan of the integration of all intelligent transportation systems components in the MAG region. The Regional ITS Architecture plan says how different systems such as streets and transit, will communicate and work in unison as one system. Vice Chair Hawker asked why the cost to update the Regional ITS Architecture plan to include light rail would be a MAG expense and not a Valley Metro Rail expense. Dr. Joshua explained that the Update of the Regional ITS Architecture is required by the DOT. When the Regional ITS Architecture was drafted in 2000, there was no light rail. Since then the light rail system is now being implemented, the project must be incorporated in the plan. Dr. Joshua noted it is a requirement that every state and region develop and maintain a statewide and a regional ITS Architecture plan.

No further input on the development of the Work Program and Annual Budget was noted.

#### 4. Executive Director's Report

This agenda item was taken out of order.

Mr. Smith reported on federal transportation legislation. He stated that the Metropolitan Congestion Relief Act of 2003 is an attempt to clarify the relationship between Departments of Transportation and planning agencies nationwide. He added that not all MPOs have as good a relationship as MAG has with ADOT. Mr. Smith noted that one advantage of this Act for this region is that it will suballocate CMAQ funds. Mr. Smith noted that right now, MAG receives approximately \$37 million per year, and there is no guarantee we will receive this amount in the future; more certainty would be given to the Plan if the funds are suballocated.

Mr. Smith announced that MAG had been notified that the conformity analysis had been approved by FHWA and FTA. He expressed his thanks to the Environmental Division for their efforts.

Mr. Smith stated that almost \$16 million in HUD Stuart B. McKinney funding for homeless issues was received by the MAG region.

Mr. Smith stated that a request was received to reactivate the Incarceration Working Group. He explained that an informal stakeholders group was envisioned for discussion of incarceration costs and contracts between the cities and the County for the incarceration of municipal prisoners.

Mr. Smith introduced a new MAG staff member, Joy Carter, Human Services Planner I. Ms. Carter, who will work on homeless and Domestic Violence issues, holds a Master of Social Work from Arizona State University and a Bachelor of Arts in Psychology from the University of Arizona. Mr. Smith stated that Ms. Carter previously worked as a program director at Americorps and as a clinician at the Southwest Behavioral Health Services.

7. Legislative Update

This agenda item was taken out of order.

Mr. Smith reported on discussions to receive the authority from the legislature to have an election to extend the one-half cent sales tax for transportation. Mr. Smith explained that HB 2456 has been passed by the House Transportation Committee and is awaiting assignment to the House Rules Committee before proceeding to the House floor. In the Senate, SB 1074 has been passed by the Senate Natural Resources and Transportation Committee and is now awaiting action in the Senate Finance Committee and has been assigned to the Senate Appropriations Committee. In addition to SB 1074, the Senate has also passed SB 1082 that would have a bifurcated election ballot regarding light rail. Mr. Smith informed the Regional Council that intensive negotiations are taking place regarding the Senate legislation. He stated that some of the concerns are the election date, a bifurcated vote, and the appointment of the business representatives to the TPC. Mr. Smith stated that President Ken Bennett has been exemplary in his leadership.

The Regional Council discussed that a May election date was preferred to a November election for economic stimulus reasons. The Regional Council discussed the costs of the election; in 1985, the election costs were paid out of the General Fund, in 1994, the election costs were paid out the RARF.

9. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Birthday wishes were extended to Mayor Manross.

There being no further business, the meeting adjourned at 6:00 p.m.

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Chair

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Secretary