

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

June 23, 2004
Arizona Club
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Mayor J. Woodfin Thomas, Litchfield Park
Mayor Keno Hawker, Mesa, Vice Chair	Supervisor Max W. Wilson, Maricopa County
* Mayor Douglas Coleman, Apache Junction	* Mayor Ron Clarke, Paradise Valley
Mayor Ron Drake, Avondale	Mayor John Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Mayor Phil Gordon, Phoenix
* Mayor Edward Morgan, Carefree	* President Joni Ramos, Salt River
* Vice Mayor Ralph Mozilo, Cave Creek	Pima-Maricopa Indian Community
Mayor Boyd Dunn, Chandler	Mayor Mary Manross, Scottsdale
* Mayor Robert Robles, El Mirage	Mayor Joan Shafer, Surprise
Mayor Wally Nichols, Fountain Hills	* Mayor Neil Giuliano, Tempe
* Mayor Chris Riggs, Gila Bend	* Mayor Adolfo Gamez, Tolleson
* Governor Richard Narcia, Gila River Indian	* Mayor Ron Badowski, Wickenburg
Community	Mayor Bryan Hackbarth, Youngtown
Mayor Steven Berman, Gilbert	* Rusty Gant, ADOT
Mayor Elaine Scruggs, Glendale	* Joe Lane, ADOT
Mayor James M. Cavanaugh, Goodyear	F. Rockne Arnett, Citizens Transportation
Mayor Vinicio Alvarez, Guadalupe	Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

1. Call to Order

The meeting of the Regional Council was called to order by Regional Council Chair Wendy Feldman-Kerr at 5:05 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Feldman-Kerr stated that the RPTA has provided transit tickets for those who used transit to come to the meeting. She stated that garage parking validation was available from staff.

3. Call to the Audience

Chair Feldman-Kerr noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. 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.

A request was made by citizen Dianne Barker to deliver her public comment before a quorum was present because she had to catch the bus. Ms. Barker stated that change is good. Ms. Barker said that she came to the meeting by bus and she enjoyed the transit center because it had an evaporative cooler and sufficient transit information. In addition, she had a good driver. She spoke about when she used to do cartwheels at MAG and said that she would have signed a waiver in order to continue them. Ms. Barker held up an advertisement in The Arizona Republic. She noted that the advertisement says that "Finding a car you want feels pretty good," and was illustrated by a woman performing a cartwheel. Ms. Barker stated that an idea dies if it is not advertised. She said that the region has flexible transportation already. Ms. Barker indicated that she believed that we are heading into a conformity lapse because the latest assumptions are not being used in the model. Ms. Barker said that she did not feel that the 30 day consultation process was over by June 23rd. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Chair Feldman-Kerr announced that a quorum was present. She noted that materials #5B, #5D, #5E, #5F, #5H, #5I, and #6 that were previously faxed to members were at each place. In addition, a revised table of the proposed TPC members was also at each place. Chair Feldman-Kerr stated that the Desert Peaks Awards Reception will begin at 5:30, and the Awards program will follow at 6:15.

Chair Feldman-Kerr recognized public comment from Joseph Ryan, who provided copies of his statement for the permanent record. Mr. Ryan spoke about safety problems that will be encountered with light rail: the accident rates created by mixing train, auto, and pedestrian traffic cannot be decreased; low station platforms will entice people to run across traffic and jump on the platform to make the train; riders will fall off the platform onto the tracks because there are no guard rails; the lack of an interlock system that prevents train movement before wheelchairs are locked could present a hazard to the disabled person and other passengers; the inability of the train to stop quickly will increase auto-train accidents; riders who are being assaulted could not be helped by the motorman who is locked in a cubicle. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

4. Executive Director's Report

Due to time constraints, an Executive Directors report was not given.

5. Approval of Consent Agenda

Chair Feldman-Kerr 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. Chair Feldman-Kerr stated that agenda items #5A through #5I were on the consent agenda. No requests were received from the Council to hear an item individually.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who spoke on agenda items #5B, #5C, #5D, #5E, #5F, and #5H. He provided copies of his statement for the permanent record. Mr. Ryan commented that light rail will not reduce traffic congestion because it will attract less than .02 percent of drivers out of their cars. Eliminating lanes on Central Avenue will also create congestion. Mr. Ryan stated that light rail will increase pollution because of the congestion caused by the elimination of traffic lanes. He said that light rail construction and operating costs are excessive compared to other forms of transit systems. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Mayor Hackbarth moved to approve consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H and #5I. Supervisor Wilson seconded, and the motion carried unanimously.

5A. Approval of the May 26, 2004 Meeting Minutes

The Regional Council, by consent, approved the May 26, 2004 meeting minutes.

5B. New Finding of Conformity for the Special FY 2004-2007 MAG Transportation Improvement Program and the Regional Transportation Plan, as Amended

The Regional Council, by consent, approved the new Finding of Conformity for the Special FY 2004-2007 MAG Transportation Improvement Program and the Regional Transportation Plan, as amended. The conformity assessment on the proposed amendment, which includes a regional emissions analysis, concludes that the FY 2004-2007 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. The proposed amendment includes an Arizona Department of Transportation request to advance a State Route 85 project and add a new Loop 101 Agua Fria Freeway auxiliary lane project; an adjustment to the completion date of the light rail transit (LRT) 20-mile minimum operating segment to December 2008; and to the completion date of the LRT five-mile link to Metrocenter to 2012. On June 1, 2004, following a 30-day public review and comment period, a public hearing was held on the proposed amendment to the TIP and RTP, and conformity assessment. The Air Quality Technical Advisory Committee, the Management Committee, and the Transportation Policy Committee recommended approval of the draft conformity assessment.

5C. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program (TIP). The amendment includes a request from Maricopa County to add a new Design Concept Report and Environmental Assessment Project for Loop 303 from

I-10 to US 60 (Grand Avenue) to FY 2004. The proposed amendment also includes new transit projects and changes to existing transit projects from Valley Metro to ensure that the Federal Transit Administration Grant Application and the TIP are in conformance. In addition, as part of the Federal FY 2004 Interim Year End Closeout, the proposed amendment includes new projects and changes to existing projects in the FY 2004-2007 MAG TIP. The amendment includes new projects that may be categorized as exempt to determine conformity and minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5D. Amendment of the Special FY 2004-2007 MAG Transportation Improvement Program and the Regional Transportation Plan for Light Rail Transit

The Regional Council, by consent, approved an Amendment of the Regional Transportation Plan and Special FY 2004-2007 Transportation Improvement Program to reflect the light rail transit changes proposed by Valley Metro Rail, affecting the Minimum Operating Segment and the Metrocenter Link. Valley Metro Rail has requested changes to the budget and schedule for completion of the light rail transit (LRT) system. The changes would modify the Regional Transportation Plan (RTP) and the Special FY 2004-2007 MAG Transportation Improvement Program (TIP). In accordance with State law, the proposed modifications to the RTP have been submitted for consultation to the Regional Public Transportation Authority, the Arizona Department of Transportation, Maricopa County, Indian communities and cities and towns. At its meeting on May 26, 2004, the Transportation Policy Committee reviewed and responded to comments received. The results of an air quality conformity assessment indicate that the proposed transportation action meets the applicable transportation conformity criteria. A public hearing on the proposed amendment to the TIP and Regional Transportation Plan, and conformity assessment was held on June 1, 2004. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval of an amendment to the RTP and TIP to reflect the LRT changes.

5E. Proposed Amendment and Administrative Adjustments to the FY 2004-2007 MAG Transportation Improvement Program for Transit Projects

The Regional Council, by consent, approved an Amendment and Administrative Adjustments to the FY 2004-2007 MAG TIP for transit projects submitted by RPTA as shown in the Attached Table. Each year, when the Federal Transit Appropriations are released, the Regional Public Transportation Authority (RPTA) reviews the Federal Transit Administration (FTA) Grant Application that is under development and adjusts the projects listed in the Grant and the TIP to ensure that the two programs are in conformance. It is necessary to either amend the TIP or to carry out some Administrative Adjustments to incorporate several changes to existing transit projects. These changes include the deletion of four projects, adjustments to 12 projects, the deferral of six projects and the addition of 19 new projects. Other projects have had the scopes and funding sources changed, increased and/or reduced. All of the proposed changes may be categorized as exempt projects or minor project revisions for which an air quality conformity analysis is not required. Consultation on the conformity assessment for the proposed changes is considered under a separate agenda item. The Transportation Review Committee, the Management Committee, and the Transportation Policy Committee recommended approval.

5F. Amendment of the FY 2004-2007 MAG Transportation Improvement Program for ADOT Highway Projects and a Maricopa County Design Concept Report and Environmental Assessment

The Regional Council, by consent, approved an Amendment of the FY 2004-2007 Transportation Improvement Program to advance a State Route 85 project from FY 2007 to FY 2004; to add a new project on Loop 101 (Agua Fria Freeway) between 31st Avenue and 51st Avenue to FY 2004; and to add a Design Concept Report and Environmental Assessment for Loop 303, from I-10 to US-60 (Grand Avenue), to FY 2004. On November 25, 2003, the FY 2004-2007 MAG Transportation Improvement Program (TIP) was approved by the MAG Regional Council. Since that time, ADOT has notified MAG that it is making several changes to the improvements scheduled on State Route 85, between Buckeye and Gila Bend. In addition, ADOT is adding a State funded District Minor project on Loop 101 (Agua Fria Freeway) to FY 2004. Maricopa County has requested the addition of a Design Concept Report for Loop 303, from I-10 to US-60 (Grand Avenue). All of these projects require an amendment to the TIP to be able to proceed. The Transportation Review Committee, Management Committee, and Transportation Policy Committee recommended approval of an amendment to the TIP.

5G. Proposed New Federal Functional Classification for 43rd Avenue, Lower Buckeye Road to 0.8 Miles South

The Regional Council, by consent, concurred with Federally functionally classifying 43rd Avenue, Lower Buckeye Road to 0.8 miles south as an Urban Collector or Minor Arterial, whichever is appropriate, noting that the project will go through the ADOT process before finalization. The City of Phoenix has submitted a project for consideration for MAG federal funds during the FFY 2004 Closeout process. The project has been highly recommended by the Arizona Department of Environmental Quality (ADEQ) as a partial solution to Particulate Matter (PM-10) problems in the area and will utilize both Congestion Mitigation and Air Quality Improvement Program funds and Surface Transportation Program (STP-MAG) funds. To support the use of STP-MAG funds, the roadway needs to be federally functionally classified as an Urban Collector or higher. The Transportation Review Committee recommended concurrence. The Management Committee recommended concurrence and that the project go through the ADOT process before finalization.

5H. Federal Fiscal Year 2004 MAG Federal Funds Interim Closeout and Amendment/Adjustments to the FY 2004-2007 MAG Transportation Improvement Program and FY 2004 and FY 2005 Unified Planning Work Programs and Annual Budgets

The Regional Council, by consent, approved the interim closeout of Federal FY 2004, as shown in the attached Tables and amending/adjusting the FY 2004-2007 MAG TIP and the FY 2004 and FY 2005 Unified Planning Work Programs and Annual Budgets to allow the projects to proceed. In this phase of the closeout process, approximately \$23.3 million is available for the interim closeout, plus a possible \$1.5 million in redistributed Obligation Authority. Approximately \$36 million in project requests have been received for the funds available. On March 25, 2004, the Transportation Review Committee (TRC) recommended allowing 19 projects, totaling \$18.4 million, to defer from FFY 2004 to later years. This is in addition to \$4.9 million in uncommitted funds. To utilize the available funds, on May 27, 2004, the TRC recommended 17 projects, totaling \$23.9 million, plus an additional \$1.3 million in contingency

projects if any further funds become available or if any projects unexpectedly drop out. The Management Committee and Transportation Policy Committee concurred with the TRC.

5I. Requested Changes to the FY 2004 MAG Regional Freeway Program

The Regional Council, by consent, approved the requested changes to increase the funding for Systemwide Preliminary Engineering by \$1.0 million and add the new project to provide for utility relocation design work in the amount of \$80,000. The Arizona Department of Transportation has requested two material changes to the FY 2004 MAG Regional Freeway Program. A.R.S. 28-6353 requires that MAG approve any change in priorities, new projects, or requests that materially increase the cost of a project. The first requested change is to add \$1.0 million to the Systemwide Preliminary Engineering project due to the production of a design concept report, extensive hydraulic studies and geotechnical investigations and a change in interchange concepts for a section of the Red Mountain Freeway. ADOT is also requesting that a new project be established for design work necessary for utility relocation in the amount of \$80,000. Both of these changes are required to complete the current Regional Freeway Program in 2007. MAG has examined the need for both of these changes and finds that they are warranted. A review of the net impact of these changes indicates that the cash balances for the MAG Regional Freeway Program are adequate to accommodate the requested changes. The Management Committee and Transportation Policy Committee recommended approval.

6. Appointment of Members and Officers for the Transportation Policy Committee

On April 24, 2002, the Regional Council approved the composition of the Transportation Policy Committee (TPC). The approved composition provided for two-year terms for the three members to achieve geographic balance, the two At-Large members, the Native American member and the Freight member. On June 26, 2002, the Regional Council appointed the members of the Transportation Policy Committee. At that meeting, the Regional Council clarified that the business representatives would serve two-year terms with a maximum of four years. On July 24, 2002, the Chair and Vice Chair were appointed. On February 5, 2004, HB 2456 was signed which provided that the incumbent representatives of the private sector on the TPC would serve until December 31, 2004, and may be reappointed by the President of the Senate or the Speaker of the House. However, this section of HB 2456 was subject to a conditional enactment and is not in effect unless the tax is approved by the voters on November 2, 2004.

Mayor Hawker moved to appoint the members of the Transportation Policy Committee as shown on the revised table, with Mayor Elaine Scruggs as Chair and Vice Mayor Peggy Bilsten as Vice Chair. Mayor Gordon seconded.

Chair Feldman-Kerr recognized public comment from Mr. Ryan, who provided a written statement of his comments for the permanent record. Mr. Ryan urged that members of the Transportation Policy Committee who are concerned with all aspects of the light rail project be elected. Mr. Ryan said that high income downtown residents will not give up their SUVs to ride a streetcar and transfer to a bus. He suggested that Dash-type free buses be used instead. Mr. Ryan stated that to become a world-class city, Phoenix will have to give up old-fashioned ideas. Chair Feldman-Kerr asked Mr. Ryan how his

comments were speaking to the agenda item. Mr. Ryan responded that his comments were relevant because many TPC members favor light rail. Chair Feldman-Kerr thanked Mr. Ryan for his comments.

Mayor Gordon suggested that MAG might consider taking the entire public comment period at the beginning of the meeting. He commented that many jurisdictions follow this process. Chair Feldman-Kerr stated that MAG addressed this issue extensively a few years ago. She indicated that this is an issue that might be brought up with the new Chair.

Chair Feldman-Kerr called for a vote on the motion, which carried unanimously.

7. Maricopa County Request for Assistance with the West Nile Virus

Dr. Robert Jones, from the Maricopa County Public Health Department, addressed the Council on the threat from West Nile Virus in Maricopa County. He reported that 20 cases of the virus have been reported in the area. Dr. Jones stated that the County has instituted a “Fight the Bite” awareness campaign. He called on Al Brown, from the Maricopa County Environmental Services Department, who reported on what cities, towns, and Indian communities can do to assist in the effort. Mr. Brown stated that the County has been doing vector control for years with only a few cases of encephalitis. He noted that the County is now facing an epidemic with the West Nile Virus. Mr. Brown stated that the Board of Supervisors has increased vector control by adding five new positions and granting additional money and equipment. In addition, the County received grant money. Mr. Brown stated that entities can help this epidemic from worsening by taking care of standing water in public areas and enforcing existing nuisance control ordinances. He stated that standing water is a breeding place for mosquitoes that could carry the virus. Mr. Brown reported that the County met with public works directors and public information officers to provide them with information on control efforts. Mr. Brown noted that publications were available, samples of which he had brought to the meeting. He said that public service announcement tapes in English and Spanish are also available. Mr. Brown stated that the public information officers for Environmental Services can be reached at 602-506-6611, or the Public Health Department at 602-747-7500. Chair Feldman-Kerr thanked Dr. Jones and Mr. Brown for their report and asked members if they had questions.

Supervisor Wilson asked the symptoms of West Nile Virus. Dr. Jones replied that some victims present no symptoms; however, some victims report fever, stiffness and aches. More seriously affected victims can suffer paralysis, an alteration of consciousness, encephalitis or meningitis. He advised that the mortality is possible. Dr. Jones indicated that it is anticipated that the number of cases will increase significantly next week. He advised that residents should inspect their property two to three times a week for standing water or mosquitoes.

Chair Feldman-Kerr asked if efforts had been made to notify farmers of standing irrigation water. She urged that the County presenting this issue at individual council meetings would be a great help to jurisdictions. Dr. Jones replied that they would welcome the opportunity to address council meetings. He added that agricultural breeding sites have been identified, and all areas of the County are at risk. He indicated that he would work with public information officers on setting up these presentations.

8. Election of Regional Council Officers and Executive Committee Members

Mayor Steve Berman, Chair of the MAG Nominating Committee, reported that the Committee recommended a slate of officers for 2004-2005. Mayor Berman moved to elect Mayor Keno Hawker as Chair, Mayor Woody Thomas as Vice Chair, Mayor Mary Manross as Treasurer, Mayor Joan Shafer, Mayor Phil Gordon, and Mayor James Cavanaugh as At-Large Members, and Mayor Wendy Feldman-Kerr as Past Chair. Mayor Hackbarth seconded, and the motion carried unanimously.

9. Comments from the Council

An opportunity will be 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.

No comments from the Council were noted.

There being no further business, the meeting adjourned at 5:32 p.m.

Chair

Secretary