

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE  
October 17, 2011  
MAG Offices, Ironwood Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor, Hugh Hallman, Tempe, Chair  
Mayor, Marie Lopez-Rogers, Avondale,  
Vice Chair  
Mayor Scott Smith, Mesa, Treasurer  
\*Mayor Jim Lane, Scottsdale

Mayor Michael LeVault, Youngtown  
Vice Mayor Thelda Williams, Phoenix  
Mayor Thomas L. Schoaf, Litchfield Park,  
Past Chair

\* Not present

1. Call to Order

The Executive Committee meeting was called to order by Chair Hallman at 12:06 p.m.

Chair Hallman stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Hallman stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Hallman noted that no public comment cards had been received.

3. Consent Agenda

Chair Hallman noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda.

Chair Hallman requested a motion to approve the consent agenda. Mayor Schoaf moved to approve items #3A through #3E. Vice Mayor LeVault seconded the motion and the motion carried unanimously.

3A. Approval of the September 12, 2011 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the September 12, 2011 Executive Committee meeting minutes.

3B. US-60/Grand Avenue Corridor Optimization and Access Management Plan Study

The Regional Council Executive Committee, by consent, approved to amend the FY 2012 MAG Unified Planning Work Program and Annual Budget to include \$850,000 for the US-60/Grand Avenue Corridor Optimization and Access Management Plan Study. On June 22, 2011, the Mayors of El Mirage, Glendale, Peoria, Phoenix, Surprise, and Youngtown, and Supervisor Max Wilson of Maricopa County, sent a letter to Arizona Department of Transportation (ADOT) Director John Halikowski to express their interest in preserving US-60/Grand Avenue from 19th Avenue and McDowell Road to SR-303L as an expressway facility that remains a state highway under ADOT control. Their letter also expressed a desire to work through the Maricopa Association of Governments (MAG) in cooperation with ADOT to enhance mobility in the corridor and maintain the corridor's expressway character. Based upon this request, MAG would develop the US-60/Grand Avenue Corridor Optimization and Access Management Plan Study to identify a long-term solution for accommodating travel demand and adjacent property access in this corridor. The Study will consist of two distinct phases: (1) Corridor Optimization to establish operating principles to improve the effectiveness of traffic operations along US-60/Grand Avenue and (2) an Access Management Plan that will provide a detailed milepost-by-milepost description of adjacent property access to US-60/Grand Avenue. In addition, a corridor-wide vision, goals, and priorities (e.g. economic development, safety, and mobility) will be developed as part of the Study. An amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget is needed to include \$850,000 for the US-60/Grand Avenue Corridor Optimization and Access Management Plan Study.

3C. Consultant Selection for the Don't Trash Arizona Litter Prevention and Education Program

The Regional Council Executive Committee, by consent, approved to select Olson Communications be selected to design and implement the FY 2012 Litter Prevention and Education Program, at a cost not to exceed \$300,000, and that the base contract period shall be a one (1) year term. MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability. The Regional Transportation Plan (RTP) includes \$279 million for the freeway maintenance program, including litter control. On March 23, 2011, the Transportation Policy Committee recommended that MAG issue a Request for Proposals (RFP) to continue the Don't Trash Arizona Litter Prevention and Education Program and to include a provision that the contract may be extended up to a maximum of two years based on performance and funding availability. The FY 2012 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2011, contains \$300,000 to continue the Program. On July 22, 2011, MAG issued the RFP seeking qualified consultants for the development and implementation of the Don't Trash Arizona Litter Prevention and Education Program. On August 30, 2011, MAG

received proposals from three qualified consultants in response to the RFP. A multi-agency evaluation team met on September 9, 2011, to evaluate the proposals, and recommended to MAG that Olson Communications be selected as the consultant to develop and implement the FY 2012 Litter Prevention and Education Program, at a cost not to exceed \$300,000.

3D. Consultant Selection for MAG FY 2012 Vehicle Occupancy Study

The Regional Council Executive Committee, by consent, approved to select CK Group, Inc. to conduct the MAG FY 2012 Vehicle Occupancy Study for an amount not to exceed \$200,000. The fiscal year (FY) 2012 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2011, includes \$200,000 for the MAG FY 2012 Vehicle Occupancy Study. The purpose of the project is to collect data on the vehicle occupancy and violation rates in the High Occupancy Vehicle (HOV) lanes, determine vehicle occupancy in the general purpose lanes, and conduct simultaneous vehicle classification counts. On August 3, 2011, MAG issued a Request for Proposals to conduct the MAG FY 2012 Vehicle Occupancy Study. Two proposals were received by the September 1, 2011, deadline. On September 21, 2011, a multi-agency evaluation team recommended to MAG the selection of the CK Group, Inc., to perform the technical assistance.

3E. Consultant Selection for the MAG Air Quality Technical Assistance On-Call Services Request for Qualifications

The Regional Council Executive Committee, by consent, approved to select the following firms for Air Quality Technical Assistance On Call Service for an amount not to exceed \$280,000; (1) Advanced Monitoring Methods be qualified in Air Quality Monitoring and Meteorology; (2) Cambridge Systematics be qualified in Statistical Analysis of Data, CMAQ Evaluation Methodologies, Transportation Conformity, and Analysis of Greenhouse Gas Requirements and Emissions; (3) ERG be qualified in Air Quality Modeling, Surveys and Emissions Inventories, Analysis of Control Measures, Implementation and Tracking of Control Measures, Statistical Analysis of Data, and Air Quality Plan Preparation; (4) ENVIRON be qualified in Air Quality Modeling, Air Quality Monitoring and Meteorology, Analysis of Exceptional Events, Surveys and Emissions Inventories, Analysis of Control Measures, Implementation and Tracking of Control Measures, Statistical Analysis of Data, Air Quality Plan Preparation, CMAQ Evaluation Methodologies, Transportation Conformity, and Analysis of Greenhouse Gas Requirements and Emissions; (5) Sierra Research be qualified in Air Quality Modeling, Analysis of Exceptional Events, Surveys and Emissions Inventories, Analysis of Control Measures, Implementation and Tracking of Control Measures, Statistical Analysis of Data, Air Quality Plan Preparation, CMAQ Evaluation Methodologies, Transportation Conformity, and Analysis of Greenhouse Gas Requirements and Emissions; (6) Sonoma Technology be qualified in Air Quality Modeling, Air Quality Monitoring and Meteorology, Analysis of Exceptional Events, Surveys and Emissions Inventories, Analysis of Control Measures, Implementation and Tracking of Control Measures, Statistical Analysis of Data, Remote Sensing, Air Quality Plan Preparation, CMAQ Evaluation Methodologies, Transportation Conformity, and Analysis of Greenhouse Gas Requirements and Emissions; (7) Technical & Business Systems be qualified in Air Quality Modeling, Air Quality

Monitoring and Meteorology, Analysis of Exceptional Events, Surveys and Emissions Inventories, Analysis of Control Measures, Statistical Analysis of Data, Remote Sensing, and Air Quality Plan Preparation; (8) Traffic Research & Analysis be qualified in Surveys and Emissions Inventories; and (9) TranSystems be qualified in Air Quality Modeling, Air Quality Monitoring and Meteorology, Analysis of Exceptional Events, Surveys and Emissions Inventories, Analysis of Control Measures, Implementation and Tracking of Control Measures, Statistical Analysis of Data, Remote Sensing, Air Quality Plan Preparation, CMAQ Evaluation Methodologies, Transportation Conformity, and Analysis of Greenhouse Gas Requirements and Emissions. The FY 2012 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2011, includes potential consultant assistance for air quality planning and modeling activities. Consultant services may be needed to assist MAG with supplemental analyses for the Five Percent Plan for PM-10, Conformity Analysis, Evaluation of Congestion Mitigation and Air Quality Improvement (CMAQ) Projects, New Eight-Hour Ozone Plan, and Analysis of Exceptional Events. A request for qualifications was advertised on July 25, 2011, for technical assistance including air quality modeling, CMAQ evaluation, conformity, and the development of regional air quality plans. Nine proposals were received by the August 24, 2011, deadline. On September 13, 2011, a multi-agency evaluation team recommended to MAG the firms to be qualified in selected areas of expertise.

4. Economic Development Administration Technical Assistance Grant for a Sun Corridor Regional Industry Cluster Study

Dennis Smith stated that he was contacted by CAAG to participate in a Sun Corridor Regional Industry Study. Mr. Smith asked Denise McClafferty to provide the committee with the details of the study. Ms. McClafferty stated the grant application will consist of two phases. Phase one is the Sun Corridor cluster study and phase two will combine the cluster study with employment center matches. Ms. McClafferty noted the total project will be approximately \$500,000 with CAAG seeking funding for the \$250,000 match from public and private resources. Ms. McClafferty stated CAAG is talking with Puget Sound who received a similar grant. Ms. McClafferty indicated that MAG staff will provide additional details if the Executive Committee directs MAG to participate in the development of the EDA application. Ms. McClafferty noted CAAG, PAG and MAG would be meeting to discuss the application, which is due December 15, 2011.

Chair Hallman asked if there were any questions or comments. Mayor Schoaf stated we need to be sure that there is no overlapping of studies. Vice Chair Lopez-Rogers asked at what point is public comment being included. Mr. Smith stated that this is the first public mention on this concept. Mr. Smith also noted that this study could compliment the work that is being done with Brookings on long term strategies.

Chair Hallman stepped out of the meeting and Mayor Schoaf continued with the meeting.

Mayor Smith asked why the study was being done with Central Arizona Association of Governments. Mr. Smith stated that clusters can be statewide or region wide like the Sun Corridor and CAAG is a Economic Development District (EDD). Mayor Smith commented that this was a good approach. The committee directed staff to gather more information and report back at the November meeting. Mayor Schoaf asked if there were any other questions or comments. There were none.

5. Amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget to Provide Research Assistance for Economic Development Committee Projects

Mr. Smith stated that the Economic Development Committee discussions have resulted in several projects that may require research assistance. He noted that the Thunderbird School of Global Management deploys teams of MBA candidates who deliver project-focused research and consulting services. He suggested that Thunderbird's expertise could be used on a study to research near-shoring. Mr. Smith recommended that the FY 2012 MAG Unified Planning Work program be amended to add a project for research assistance using interns through academic institutions in Arizona for these Economic Development Committee projects for an amount not to exceed \$18,000.

Mayor Schoaf asked if there were any questions or comments. Vice Mayor Williams asked when these studies are taking place will the negatives also be identified with the positives. Mr. Smith stated that this could be put into the scope of the studies.

Mayor LeVault moved to amend the FY 2012 Unified Planning Work Program to include a project for research assistance for the Economic Development Committee projects for an amount not to exceed \$18,000. Vice Chair Lopez-Rogers seconded the motion and the motion carried out unanimously.

6. Update on the Metropolitan Business Planning Initiative

Amy St. Peter thanked the committee for the opportunity to provide an update on the Metropolitan Business Planning Initiative. She noted that a public launch took place at the MAG Economic Development Committee meeting on October 4, 2011 along with a presentation by Brookings Institution and with our local Leadership Advisory Team. Ms. St. Peter stated that there have been a number of very positive articles in the media about the initiative. She also wanted to thank Chair Hallman, Mayor Schoaf and Mayor Smith for their time with the editorial board and the Brookings staff, along with acknowledging Greater Phoenix Economic Council (GPEC) as a primary partner on the project.

Ms. St. Peter noted there will be a leadership luncheon on Thursday, October 20, 2011 with a work session taking place afterwards for members of the Economic Development Committee, along with elected officials to meet with CEO's invited by GPEC. The work session will also continue all day on October 21, 2011. She noted the goal of these sessions is to identify the gaps

and opportunities in the region's economy and to develop a prioritized list of strategies to promote a sustainable prosperity. She noted that it is the priority to ensure we are building on the great work already initiated by our partners. Ms. St. Peter stated the work sessions will provide a deeper understanding of the economic development strategies within this region, which will provide a strong foundation for the Metropolitan Business Plan. She noted that the lead initiatives will be identified as a result of the work sessions and it is important that everyone's position is known and integrated into the discussion. Ms. St. Peter then asked if there were any questions.

Chair Hallman returned to the committee meeting.

Mr. Smith commented by casting a wider net that includes all the partners involved in the development of the lead initiatives, such as GPEC, WESTMARC, East Valley Partnership, and Greater Phoenix Leadership, this will build a better framework for a strong regional document. Chair Hallman stated the importance of all the agencies coming together to make this initiative as successful as possible. Chair Hallman asked if there were any other questions or comments. There were none.

7. Update on the MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, provided an update on the MAG Five Percent Plan for PM-10. Ms. Bauer noted during the summer of 2011 there have been 87 exceedances of the PM-10 standard to date, with 86 of them being due to exceptional events, such as haboobs, dust storms, localized thunderstorms, microbursts, and residual dust. Ms. Bauer stated that these events have generated a great deal of work for the Arizona Department of Environmental Quality (ADEQ), assisted by Maricopa County Air Quality Division and MAG staff. Ms. Bauer noted it takes the Environmental Protection Agency approximately (EPA) 120 days to review each exceptional event and provide initial comments. San Joaquin Unified Air Pollution Control District has indicated that it takes approximately 453 staff hours to prepare the documentation for one high wind exceptional event.

Ms. Bauer stated ADEQ will have the first batch of documentation for July 2, 2011 through July 8, 2011 ready to submit to the EPA by the end of October and the others still have to be completed. She noted due to the number of these exceptional events, the ADEQ has been overwhelmed.

Ms. Bauer stated that MAG is working with its Washington, D. C., legal counsel, Crowell and Moring and Patton Boggs regarding potential legislative remedies on exceptional events. She explained that this work is being done as a result of the extensive work required to document these exceptional events, which then has to be submitted to EPA, which then takes a long time to review the documentation and concur or not concur. She noted perhaps states, in consultation with EPA, could make the determination of an exceptional event.

She indicated that the Phoenix Dust Reduction Task Force has prepared a brochure to be used for public outreach efforts to prevent exceedances, which seems to be going well. Ms. Bauer stated that MAG is receiving conflicting information on the plan. She noted that one person at EPA now says that EPA does not want local commitments, ordinances, and rules in the plan because it is too time consuming for EPA to approve them all and EPA only wants the new dust action general permit in the plan. Later, the EPA person said the ordinances need to be in the plan by reference if the state statutes that require the ordinances are submitted. EPA will then make them federally enforceable. Ms. Bauer stated that another EPA person told the state it did not have to submit the fixes to the enforcement issues with the agricultural best management practices for one year, which may be a concern because a complete plan needs to be submitted to EPA in time to turn off the sanctions clocks. Ms. Bauer indicated that MAG had wanted to have a draft document available in November for public review, have a public hearing, take it through the MAG process in January and submit it to EPA in February. She added that this schedule could slip one month and still allow the six months required by EPA to find the plan complete. Ms. Bauer stated that clear cut guidance from EPA staff is needed.

On October 12, 2011, ADEQ sent a draft table to MAG of existing state laws, rules, and ordinances to include in the plan by reference. At this point, we are planning to include the ordinances.

Ms. Bauer reported on the court ruling that was issued to reinstate lottery funds for transit (Local Transportation Assistance Fund or LTAF). She noted that LTAF was a measure in the 1993-1994 carbon monoxide plan and the final court order told the State to reinstate the funds for transit and described how the funds would be reinstated for transit. Ms. Bauer reported that the court order says that the injunction stays in place until the Legislature reinstates the funding or the EPA publishes a notice in the Federal Register to relieve the State of the funding commitment for LTAF.

Ms. Bauer indicated that the lottery funds are a source of funding for transit. Transit is an important part of the multi-modal MAG Regional Transportation Plan. The MAG Transportation Improvement Program gives priority to transportation control measures in the air quality plans. By having transit in the air quality plans, it helps provide funding for transit, since it is a transportation control measure in the air quality plans.

Mayor Smith asked about continuous monitors. Ms. Bauer indicated that it is a type of monitor. She noted that there are two types of monitors - continuous and filter. The continuous type of monitor continuously monitors the quality of air, and a filter monitor measures the air quality every six days. Mayor Smith asked if the ordinances are different from city to city. Ms. Bauer stated that some small cities have one ordinance for dust control, while other cities have three or four ordinances. She noted Phoenix has had several codes in place for a number of years.

Mayor Smith asked if the EPA picks what they believe is all encompassing to have other cities adopt. Ms. Bauer noted the state law mandates the ordinances. EPA indicated in the September 9, 2011 notice that the ordinances were the ultimate regulatory vehicle for the state requirement

to develop, adopt, and enforce the dust control ordinances.

Chair Hallman noted that State law sets the minimum standards and some agencies may have higher standards. He noted this needs to be articulated in the documentation for those who adopted the standards required by the State so they are not pushed into some higher standards.

Mayor LeVault asked what kind of proof is the federal government looking for and how will they enforce it. Ms. Bauer noted that the EPA would like ordinances to be part of the plan, by reference. She noted that in the past, the EPA felt the county was not enforcing its rules. EPA then began enforcing the County rules. Mayor Smith noted that currently EPA could not enforce the city's ordinance, but if it is included in the plan, the EPA would be able to enforce those ordinances.

Chair Hallman asked how the inconsistencies from the EPA are being handled. Ms. Bauer indicated that it has been a challenge. She noted that she has been getting conflicting information from EPA staff. Ms. Bauer stated that she expressed to EPA that MAG needs a clear path. Chair Hallman suggested Ms. Bauer send an email to include those involved at EPA to be able to get a clear direction.

Mayor LeVault asked whether we were able to make any progress in regards to the 86 out of 87 exceedances that are due to exceptional events. Ms. Bauer noted that the exceptional events from the July 2 through 8 are being documented and will be sent to EPA for an informal review. Comments will be provided by EPA. This will make the next batch easier to prepare. She noted that EPA is expected to have the final exceptional events guidance in November or December.

Mr. Smith suggested Ms. Bauer explain how long it takes to prepare the exceptional events documentation. Ms. Bauer indicated it takes 1075 work days based upon the 19 days of exceptional events. Mr. Smith noted that it is clear the federal law and/or the process needs to be changed. Chair Hallman asked what the deadline is for providing the materials. Ms. Bauer indicated that deadline is within three years of when the exceptional event took place or twelve months prior to a regulatory action. He asked if it would be beneficial to hold off while working on the Plan. Mr. Smith suggested working on all items and to change the federal law. The Committee agreed.

Chair Hallman asked if there were any other questions or comments. There were none.

#### 8. Request for Future Agenda Items

Chair Hallman asked if there were any requests for future agenda items. Mr. Smith noted that he has just returned from the multi-modal tour in Utah and it was revealing that this region does not have the economic development and financing tools that they have in Utah. Mr. Smith noted Chris Hillman, City Manager of Surprise, is very familiar with these tools that could be beneficial. Chair Hallman suggested we add this to the Regional Council agenda in December.

9. Comments from the Committee

Chair Hallman asked if there were any comments for the committee members. There were no comments.

Adjournment

Mayor Schoaf moved to adjourn the Executive Committee meeting. Mayor LeVault seconded the motion and the motion carried unanimously. There being no further business, the Executive Committee adjourned at 1:04 p.m.

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Chair

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Secretary