

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

June 30, 2010
Sheraton Phoenix Downtown Hotel
Phoenix, Arizona

MEMBERS ATTENDING

Councilwoman Peggy Neely, Phoenix, Chair	Mayor James M. Cavanaugh, Goodyear
Mayor Thomas Schoaf, Litchfield Park , Vice Chair	Mayor Yolanda Solarez, Guadalupe
* Councilwoman Robin Barker, Apache Junction	* Supervisor Mary Rose Wilcox, Maricopa Co.
Mayor Marie Lopez Rogers, Avondale	Mayor Scott Smith, Mesa
Mayor Jackie Meck, Buckeye	* Mayor Scott LeMarr, Paradise Valley
Mayor David Schwan, Carefree	* Mayor Bob Barrett, Peoria
Councilman Dick Esser, Cave Creek	Mayor Gail Barney, Queen Creek
Mayor Boyd Dunn, Chandler	* President Diane Enos, Salt River Pima-Maricopa Indian Community
* Mayor Michele Kern, El Mirage	Mayor Jim Lane, Scottsdale
* President Clinton Pattea, Fort McDowell Yavapai Nation	Councilwoman Sharon Wolcott, Surprise
Mayor Jay Schlum, Fountain Hills	Mayor Hugh Hallman, Tempe
* Mayor Ron Henry, Gila Bend	* Mayor Adolfo Gamez, Tolleson
Lt. Governor Joseph Manuel for Governor William Rhodes, Gila River Indian Community	* Mayor Kelly Blunt, Wickenburg
Vice Mayor Les Presmyk for Mayor John Lewis, Gilbert	Mayor Michael LeVault, Youngtown
Mayor Elaine Scruggs, Glendale	Felipe Zubia, State Transportation Board
	Victor Flores, State Transportation Board
	* Roc Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Peggy Neely at 5:02 p.m.

2. Pledge of Allegiance

Councilmember Esser led the Pledge of Allegiance.

- Chair Neely presented Mayor Gail Barney from Queen Creek with his membership certificate. She expressed that she was pleased he was on the Regional Council.

Chair Neely introduced proxies: Lt. Governor Joseph Manuel for Governor William Rhodes from the Gila River Indian Community and Vice Mayor Les Presmyk as proxy for Mayor John Lewis from the Town of Gilbert. She thanked them for attending the meeting.

Chair Neely noted the following items were at each place: For agenda item #5B, the memorandum regarding local ARRA bid savings; for agenda item #5D and #5F, an updated project change sheet and a revised Conformity Consultation that reflect change requests received since the agenda was mailed; for agenda item #7, information regarding the proposed Consent Decree; for agenda item #8, the letter from Mayor Lewis that was previously transmitted.

Chair Neely requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. Transit tickets for those who used transit to attend the meeting were available. There was no charge for parking in the hotel parking garage.

3. Call to the Audience

Chair Neely noted that public comment cards were available to members of the audience who wish to speak 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 are requested to not exceed a three minute time period for their comments. A total of 15 minutes is 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.

Chair Neely recognized public comment from Dianne Barker. Chair Neely said that she was glad that Ms. Barker was at the meeting. Ms. Barker thanked Chair Neely for the nice welcome. She said that she Tweeted a question about where people were when the temperature in the Phoenix area reached 122 degrees. Ms. Barker said that she was surprised that people were outside playing golf and bicycling. She said that her mother and father felt that it was not that bad. Ms. Barker stated that she was in Tempe working and using multimodal transportation, and dealt with the heat by keeping her hat on and staying in the shade. She stated that she came to the Regional Council meeting by bus and light rail and that she had given a fellow rider a bottle of water and a bus book. Ms. Barker encouraged holding on to the bus book because she understood it would be not be printed anymore and would be replaced with flyers. She stated that she was in Tempe and witnessed a safety issue: students talking on cell phones while standing on the light rail tracks. Ms. Barker stated that she noted this to Joseph Ryan, who said to her that safety was one of his concerns when he opposed light rail, in addition to his feeling that no one would ride it. Ms. Barker said that she informed Mr. Ryan that he was wrong about no one riding light rail, because she sees the cars almost full when she rides. She remarked that her small company inspires and educates people to use transit. Chair Neely thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He said that 116 people attended the Sun Corridor Joint Planning Advisory Council meeting June 28, 2010, at the Sheraton Wild Horse Pass. Mr. Smith noted that Governor Brewer attended the meeting to discuss

“Building Arizona’s Economy,” and the results from the AECOM Global Cities Institute study on the Sun Corridor Economic engines. He added that the report is expected to be finalized in September.

Mr. Smith stated that MAG received the Notice of Funding Availability (NOFA) for the Sustainable Communities Planning Grant Program from the Department of Housing and Urban (HUD) on June 24, 2010. He said that it appears about \$100 million will be available nationwide through the grant. Mr. Smith stated that MAG staff has been polling the MAG communities and it appears there is consensus for a Sun Corridor application, which has been determined to be eligible. He reported that Amy St. Peter, MAG Human Services Manager, who is staffing the effort, communicated with the HUD office in Washington, DC, and they told her that the MAG effort is ahead of the rest of the country. Mr. Smith stated that they hope to fold in the Sustainable Communities working group with PAG and CAAG and submit the application by August 23, 2010.

Chair Neely extended her appreciation to staff for their efforts to arrange the meeting on June 28. She said the meeting was outstanding.

5. Approval of Consent Agenda

Chair Neely noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H were on the Consent Agenda. She noted that no public comment cards had been received.

Chair Neely asked members if they had questions or requests to hear an item individually. No requests were noted.

Mayor Hallman moved to approve the Consent Agenda. Vice Chair Schoaf seconded, and the motion passed unanimously.

5A. Approval of the May 26, 2010, Meeting Minutes

The Regional Council, by consent, approved the May 26, 2010, meeting minutes.

5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. At the May 26, 2010 meeting of the Regional Council, a presentation on the ARRA local funded project bid savings was made and reported that an accounting on the expenditure of the funds, realized bid savings and a possible strategy for using the bid savings might be available for the June 30, 2010 meeting. In many cases, the local jurisdictions are pursuing plans to use the remaining funds on other eligible projects. During the May presentation, it was mentioned that any unobligated ARRA local funds due to bid savings that could not be used by a jurisdiction could be used on regional freeway projects that are federally eligible and ready to obligate. On June 28, 2010, MAG was informed by ADOT that \$620,614 of unallocated ARRA local funds remain due to project bid savings that are not being reprogrammed by the local agency. Because of the

small amount of funding remaining, MAG staff recommended that any unobligated funds would be allocated to eligible regional freeway projects.

5C. Update to Federal Functional Classification System

The Regional Council, by consent, approved the City of Chandler request to classify Airport Boulevard as a Major Collector in the federal functional classification system. The MAG funding suballocation for the MAG region from the American Recovery and Reinvestment Act (ARRA) requires projects to adhere to the requirements established in the Surface Transportation Program (STP). As such, ARRA and/or STP funded projects must be located on a facility that is classified as an urban collector or rural major collector or higher in the federal functional classification hierarchy. MAG received a request from the City of Chandler to add one project to the federal functional classification system. The City of Chandler requested that Airport Boulevard from Germann Road to Queen Creek Road be classified as a Major Collector. The classification requests are necessary for the ARRA/STP funded projects to proceed.

5D. Project Changes/Amendments and Administrative Modifications to the Fiscal Year 2008-2012 MAG Transportation Improvement Program

The Regional Council, by consent, approved amendments and administrative modifications to the fiscal year (FY) 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The Arizona Department of Transportation (ADOT) is requesting the addition of three new projects, and there are requests to modify project costs for 12 transit projects. These were heard and recommended for approval at the May 27, 2010, Transportation Review Committee. Twelve ARRA related project change requests were provided for the first time at the Management Committee meeting on June 9, 2010. The Management Committee recommended approval of the requested changes. Since the Management Committee met, there were 21 new project change requests related to ARRA projects and 12 requests for project changes related to transit projects funded with Federal Transit Administration (FTA) funds in FY 2010. All ARRA projects are being modified to reconcile the project costs from cost savings. Since the time of the Regional Council agenda mailout, there were 27 requested changes to ARRA local projects related to project savings, and 21 requests to add new federal funded transit projects programmed with federal Job Access Reverse Commute (JARC) - 5316 and federal New Freedom - 5317 funds.

5E. Interim Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

The Regional Council, by consent, approved additional projects to be deferred from federal fiscal year (FFY) 2010 to FFY 2011 or later and additional projects requesting removal of federal funds; advancing the three projects submitted for priority 1 and 1A projects to FFY 2010; allocating the \$2.204 million from deleted projects in FFY 2010 by the cities of Glendale and Mesa to fund Glendale's GLN09-609 with \$63,000 and fund Mesa's, MES08-604 and MES10-810 with \$2,141,307; and amending and modifying the FY 2008-2012 Transportation Improvement Program, and as appropriate, the Regional

Transportation Plan 2007 Update. The interim closeout has established the availability of \$2.204 million in unobligated MAG federal funds for the current federal fiscal year (FFY). By May 2010, member agencies submitted requests to defer or delete federal funds from projects for approximately \$14.5 million, which were approved by the MAG Regional Council in May 2010. There are an additional \$4.9 million of requests to defer or remove federal funds from projects being heard at the June - July committee cycle. The Transportation Review Committee (TRC) recommended approval of the new requests on May 27, 2010. There were 28 projects submitted to MAG for closeout funds. Of the 28 projects, two projects were identified to be advanced; one project was requested to advance a portion of construction funds for a new design project for FFY 2010; seven projects that requested to be advanced and an increase of funds; nine projects scheduled for FFY 2010 that requested additional funds; and nine projects requested new funds. These are identified in Table B titled 'List of Project Funding Requests.' There were two motions made at the May 28, 2010, TRC meeting. The first was to recommend approval of additional projects to be deferred from FFY 2010 to FFY 2011 or later, approval of additional projects requesting removal of federal funds, and advancing the priority 1 and 1A projects to FFY 2010. The second motion was to recommend allocating the closeout funds deleted from FFY 2010 projects by the cities of Glendale and Mesa to those cities respectively. Upon further review and coordination with the cities of Glendale and Mesa, Glendale has decided not to delete project GLN07-779, but rather defer it to 2011. This leaves the Glendale allocation at \$63,000. These funds will still go to the Skunk Creek project. Additionally, Mesa has changed its request upon further analysis of project readiness and priorities. The Closeout funds of \$2,141,307 will go toward projects MES10-810 and MES08-604.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several projects, including a new Arizona Department of Transportation pavement preservation project on State Route 85, a new region wide Intelligent Transportation Systems project, a new Transportation Enhancement project located at Interstate-17 at the Central Arizona Project, and transit projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5G. Approval of Electric Vehicle Charging Infrastructure Deployment Guidelines

The Regional Council, by consent, approved the Electric Vehicle Charging Infrastructure Deployment Guidelines document version 3.0 as guidelines to the implementation of infrastructure that will support and encourage the adoption of electric vehicles in the MAG region. On April 16, 2009, MAG entered into a Memorandum of Understanding with ECotality and Nissan North America to support the adoption of electric vehicles in an effort to address environmental concerns in the region. On August 5, 2009, ECotality North America was selected by the U.S. Department of Energy for a grant of approximately \$99.8 million to implement the largest deployment of electric vehicles and charging infrastructure in history. The ECotality initiative, in partnership with Nissan North America, proposes to deploy charging infrastructure in major population areas, including Phoenix/Tucson. On March 17,

2010, ECOTality presented the Electric Vehicle Charging Infrastructure Deployment Guidelines version 2.0 document to the MAG Building Codes Committee (BCC). The MAG BCC reviewed the document and provided feedback to ECOTality. On May 19, 2010, ECOTality presented version 3.0 of the Electric Vehicle Charging Infrastructure Deployment Guidelines to the MAG BCC. The Deployment Guidelines document is intended to create a common knowledge base of electric vehicle (EV) requirements for stakeholders involved in the implementation of EV charging infrastructure. ECOTality's Deployment Guidelines provide the necessary background information for understanding EV requirements and the related codes, laws and standards for this effort. At the May 19, 2010, meeting of the MAG Building Codes Committee, the committee voted to recommend approval of the EV Charging Infrastructure Deployment Guidelines document version 3.0 as guidelines to the implementation of infrastructure that will support and encourage the adoption of electric vehicles in the MAG region. On June 9, 2010, the Management Committee recommended approval of the guidelines.

5H. FY 2011 MAG Regional Plan to End Domestic Violence

The Regional Council, by consent, approved the FY 2011 MAG Regional Plan to End Domestic Violence. During FY 2010, the MAG Regional Domestic Violence Council, together with more than 150 stakeholders, developed the new Regional Plan to End Domestic Violence in response to the changing dynamics created by the recession. This is not the first plan to address domestic violence using a regional approach. The first MAG Regional Plan to End Domestic Violence was approved by the MAG Regional Council in 1999. The new plan includes fifteen strategies in the areas of funding, training and education, coordination and collaboration, and services developed to maximize impact with limited resources in today's community. The MAG Regional Domestic Violence Council recommended approval of the Regional Plan on May 6, 2010, and the MAG Management Committee recommended approval on June 9, 2010.

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 composition of the TPC provided that the Central City and the seven largest cities have a seat on the TPC, and five seats be selected from the remaining cities and towns. Three of the five would be from areas that need to be represented to achieve geographic balance, with the members selected from and by the under-represented geographic area and ratified by the Regional Council. Interstate 17 is used as a boundary in determining geographic balance. Two At-Large (geographically balanced) would be selected by the Regional Council. The three members to achieve geographic balance, the two At-Large members, and the Native American member serve for two years and are eligible for reappointment. The officers (Chair and Vice Chair) serve one-year terms with succession of positions occurring through the ascending order of officers. The Regional Council was requested to appoint the members of the TPC and the officer positions.

Mr. Smith introduced this item and noted that the majority of those currently serving on the TPC submitted letters of interest. He said that letters of interest that had been submitted that were different from the current composition included Mayor Bob Barrett for the Peoria seat, Phillip Matthews for the Native American Indian Community seat, Mayor Scott Smith for Chair, and Councilwoman Peggy Neely for Vice Chair.

Mayor Meck moved appointments to the Transportation Policy Committee: Mayor Scott Smith as Chair, Councilwoman Peggy Neely as Vice Chair, and the members as shown on the attached chart included in the agenda packet. Vice Chair Neely seconded, and the motion passed unanimously.

7. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, reported that at the May 26, 2010, Regional Council meeting, staff provided an update on the decision of the Environmental Protection Agency (EPA) to not concur with four exceptional events at the West 43rd Avenue monitor in 2008. She advised that this means the MAG region will have a violation for 2008. Ms. Bauer stated that at the May meeting, the MAG Regional Council directed staff to bring recommendations to the Executive Committee on obtaining legal advice and suggested that staff work with the Governor and the Arizona Congressional Delegation to stay the action of EPA until EPA corrects its flawed Exceptional Events Rule. She said that on June 21, 2010, the MAG Executive Committee directed staff to retain legal counsel and other experts on administrative action needed regarding the EPA nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008 and the EPA's intent to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley.

Ms. Bauer noted two recent developments. On June 23, 2010, EPA indicated that the consent decree was lodged with the court, but it still has to go out to public notice. She also noted that EPA has to propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and finalize the action by January 28, 2011.

Ms. Bauer stated that the timeline is critical, and she noted that the MAG region would be in a conformity freeze 30 to 90 days after final disapproval in the Federal Register. Ms. Bauer advised that MAG is reviewing EPA's technical support document and intends to submit comments to ADEQ, who will submit them to EPA next week. Ms. Bauer remarked that the comments hopefully will change EPA's mind on the nonconcurrence before it publishes the final disapproval in the Federal Register. She stated that staff and the consultants are working on supplemental information.

Chair Neely thanked Ms. Bauer for her report. She thanked staff for all of the hard work and said that this is the number one priority for this region. Chair Neely added that the Regional Council stands ready to assist where needed.

8. Election of Regional Council Officers and Executive Committee Members

Chair Neely called on Mayor Cavanaugh, Chair of the Nominating Committee.

Mayor Cavanaugh moved to elect Mayor Thomas Schoaf as Chair, Mayor Hugh Hallman as Vice Chair, Mayor Marie Lopez Rogers as Treasurer, and Mayor Scott Smith, Mayor Jim Lane, and Mayor Michael Le Vault as At-Large Members. Councilmember Peggy Neely would remain on the Executive Committee as Past Chair. Councilmember Esser seconded.

Chair Neely expressed that she thought this was a strong slate of candidates and MAG will be in good hands with their leadership. She said to Mayor Cavanaugh, who was leaving the Executive Committee,

that he had served MAG well while during the time he was a member of the Executive Committee. Chair Neely thanked Mayor Cavanaugh for everything he had done and for serving as Chair of the Nominating Committee.

With no further discussion, the vote passed unanimously.

9. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

No requests from the Council were noted.

10. 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.

Mayor Scruggs thanked Chair Neely for her vision, determination, focus, and action oriented dedication while Chair of the MAG Regional Council. Chair Neely was applauded.

Chair Neely thanked and said she was honored by the acknowledgment. Chair Neely stated that she stands by to help in any way she could.

Adjournment

Mayor Hallman moved, Mayor Cavanaugh seconded, and the meeting adjourned at 5:20 p.m.

Chair

Secretary