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April 8, 2008

TO: Members of the MAG Regional Council Executive Committee

FROM: Mayor James M. Cavanaugh, City of Goodyear, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA FOR THE MEETING OF THE MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE WITH A POSSIBLE EXECUTIVE SESSION

Monday, April 14, 2008 - Noon  
MAG Office, Suite 200 - Cholla Room  
302 North 1<sup>st</sup> Avenue, Phoenix

A meeting of the MAG Regional Council Executive Committee with a possible executive session has been scheduled for the time and place noted above. Members of the Committee may attend the meeting either in person, by telephone conference, or by video conference.

Please park in the garage under the building. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Alana Chávez at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions regarding the Executive Committee agenda items, please contact Mayor James Cavanaugh at (623) 882-7782. For MAG staff, please contact Dennis Smith, MAG Executive Director, at (602) 254-6300.

A Voluntary Association of Local Governments in Maricopa County

City of Apache Junction ▲ City of Avondale ▲ Town of Buckeye ▲ Town of Carefree ▲ Town of Cave Creek ▲ City of Chandler ▲ City of El Mirage ▲ Fort McDowell Yavapai Nation ▲ Town of Fountain Hills ▲ Town of Gila Bend  
Gila River Indian Community ▲ Town of Gilbert ▲ City of Glendale ▲ City of Goodyear ▲ Town of Guadalupe ▲ City of Litchfield Park ▲ Maricopa County ▲ City of Mesa ▲ Town of Paradise Valley ▲ City of Peoria ▲ City of Phoenix  
Town of Queen Creek ▲ Salt River Pima-Maricopa Indian Community ▲ City of Scottsdale ▲ City of Surprise ▲ City of Tempe ▲ City of Tolleson ▲ Town of Wickenburg ▲ Town of Youngtown ▲ Arizona Department of Transportation

**REGIONAL COUNCIL EXECUTIVE COMMITTEE**

**AGENDA**

**COMMITTEE ACTION REQUESTED**

1. Call to Order

The meeting of the MAG Regional Council Executive Committee will be called to order.

2. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Council Executive Committee 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. Members of the public 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 Executive Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of Regional Council Executive Committee Consent Agenda

Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Executive Committee members may request that an item be removed from the consent agenda. Consent items are marked with an asterisk (\*).

2. Information and discussion.

3. Approval of the Regional Council Executive Committee Consent Agenda.

**ITEMS PROPOSED FOR CONSENT\*  
BY THE REGIONAL COUNCIL EXECUTIVE COMMITTEE**

\*3A. Approval of the March 17, 2008, Regional Council Executive Committee Meeting Minutes

3A. Review and approve the March 17, 2008, Regional Council Executive Committee meeting minutes.

\*3B. Amendment to the FY 2008 MAG Unified Planning Work Program and Annual Budget to Accept Funding from AARP for the 2008 MAG Conference on Housing and Transportation Human Services Coordination

On March 27, 2008, MAG was notified that AARP would support the 2008 MAG Regional Conference on Housing and Transportation Human Services Coordination Conference with a \$500 donation to cover general conference support. It is necessary to amend the FY 2008 Unified Planning Work Program and Annual Budget to accept these funds. Please refer to the enclosed material.

\*3C. Consultant Selection for the MAG External Travel Study

In May 2007, the MAG Regional Council approved the FY 2008 Unified Planning Work Program and Annual Budget, which included \$300,000 to conduct a MAG region external travel study. The project will update data gathered in a similar study performed in 1999. A concurrent and complementary study will be performed by the Pima Association of Governments and the results shared by the two agencies. On January 11, 2008, MAG issued a Request for Proposals to conduct the study. In response, two proposals were received. A multi-agency review team met on March 11, 2008, and recommended to MAG the selection of Alliance Transportation Group to conduct the survey. In addition, the team recommended that if negotiations with Alliance are not successful, that MAG pursue negotiations with its second choice, Wilbur Smith Associates. This item is on the April 9, 2008 MAG Management Committee agenda. An update on the action pertaining to this item will be provided. Please refer to the enclosed material.

\*3D. Discussion and Update on the Draft FY 2009 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed incrementally in conjunction with member

3B. Amend the FY 2008 MAG Unified Planning Work Program and Annual Budget to Accept Funding from AARP for the 2008 MAG Conference on Housing and Transportation Human Services Coordination.

3C. Approval to select Alliance Transportation Group to conduct the MAG External Travel Study for an amount not to exceed \$300,000. If negotiations with Alliance Transportation Group are not successful, that MAG negotiate with its second choice, Wilbur Smith Associates, to conduct the Study.

3D. Information.

agency and public input. The Work Program is reviewed each year in April by the federal agencies and approved by the Regional Council in May. This presentation and review of the draft FY 2009 MAG Unified Planning Work Program and Annual Budget represent the budget document development to-date. There are two changes to the new project requests for FY 2009: An additional project has been added in the Transportation Division, Travel Demand Model-Pinal County Review, for \$80,000; the Environmental Air Quality Associate for \$80,000 has been removed from the new project list. The elements of the budget document are about 80 percent complete. This item is on the April 9, 2008 MAG Management Committee agenda. An update on the action pertaining to this item will be provided. Please refer to the enclosed material.

**ITEMS TO BE HEARD  
BY THE REGIONAL COUNCIL EXECUTIVE COMMITTEE**

4. Regional Office Center Update

At the March 17, 2008, Regional Council Executive Committee meeting, the Committee recommended to the Regional Council to 1) Terminate the terms of the Memorandum of Cooperation (MOC) for the Regional Office Center with the RPTA and METRO based upon METRO's action to not accept the amended and restated MOC without further changes and 2) Direct MAG staff to inform McCarthy Building Companies that negotiations regarding the Regional Office Center are suspended until further notice from MAG. MAG staff also received direction to explore other options that may meet MAG's office space needs.

At the March 26, 2008 Regional Council meeting, the future of the Regional Office Center project was discussed. MAG staff was directed to invite the partnering agencies (MAG, RPTA, METRO), and the Arizona Municipal Water Users Association (AMWUA) to participate in a joint meeting of the boards to discuss the issues involving the Regional Office Center Project to determine if the project will move forward. To prepare for this joint board

4. Information, discussion and possible action to direct staff to recess the meeting and go into executive session for the purpose of discussion and consultation with MAG's attorneys for legal advice and for MAG to consider MAG's position and instruct its attorneys concerning negotiations of agreements concerning the Regional Office Center and to consider the acquisition of property to meet MAG's future office space needs A.R.S. 38-431.03(A)(3) and (4).

The meeting may then be reconvened to take action to direct staff to: 1) Rescope the existing Regional Office Center project including using one-half of the existing parcel, reduce the size of the conference center, reduce the parking garage and evaluate whether to include the rooftop terrace and media center in the program, and renegotiate the price per square foot at the current project site; 2) Analyze the current agency leases and project staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative budget to consider for different development sites; 3) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 4) Request David Kaye, the owner of the property at 1<sup>st</sup> Avenue/McKinley, to

meeting, staff was directed to work with the other three regional agencies to schedule a preliminary meeting, consisting of policy board members and directors, to identify the issues that are outstanding for each of the agencies. This information would be used to prepare the agendas for a joint meeting of up to four boards on April 23, 2008.

On April 7, 2008, a pre-meeting including the Board Chairs and administrative officials of MAG, the RPTA, METRO and the Arizona Water Municipal User's Association (AMWUA) met to discuss the status of the Regional Office Center. The consensus of the group was for the agencies to pursue the following avenues to make an informed decision regarding future office space for their respective agency: 1) Rescope the existing Regional Office Center project including using one-half of the existing parcel, reduce the size of the conference center, reduce the parking garage and evaluate whether to include the rooftop terrace and media center in the program, renegotiate the price per square foot at the current project site, and enter into a preconstruction services contract with McCarthy Building Companies for \$500,000 to get to a Guaranteed Maximum Price (GMP) for the building; 2) Analyze the current agency leases and project staff growth and the amount that would be spent in the next 15 years and apply that amount as a tentative budget to consider at different development sites; 3) Direct staff to identify buildings for sale and/or lease in the Greater Phoenix Metro area; 4) Request David Kaye, the owner of the property at 1<sup>st</sup> Avenue/McKinley, to not require any additional option payments on his property until a GMP is provided (90 days) and analysis for the project has been completed; and that 5) the cost impact of the ROC will be considered by the membership of the respective agency boards.

The Executive Committee may vote to recess the meeting and go into executive session for the purpose of discussion and consultation with MAG's attorneys for legal advice and for MAG to consider MAG's position and instruct its attorneys concerning negotiations of agreements concerning the Regional Office Center and to

not require any additional option payments on his property until a GMP is provided (90 days) and analysis for the project has been completed.

consider the acquisition of property to meet MAG's future office space needs A.R.S. 38-431.03(A)(3) and (4).

The meeting may then be reconvened to take action regarding negotiations regarding agreements for the Regional Office Center and to address MAG's future office space needs.

5. Request to Reconsider and Rescind the Executive Committee's Vote Terminating the Memorandum of Cooperation (MOC); Approve the Amended and Restated MOC; and Approve Entering into a Preconstruction Services Agreement with McCarthy Building Companies

In February 2008, the three regional transportation agencies approved the Amended and Restated Memorandum of Cooperation (MOC) and authorized entering into a preconstruction services contract with McCarthy Building Companies not to exceed \$500,000. The approval by the Executive Committee was contingent upon approval of the Amended and Restated MOC by the other agency boards with no further changes. On February 20, 2008, the Valley Metro Rail (METRO) Board provided a conditional approval of the amended MOC and preconstruction services contract, and on February 21, 2008, the Regional Public Transportation Authority (RPTA) Board approved the amended MOC and preconstruction services contract by a vote of 7 to 6.

The METRO Board will be reconsidering the Amended and Restated MOC and entering into the preconstruction services contract with McCarthy Building Companies at its April 16, 2008 meeting. To be able to move forward with attaining a GMP for the project, MAG staff is requesting that the Executive Committee reconsider and rescind its action on March 17, 2008, recommendation to terminate the MOC with the RPTA and METRO and approve the amended and restated MOC to increase the maximum of shared equal costs among the agencies from \$330,000 to \$550,000 each, including clarification of certain other provisions. MAG is also requesting to authorize the MAG

5. Information, discussion and possible action to do the following:

1) Reconsider and Rescind the Executive Committee's Vote Terminating the Memorandum of Cooperation (MOC) on March 17, 2008 with the RPTA and METRO;

2) Approve the Amended and Restated MOC increasing the maximum of shared equal costs among the agencies from \$330,000 to \$550,000 each, including clarification of certain other provisions, and;

3) Authorize the MAG Executive Director to enter into a preconstruction services agreement with McCarthy Building Companies, of which MAG's share will not exceed \$167,000.

Executive Director to enter into a preconstruction services agreement with McCarthy Building Companies, which will provide a final GMP for the building and include the right to ownership of the materials produced by the McCarthy team. Please refer to the enclosed material.

6. Transportation Planning Update

For the past three years, MAG has been engaged with the regional planning organizations throughout Arizona to work collaboratively to address Arizona's growth and transportation issues. Concurrently, MAG has been working to address high growth areas in the MAG region with the Hassayampa Valley and Hidden Valley Framework studies. MAG has also initiated a Transit Framework Study and will be initiating an update of the Regional Transportation Plan. These studies along with a statewide Transportation Reconnaissance Study have laid the foundation for a statewide transportation planning effort by the Arizona Department of Transportation. A report on these activities will be provided to the Management Committee at its April 9, 2008 meeting. Please refer to the enclosed material.

7. Adjournment

6. Information, discussion and input by the Executive Committee.