

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

February 25, 2004
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Supervisor Max W. Wilson, Maricopa County
Mayor Keno Hawker, Mesa, Vice Chair	Mayor Edward Lowry, Paradise Valley
Mayor Douglas Coleman, Apache Junction	Vice Mayor Bob Barrett for
* 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 Community	# Mayor Lon McDermott, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Bryan Hackbarth, Youngtown
Mayor Elaine Scruggs, Glendale	# Rusty Gant, ADOT
Mayor James Cavanaugh, Goodyear	Joe Lane, ADOT
Mayor Vinicio Alvarez, Guadalupe	F. Rockne Arnett, Citizens Transportation Oversight Committee
Mayor J. Woodfin Thomas, Litchfield Park	

* 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 Chair Wendy Feldman-Kerr at 5:05 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Feldman-Kerr announced that Mayor Lon McDermott and Rusty Gant were participating via videoconference.

Chair Feldman-Kerr introduced Vice Mayor Bob Barrett as proxy for Mayor John Keegan, Peoria.

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. Chair Feldman-Kerr noted that a request was received to remove agenda item #6, Establishment of the MAG Regional Aviation System Plan Technical Advisory Committee. She added that this item will be considered at a later date. Chair Feldman-Kerr stated that materials at each place included a copy of a letter written to Senator McCain on including PM-10 in the SAFETEA formula; a legislative summary; and the Desert Peaks nomination form.

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, which are available on the tables adjacent to the doorways inside the meeting room. She 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.

Chair Feldman-Kerr recognized public comment from J. Boggs, who thanked the Council for the opportunity to address them. Mr. Boggs stated that the City of Phoenix has 3,905 bus stops, of which 1,211 are sheltered. Regionwide, the system has approximately 6,900 bus stops, of which approximately 1,800 are sheltered. Mr. Boggs stated that there have been quite a few serious consequences from the lack of shelters because of the climate. He gave an analogy that our system for bus shelters is similar to building a 20-room house and putting a roof on only a couple of rooms at a time. Mr. Boggs reported that the Transit Department says that the problem is lack of money, but it seems that money can usually be found for something we want. Mr. Boggs gave his telephone number and said that he would appreciate those with interest in this issue to give him a call. Chair Feldman-Kerr thanked Mr. Boggs for his comments.

Chair Feldman-Kerr recognized public comment from Bob McKnight, who stated that on a 113-degree day, he had recorded a temperature of 138 degrees on a bus bench located at 24th and Buckeye. He added there are nice new stops for Rapid, which some spell with an "e" and some spell with an "i." Mr. McKnight said the maximum temperature he has recorded on a Rapid bench is 134 degrees, which is a long way from the 95 degree temperature that has been promised by Phoenix Vice Mayor Peggy Bilsten. Mr. McKnight noted that Mayor Phil Gordon was not present at the meeting, and had wanted to ask him how much Phoenix is funding and loaning to other cities to build the light rail system. He stated that MAG's own figures say that the light rail system will require \$250,000 per day subsidy for operating costs. He asked where the money was coming from. Mr. McKnight stated that the City of Phoenix will be cutting their budget for the third year in a row and is starting a program in April to get input on the budget. Mr. McKnight stated that 60 percent of the City's budget goes to police and fire and they will probably be needing more money. He added that the light rail fareboxes will not come close to covering the actual costs. Mr. McKnight stated that he guessed Mayor Gordon did not show up at the meeting because he did not like the company. Chair Feldman-Kerr thanked Mr. McKnight for his comments.

Chair Feldman-Kerr recognized public comment from DD Barker, who stated that she took the bus today and also rideshares. Ms. Barker referenced Blue Crowley's previously expressed concerns about MAG making one-sided copies. She noted that MAG has changed this practice, but Valley Metro Rail makes one-sided copies and also uses colored paper. Ms. Barker commented that making two-sided copies is a little thing that reduces costs. She stated that in October 2002, the Valley Metro Rail Board authorized \$36 million for the GEC contract; today, preliminary estimates added \$18 million to the cost. Ms. Barker brought up concerns of a citizens' coalition along Camelback Road on the rising costs of light rail because they are going to have to pay for concrete beds on the roadway. Ms. Barker noted that costs for sections closer to corporations will have to be paid by the government. She stated that the corporations are ruling. Ms. Barker encouraged starting a citizen movement in Arizona to get people out to vote and participate. She commented that there is a substantial population that relies on buses, and the benches are too hot to sit on in the summer. Ms. Barker urged taking care of the existing infrastructure first before considering light rail. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Chair Feldman-Kerr recognized public comment from Blue Crowley, who stated that he would like everyone to consider opposing the sales tax election because there was a better plan, and MAG did not come up with it. Mr. Crowley said that funds from the sales tax are allocated to the Wickenburg Bypass; however, MAG already has funding for this project. Mr. Crowley commented that a two-cent per gallon tax is needed to get roadways up to the status quo. He added that this was the solution reached by Marty Shultz's committee. Mr. Crowley stated that the way that Grand Avenue construction is taking place in Glendale is a slap in the face to transit, because it was planned and built to be transit unfriendly. Mr. Crowley said that he wanted the tax divided between roads, rubber tired transit and a light rail study as one part, and freeway and light rail as the other part. He urged looking to the future with solar-powered rail, especially if a freeway is built on SR 74. He commented that single occupant vehicles for moving people is not the way to do it, and alternatives are needed. Mr. Crowley stated that if the Work Program is supposed to be unified, he does not see MAG working with the other counties. This is necessary because development has already spread from Maricopa County into Pinal and Yavapai Counties. Mr. Crowley stated that no transit service for the five Indian communities in Maricopa County is included in the Regional Transportation Plan. He stated that he wanted to register a formal complaint that Mr. Arnett is receiving compensation by participating in Regional Council dinners. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

4. Executive Director's Report

Dennis Smith reported on Federal transportation legislation to reauthorize TEA-21. He said that on February 13th, the Senate approved SB 1072, a \$318 billion, six-year surface transportation bill. He stated that there is controversy in Washington regarding whether this amount could be funded. Mr. Smith reported that on February 11th, the House passed HB 3783, which is a four-month extension on the National Highway and Transit Funding Program.

Mr. Smith stated that a letter was sent to Senator McCain in regard to adding PM-10 to the CMAQ allocation formula in SAFETEA. He stated that MAG has been working with Representatives Shadegg and Hayworth on this issue.

Mr. Smith said that in December 2003, EPA had proposed adding Pinal County Area A to the eight hour ozone nonattainment area boundary. He explained that MAG transmitted additional information to the Arizona Department of Environmental Quality supporting the Governor's recommendation for the boundary and encouraging the exclusion of Pinal County Area A from the boundary. Mr. Smith added that no final decision has yet been made on Area A.

Mr. Smith reported that a Public Hearing on the One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County nonattainment area is scheduled for March 1, 2004 at 5:30 p.m. in the Saguaro Room.

Mr. Smith stated that the Desert Peaks Awards will be held June 23, 2004 at the Arizona Club. Nomination forms are being sent out and are due back to MAG by March 29th. He added that Chair Feldman-Kerr sent a letter requesting people to serve on the judging panel.

Mr. Smith reported that MAG sponsored a booth at two Black History Events as part of its public outreach: in downtown Phoenix on January 31st and at Tempe Town Lake on February 7th. He announced that cities could request MAG staff attend their events to provide information to citizens on the Regional Transportation Plan.

Mr. Smith stated that the Regional Transportation Safety Forum, co-sponsored by MAG, is scheduled for March 24, 2004 at the Black Canyon Conference Center.

Mr. Smith stated that the Community Emergency Notification System (CENS) officially became active in January. He explained that CENS will telephone residents with a pre-recorded message when there is an emergency in their area. Mr. Smith stated that public service announcements in English and Spanish were produced by the 9-1-1 Office at the City of Phoenix Fire Department for broadcast on local television stations and channel 11s to inform the public about CENS. The CENS public service announcement was played. Mr. Smith stated that the 911 office is also in the process of producing a more detailed five minute video for broadcast on channel 11s.

Mr. Smith stated that a bill signing ceremony for HB 2456 took place at MAG on February 9th. HB 2456 was signed by the Governor at the ceremony, which was attended by many of the elected officials, business leaders and staff who participated in the process. Mr. Smith expressed that he felt this bill was MAG's greatest success.

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 #5C were on the consent agenda.

Chair Feldman-Kerr recognized public comment from Mr. Crowley on agenda item #5C. Mr. Crowley stated that everyone puts in a lot of work and effort, but especially Mr. Smith. He commented that he

appreciated Mr. Smith's outreach to him, and if the Regional Council got rid of him, just see what comes back. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Thomas moved to approve consent agenda items #5A, #5B, and #5C. Mayor Lowry seconded, and the motion carried unanimously.

5A. Approval of the January 28, 2004 Meeting Minutes

The Regional Council, by consent, approved the January 28, 2004 meeting minutes.

5B. Social Services Block Grant Fund Recommendations FY 2004-2005

The Regional Council, by consent, approved the priority needs, services and funding recommendations for FY 2004-2005 to be forwarded to the Arizona Department of Economic Security for advertisement and contracting. Each year, the Human Services Technical Committee (HSTC) and the Human Services Coordinating Committee (HSCC) provide local input for the allocation of approximately \$4 million in Social Services Block Grant (SSBG) funds for Maricopa County. On January 29, 2004, because the Federal allocation of funding was identical to FY 2004, the HSTC and HSCC recommended reallocating the funds in the same manner for FY 2005. It was further recommended to change the language for the Service Intents for the Persons for Developmental Disabilities Target Group. Approval is needed to forward these recommendations to the Arizona Department of Economic Security to be written into the FY 2005 Social Services Plan. The Management Committee recommended approval.

5C. Ratification of the Annual Performance Review and Compensation of the MAG Executive Director

The Regional Council, by consent, ratified the action of the Executive Committee to provide the MAG Executive Director an amount equal to 4.28 percent of his annual salary to be provided as either a one-time contribution to one, or a combination of deferred compensation or as a one-time incentive bonus. In January 2003, the Regional Council approved an agreement to hire the current Executive Director. As part of this agreement, it was provided that the Executive Director would receive an annual performance review, conducted by the Executive Committee. As part of the evaluation, in December, a questionnaire was sent to the members of the Regional Council to comment on the performance of the Executive Director. On January 12, 2004, the Executive Committee reviewed the comments from the Regional Council and discussed the performance of the Executive Director. On February 9, 2004, the Executive Committee took action regarding the Executive Director's performance review and salary.

6. Establishment of the MAG Regional Aviation System Plan Technical Advisory Committee

This item was removed from the agenda.

In the early 1990s, MAG set up a two-tier committee process to guide the Regional Aviation System Plan (RASP). The RASP Technical Advisory Committee (TAC) provided technical input on the MAG RASP Update and forwarded the recommendations to the RASP Policy Committee, comprised of elected officials of member agencies. In 1997, during a committee streamlining process, the MAG RASP TAC was eliminated and replaced with an informal stakeholders group that included technical staff. During the current update of the Regional Aviation System Plan, support has been expressed to reestablish the MAG RASP TAC to provide more formal input to the RASP Policy Committee.

Membership on this Committee would be open to all MAG member agencies, as well as representatives of Luke Air Force Base and the Air National Guard. Each of the agencies would submit the name of an individual to represent them on the Technical Advisory Committee. At the January 7, 2004 meeting of the Management Committee, it was urged that the aviation technical expertise of member agencies be taken into account in determining the membership of the TAC.

7. Preparations for Conducting the 2005 Census Survey

Harry Wolfe reported on preparations for conducting the 2005 Census Survey, which was approved by the Regional Council in December 2003. He reported that the Survey cost estimate was recently recalculated by the Census Bureau, and has increased about \$200,000, for a total of approximately \$7.7 million. Mr. Wolfe noted that the Census Bureau cites higher wage rates and unanticipated costs for the increase. Mr. Wolfe stated that the Survey will be September 1, 2005. Mr. Wolfe explained that MAG needs to enter into an agreement with the Census Bureau by the end of March 2004. He added that the first installment payment to the Census Bureau will be made with FHWA funds, and the member agencies' share will be due July 1, 2005.

Mr. Wolfe explained that MAG and its member agencies will need to provide the Census Bureau with telephone lines, testing locations, support for publicizing and promoting the Census Survey, space for interviewer/crew leader training, office space for "command central" and associated office furniture/equipment and supplies. He stated that member agencies will need to ensure that their corporate limits are reported to the Census Bureau through the annual Boundary and Annexation Survey; define any subregions for the survey (only required for the cities of Phoenix and Mesa); and work cooperatively with MAG to identify group quarters and submit new permit completions in a timely fashion. He emphasized that a good response rate is less costly because it eliminates the costs for followup. Chair Feldman-Kerr thanked Mr. Wolfe for his presentation. She opened the floor for questions.

Mayor Shafer stated that providing services to winter visitors is necessary, but is a great financial concern to cities because jurisdictions do not receive funding for those who do not choose to be counted as residents. She asked if there were options that might be worked out. Mr. Wolfe replied that in terms of a census, people who are not counted as residents are not included in a jurisdiction's population. He added that MAG does try to capture numbers through estimates and projections of non-resident populations for the transportation model. Mayor Shafer commented that many winter visitors say that they choose to not be counted as Arizona residents because they do not want to pay high motor vehicle registration fees.

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 incremental development of the FY 2005 Unified Planning Work Program and Annual Budget. Ms. Kimbrough reviewed the schedule of the development of the Work Program and Annual Budget. She noted that the agenda packet included a revised timeline, an overview of MAG's early draft revenues and expenses and proposed new projects. Ms. Kimbrough stated that the budget includes two new staff positions. She explained that contingent upon the passage of the one half cent sales tax, MAG would have a new responsibility to conduct a Life

Cycle Program for streets and one of the positions is needed to perform that function. Ms. Kimbrough stated that the second position would be for a senior level environmental staff member. Formerly, this position was converted to a consultant function due to the availability of the staff person. With the demanding needs in air quality, it is necessary to have a person on staff who is knowledgeable in modeling and policy.

Ms. Kimbrough stated that the Executive Committee had given direction that a consultant compensation study on the staff salary schedule would be conducted. Chair Feldman-Kerr thanked Ms. Kimbrough for her report and opened the floor for questions.

Mayor Hawker asked for clarification of the status of the Walking and Bicycling in the 21st Century Conference Series and the School Crossing Safety Training Workshop projects. He commented that the Executive Committee had discussed whether the expenditures were worthwhile. Mayor Hawker expressed that he would recommend dropping the conference. Mr. Smith replied that one option being considered was having a registration fee to offset the cost of the conference. He stated that the Phoenix and Mesa training videos are being considered for use at the School Crossing Safety Training Workshop. Mr. Smith stated that a report on both proposed projects would be given at the next Executive Committee meeting and the Committee could give direction that they be deleted or modified. He added that the budget and Work Program can be revised up until approval that is planned for May. He added that dialogue on some projects is continuing at the committee level.

Mayor Thomas asked about the regionality of the Phase I Multi-Use Path Linkage Feasibility Study because it seemed to be specific to Phoenix and Tempe. Mayor Hawker commented that this project is part of a master plan that will provide a link from Indian Bend Wash through this area to eventually connect the river and path systems to the West Valley. Eric Anderson explained how the project will link the multi-use paths from Tempe to Phoenix. With this connection from Priest Drive to 24th Street, a continuous multi-use path would exist from Shea Boulevard in Scottsdale through Indian Bend Wash, through Tempe and connecting to a planned path from 24th Street to 19th Avenue along the Rio Salado. Mr. Anderson stated that this system represents a major spine of the regional multi-use path system that will eventually link to the planned river and canal path systems in the East Valley and to the trail systems along the Agua Fria and New River corridors in the West Valley. Mr. Anderson noted that this segment is an important piece in the middle that will connect the system. He added that staff would clarify the language in the narrative.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who commented that he felt it interesting that Mayor Hawker felt that bicycle and pedestrian modes should pay their own way. Mr. Crowley questioned how Regional Council meals pay for anything. Mr. Crowley said that bicycle and pedestrian projects need to be done concurrently with road projects. Mr. Crowley stated that MAG is not planning with other counties. He commented on lagging left turn arrows, for which he has indicated his support many times. Mr. Crowley stated that the Legislature is dealing with this issue, and the Work Program is not. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

9. Legislative Update

Tom Remes updated the Regional Council on seven bills of interest to MAG, which are also being followed by the League of Arizona Cities and Towns. Mr. Remes stated that there are two bills, HB

2653 and SB 1271, mandating how left turn signals operate. He explained that traffic control issues are currently decided at the local level. Mr. Remes stated that the League's position is that careful analysis of traffic patterns and volumes needs to be considered and the decision should not be at the state level, but at the local level.

Mr. Remes reported on HB 2698, which addresses light rail utility relocation costs. He noted that this issue was extensively debated by the Transportation Policy Committee. Mr. Remes said that the legislation would be in effect only if voters approve the sales tax extension in November 2004, and says that revenue from the tax could not be used for utility relocation costs. An "intent" section states that the corporation commission is to exclude costs associated with utility relocation required by construction of light rail from utility company rate bases.

Mr. Remes reported on a regulatory reform bill, HB 2582. He noted that this bill would impact councils of government, counties, cities, and towns because it adds them to the requirements of state administrative procedures laws when they exercise a government function that was delegated or designated to them by the governor, the legislature or a state officer or agency. Mr. Remes stated that since HB 2582 was introduced, HB 2009 has been brought forward. This bill was amended with a strike everything amendment that narrowed the scope of regulatory reform to state agencies.

Mr. Remes reported on two Arizona State Retirement System (ASRS) bills, HB 2029 and SB 1378, which could impact MAG's efforts on HB 2049 for councils of governments to be able to participate in ASRS.

Mr. Remes reported on HB 2165, that says that land to be annexed by a municipality need not be contiguous to the city or town if a regional planning agency votes to waive the requirement for contiguity.

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.

Supervisor Wilson introduced Mike Ellegood, who assumed the position of Maricopa County Public Works Director and County Engineer after Tom Buick's retirement. Mr. Ellegood formerly served as Director of the Maricopa County Flood Control District.

Mayor Lowry extended his congratulations to Mr. Ellegood. He stated that Paradise Valley has been fortunate to work with Mr. Ellegood on the building of a major flood control project in the Town.

There being no further business, the meeting adjourned at 5:50 p.m.

Chair

Secretary