

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

May 28, 2003
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek, Chair	Vice Mayor Ken Jones for Mayor J. Woodfin Thomas, Litchfield Park
* Mayor Joan Shafer, Surprise, Vice Chair	Supervisor Max W. Wilson, Maricopa County
Mayor Douglas Coleman, Apache Junction	Vice Mayor Dennis Kavanaugh for Mayor Keno Hawker, Mesa
Mayor Ron Drake, Avondale	Mayor Edward Lowry, Paradise Valley
* Mayor Dusty Hull, Buckeye	Mayor John Keegan, Peoria
* Mayor Edward Morgan, Carefree	* Mayor Skip Rimsza, Phoenix
Vice Mayor Ralph Mozilo, Cave Creek	* President Joni Ramos, Salt River Pima-Maricopa Indian Community
Mayor Boyd Dunn, Chandler	* Mayor Mary Manross, Scottsdale
Mayor Robert Robles, El Mirage	# Mayor Neil Giuliano, Tempe
* Mayor Jon Beydler, Fountain Hills	* Mayor Adolfo Gamez, Tolleson
* Mayor Chuck Turner, Gila Bend	Mayor Lon McDermott, Wickenburg
* Governor Richard Narcia, Gila River Indian Community	Councilmember Lucille Retheford for Mayor Daphne Green, Youngtown
Mayor Steven Berman, Gilbert	Rusty Gant, ADOT
Mayor Elaine Scruggs, Glendale	Joe Lane, ADOT
Councilmember Ken Porter for Vice Mayor James Cavanaugh, Goodyear	F. Rockne Arnett, Citizens Transportation Oversight Committee
* Mayor Margarita Cota, Guadalupe	

* 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 5:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Feldman-Kerr welcomed proxies for the meeting: Councilmember Ken Porter for Vice Mayor James Cavanaugh, Goodyear; Vice Mayor Ken Jones for Mayor J. Woodfin Thomas, Litchfield Park; Vice Mayor Dennis Kavanaugh for Mayor Keno Hawker, Mesa; Councilmember Lucille Retheford for Mayor Daphne Green, Youngtown. Chair Feldman-Kerr announced that Mayor Neil Giuliano was

attending the meeting via teleconference call. She reminded members to have their microphones on when speaking so that he could hear the meeting. Mayor Giuliano acknowledged he was present and could hear the meeting.

Chair Feldman-Kerr stated that the RPTA has agreed to provide 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 stated that due to the room's acoustics, audience conversations carry over to the Council table, making it difficult to hear presentations. She requested that the audience keep conversations to a minimum during the meeting.

Chair Feldman-Kerr stated that MAG staff seated at each end of the entryways to the Regional Council table on both sides of the room are available to assist members of the public in turning in their public comment cards.

Chair Feldman-Kerr stated that materials for agenda items #5E and #10 were at each place.

3. Call to the Audience

Chair Feldman-Kerr stated that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out the cards, which are available on the tables adjacent to the doorways inside the meeting room. She noted that there is a three minute time limit. Public comment is provided at the beginning of the meeting for non-agenda items.

Chair Feldman-Kerr recognized public comment from DD Barker, who expressed appreciation for the transit tickets. She noted that this was an ozone alert day. Ms. Barker commented that the MAG public transportation workshops were a good effort. It is good that they do what they say in regard to trip reduction. Ms. Barker suggested that in case RPTA is not at an event, it would be nice to not have to hunt down the person who has the transit tickets. She stated that citizens can help with air quality problems. For example, she and Mr. Crowley use mass transit. Ms. Barker commented on *The Arizona Republic* article about rising ozone levels and exceeding the new federal standard. She noted that the Queen Creek monitor may exceed 127 ppb, and the federal standard is 80 ppb. Ms. Barker stated that multimodalism feels good. Chair Feldman-Kerr thanked Ms. Barker for her comments. Dennis Smith clarified that there was a typo in the article and the exceedance was not in Queen Creek, but Queen Valley.

Chair Feldman-Kerr recognized public comment from Blue Crowley, who stated that even if the exceedance was not in Queen Creek, it is still nothing to be proud of. He expressed appreciation to the City of Scottsdale for placing fliers announcing a public hearing on buses. The fliers were on the buses three weeks in advance of the event and included staff contact information. He quoted Thomas Jefferson, "In matters of fashion, go with the flow, in matters of conscience, sink like a stone." Mr. Crowley commented that there was an open meeting law violation at the CTOC meeting. When Mr. Crowley went to attend the meeting, the doors were locked. After receiving entry, Mr. Crowley was told that he could not speak because he was not there on time. He stated that he was there on time, and was late because he could not get in. Mr. Crowley stated that there is an overlap in MAG and State planning processes, and urged better coordination. He commented that the three scenarios developed for the Transportation Policy Committee are overemphasized in each mode. Mr. Crowley stated that in the

transit scenario, there is no bus to Komatke or on 51st Avenue, and he was told that there was no transit service to the South and Southwest Valley because the area had not been settled until 1945; however, people have been in Komatke since the 1700s. Mr. Crowley stated that at the state hearing, two people out of the 40 attendees were City of Phoenix employees giving their input as employees. He stated that if you have staff, have all cities' staff represented, but especially just public input. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

4. Executive Director's Report

Dennis Smith stated that five public workshops were scheduled in the five subregion areas in May and June to receive input on the Regional Transportation Plan. Dates and locations include May 22 in Central Phoenix - ASU Downtown; May 29 in the Northwest Valley - Thunderbird Graduate School; June 3 in the Northeast Valley - Horizon Community Center; June 4 in the Southwest Valley - Estrella Mountain Community College; June 5 in the Southeast Valley - Mesa Centennial Center.

Mr. Smith announced that MAG will have an informational booth at the Chandler Mall on Saturday, May 31, 2003 from 11:00 a.m. to 4:00 p.m. along with ADOT, Valley Metro and Valley Metro Rail.

Mr. Smith stated that the Community Emergency Notification System (CENS) Stakeholders Working Group Workshop was held May 27 at the South Mountain Environmental Education Center. The Group is meeting to discuss policy issues surrounding CENS, such as the activation policy, liability considerations; and ongoing funding. Mesa Fire Chief Harry Beck as Chair of the 911 Oversight Team, facilitated the discussion.

Mr. Smith stated that MAG was recently awarded the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. In order to receive this award, the comprehensive annual financial report (CAFR) must satisfy both accounting principles generally accepted in the United States of America and legal requirements. Mr. Smith noted that this is the fifth consecutive year that MAG has received this award, and to his knowledge, is the only Council of Governments that has received it.

Mr. Smith stated that the new SR51/Loop 101 freeway link opened on May 24, 2003 and MAG staff joined the celebration. He stated that more than 100 transportation surveys were completed at the MAG booth.

Mr. Smith updated the Council on the Eight-Hour Ozone Boundary. By July 15, 2003, the Governor is required to recommend nonattainment boundaries for the Eight Hour Ozone standard. MAG, as the regional air quality planning agency is preparing a recommendation for the boundary. ADEQ is also preparing a recommendation for consideration which should be announced June 11. On May 8 and 27, the MAG Air Quality Technical Advisory Committee reviewed the initial analysis prepared by MAG staff. It is expected that the Committee will make a recommendation on June 19. In June, the Regional Council will receive a recommendation on the proposed boundary. Within the boundary, requirements are more stringent. A boundary can always be expanded. Reducing an existing boundary is difficult if not impossible.

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 #5E were on the consent agenda. No comments from the Council were noted.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who noted that no public comment was noted for the street sweeper agenda item, although he has commented on them in the past. He stated that the region is in air quality violation today because we went over three days. To stay in conformity, the I-10 express terminal needs to be completed. Mr. Crowley stated that he did not see adherence to TEA-21 to reach conformity. For agenda item #5D, Regional Annual Report - Table of Contents, he noted that the agenda material states no public comment has been received, although this is the first time he has seen this item. Mr. Crowley commented when you look at the parts, he could not tell what MAG was trying to do. He stated that he would like to know how the two City of Phoenix employees at the state hearing got their marching orders and what they were. Mr. Crowley stated that he received a letter from MAG communications manager Kelly Taft that said that those invited to Town Hall were those who had not previously been a part of the transportation planning process. However, Lisa Atkins, Diane McCarthy, and Rosendo Gutierrez, who have all been involved in transportation planning in the past, were on the list of Town Hall participants. When you have these people on the list, how are you in conformity with public input? Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Elaine Scruggs stated that Mr. Crowley has spoken three times regarding inappropriate participation at Town Hall. She clarified for Mr. Crowley that Lisa Atkins, Diane McCarthy, and Rosendo Gutierrez did not participate in the breakout sessions, but attended as observers. Mayor Scruggs emphasized that no input from them went into the compilation of results. Mr. Crowley thanked Mayor Scruggs for her clarification.

Supervisor Max W. Wilson moved to approve consent agenda items #5A, #5B, #5C, #5D, and #5E. Mayor Robert Robles seconded, and the motion carried unanimously.

5A. Approval of April 23, 2003 Meeting Minutes

The Regional Council, by consent, approved the April 23, 2003 meeting minutes.

5B. Conformity Consultation

The interim year end closeout of the FY 2003 federally funded program requires an amendment to revise two projects in the FY 2003-2007 MAG Transportation Improvement Program. The amendment includes \$1.6 million in additional funding for the remaining eleven sweepers from the Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2003 CMAQ Funding that was approved by the MAG Regional Council in October 2002. In addition, the City of Scottsdale has requested to purchase two PM-10 certified street sweepers in exchange for another project targeted at paving dirt road shoulders. Also, the Town of Gilbert has requested to purchase one PM-10 certified street sweeper in exchange for another project targeted at paving a neighborhood street. These projects are considered minor project revisions which do not require a conformity determination.

5C. Small Plant Review and Approval Process for the Proposed Desert Oasis Wastewater Treatment Facility

The Regional Council, by consent, approved the proposed Desert Oasis Wastewater Treatment Facility as part of the MAG 208 Water Quality Management Plan. The City of Surprise has requested that MAG review the proposed Desert Oasis Wastewater Treatment Facility through the Small Plant Review and Approval Process of the MAG 208 Water Quality Management Plan. The facility would have a capacity of 350,000 gallons per day. The wastewater would be disposed in designated disposal sites. Located within three miles of the project, the City of Peoria has indicated that they do not object to the proposed facility and Maricopa County supports the facility with conditions. The Water Quality Advisory Committee and the Management Committee recommended approval.

5D. Regional Annual Report - Table of Contents

The Regional Council, by consent, approved the Table of Contents for the Regional Annual Report. In December 2002, the Regional Council approved the preparation of a Regional Annual Report that would measure performance indicators for calendar year 2003. In doing so, the Regional Council directed that the Table of Contents for the Regional Annual Report should be prepared with the input of the Planners Stakeholders Group (PSG), and approved by the MAG Management Committee and the MAG Regional Council prior to starting work. The Table of Contents, attached in full, contains seven broad areas that describe regional sustainability. In each of these, there are performance indicators for comparison to other regions; in four of these, there are performance indicators for metro Phoenix itself. The broad areas include: Growth - indicators of the sheer amount of growth, including population, economy and buildings; Urban form - indicators of the spatial development of growth; Quality economy - indicators of quality industries and the educational/workforce foundation needed to grow them; Transportation & other regional infrastructure - indicators of the efficiency of regional multi-modal transportation systems, water/sewer line extensions, and wastewater treatment; Housing - indicators of housing prices and affordability; Environmental - indicators of air quality; Social, civic, and cultural well-being - indicators of quality of life for people. The Management Committee recommended approval of the Table of Contents for the Regional Annual Report.

5E. Ratification of Executive Committee Action to Approve MAG Joining the Arizona State Retirement System

The Regional Council, by consent, ratified the Executive Committee action to approve MAG joining the Arizona State Retirement System (ASRS) defined benefit plan. At the April 21 Executive Committee meeting, staff discussed the possibility of joining the ASRS. It was noted that the existing ten percent that is contributed to retirement in the ICMA Retirement Corporation for the MAG staff would be applied to the ASRS. The consensus of the Executive Committee was for MAG to proceed with the ASRS making a presentation to the MAG staff regarding the system, and also meeting with staff individually to inform them of the change regarding their individual status and of the possibility of the contribution rates for the ASRS increasing in the future. MAG staff was informed of the projected increases in the contribution rate for ASRS and projections were made for staff requesting additional information on the effect that joining the ASRS would have on them. On May 9, MAG also conducted a staff “brown bag” to answer any additional questions about the ASRS. The MAG Executive Committee met in a special session on May 13 and approved MAG joining the Arizona State Retirement System. In addition, the Executive Committee approved using the existing budgeted amount for the ICMA retirement funds to fund the MAG employer contribution, and using the remaining

amount of the budgeted retirement and the long term disability funds to make a one-time budget adjustment to employee salaries. The application and approved minutes from the Executive Committee meeting of May 13 were submitted to the ASRS and placed on their May 16 board agenda. At their May 16th board meeting, the ASRS board requested a further review of the MAG membership eligibility of MAG as an ASRS member before accepting MAG as an ASRS member. The Attorney General decision as to MAG's eligibility for ASRS membership is expected the week of May 20. If the decision is made to accept MAG as an ASRS member, the application will be submitted to the ASRS board for their June 2003 meeting. At this time, MAG will request that the membership be retroactive back to the beginning of June as the application was initially submitted in May.

6. Regional Transportation Plan Update

Mayor Giuliano, Chair of the Transportation Policy Committee (TPC), provided an update on the development of the Regional Transportation Plan that is being developed by the TPC. Mayor Giuliano stated that the May 21 meeting was very productive and lasted approximately four and one-half hours. He noted that TPC received a legislative update that reported that the Governor has signed HB 2292, which advances the process for the sales tax extension election. Mayor Giuliano stated that three scenarios, each with a focus on transit, freeways, or roads, were reviewed. He noted that none of the three scenarios is what the region needs, but a hybrid of the three, for a transportation plan for the next 20 years. Mayor Giuliano stated that the TPC directed staff to develop the hybrid, which will be a compilation representing the major projects representing those transportation modes. He stated that the TPC is on a very tight schedule, and the next meeting is June 18. The goal is to have a plan to the Regional Council by September, when they will consider approval for a conformity analysis. Mayor Giuliano stated that we are looking at a May 18, 2004 election. He noted that staff has extensive data available. He encouraged the Council to keep up to date on the TPC meeting activities, adding that briefings could be scheduled if members would like one. Mayor Giuliano thanked MAG staff for the tremendous effort on the plan. He acknowledged the dedication of the Regional Council members serving on the TPC. Chair Feldman-Kerr thanked Mayor Giuliano for his report. No questions from the Council were noted.

7. Appointment to the Transportation Policy Committee

Chair Feldman-Kerr stated that at the June 26, 2002 Regional Council meeting, the members of the Transportation Policy Committee were appointed. These appointments were made in accordance with the overall structure of the Committee that was approved at the April 2002 Regional Council meeting. She noted that since making the appointments, Councilmember Seth Kanter's term of office in Goodyear will end on June 9, 2003. To fill the vacancy, the name of Vice Mayor James Cavanaugh, Goodyear, has been submitted to fill the appointment.

Chair Feldman-Kerr moved to appoint Vice Mayor James Cavanaugh, Goodyear, to the Transportation Policy Committee. Mayor Scruggs seconded, and the motion carried unanimously.

8. Federal Fiscal Year 2003 Interim Year End Close Out - Street Sweepers

Paul Ward addressed the Council on the close out process for MAG federal funds. In October 2002, the Regional Council approved the purchase of 10 out of a prioritized list of 21 PM-10 certified street sweepers. Mr. Ward stated that the Management Committee recommended that the remaining street

sweepers on the list should now be funded, and that the City of Scottsdale should be allowed to purchase two street sweepers and the Town of Gilbert should be allowed to purchase a street sweeper in exchange for other projects targeted at paving dirt roads. Mr. Ward stated that there are currently approximately \$15.4 million in MAG Federal funds available for projects in the fiscal year close out process that is currently underway, including \$2 million for street sweepers. To date, 28 projects totaling \$29.1 million have been submitted for the funds. Chair Feldman-Kerr thanked Mr. Ward for his presentation. No questions from the Council were noted.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who stated that he has commented on street sweepers in the past, asking whether they were sweepers or vacuums, and has been assured they are vacuums. Mr. Crowley asked if the material picked up is organic, road deterioration, or PM-2.5's? What are you doing to get the job done? Mr. Crowley commented that the region has had four days of ozone violations. You are not supposed to be addressing only particulate problems. CMAQ projects XXX. He stated that the City of Scottsdale is deleting paving a dirt shoulder, and he wants a bike lane on that shoulder. What is the effect of that going to be? Will you put in a lane back in that will be bike accessible? Though you do not have breathing problems now, you probably will, and the air quality will exacerbate conditions. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Berman moved to approve amendments to the FY 2003 Unified Planning Work Program and the FY 2003-2007 MAG Transportation Improvement Program to fund the remaining 11 street sweepers in the amount of \$1.603 million and to allow the City of Scottsdale and the Town of Gilbert to purchase street sweepers in exchange for projects targeted at paving dirt roads. Mayor Robles seconded, and the motion carried unanimously.

9. MAG Carbon Monoxide Redesignation Request and Maintenance Plan

Lindy Bauer gave a presentation on the Draft MAG Carbon Monoxide Redesignation Request and Maintenance Plan. The Plan demonstrates that the air quality standards will continue to be met through 2015. Ms. Bauer noted that no violations have occurred in the area since 1996, and MAG is requesting that the Environmental Protection Agency redesignate this area to attainment status. She reviewed the steps for redesignation to attainment. Ms. Bauer explained the emission reductions achieved from individual maintenance measures. She stated that a public hearing was held on the Plan, and a transcript of the hearing was transmitted. Ms. Bauer noted that Ms. DD Barker had requested corrections to her statements in the public hearing transcript, the response to which was at each place. Ms. Bauer noted that the AQTAC and the Management Committee had recommended approval of the Draft MAG Carbon Monoxide Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Chair Feldman-Kerr thanked Ms. Bauer for her presentation. No questions from the Council were noted.

Chair Feldman-Kerr recognized public comment from Ms. Barker, who said no way on this plan. She expressed her appreciation for the efforts to correct her testimony, and what she said was that after studying this plan, she has doubts it will work. Ms. Barker stated that hers is a quest, yours is a paycheck. She stated that she didn't think the plan will work because Carb Phase 2 fuel, a priority control measure. Western States Petroleum brings up a variance to deal with fuel supply problems. She read state law that says that MAG does not control gasoline rules, ADEQ and the Department of Weights and Measures control them. MAG has not shown we will have relief. She stated that fireplaces, ITS and vehicle emissions account for less than one percent for each measure. On the other

hand, people could make more of a difference if they would get out of their cars one day a week. Ms. Barker stated that she never meant to offend people with her exercises, but her point was that multimodalism keeps you in shape. She stated that multimodalism feels good and did splits. Chair Feldman-Kerr thanked Ms. Barker for her comments.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who stated that the plan is cleaning the air, but it is poisoning the water. He noted that MTBE is not used in gasoline in California any longer for this reason. Breathing is important, but so is water. Mr. Crowley stated that the problem is the single occupant vehicle. He stated that after he leaves a meeting, and rides his bike over to the transit station, he sees people leaving MAG in their SUVs, the biggest polluters. Mr. Crowley suggested carpooling to meetings. He stated that he wanted it legislated that one day in five, employees make the sacrifice and use transit. Mr. Crowley asked why those coming in on Grand Avenue cannot ride in together—there is a transit station across the street. He stated that it is his right to breathe, which is more important than anyone's time, regardless of how busy they are. Mr. Crowley stated that it is nice to have an air quality plan, but you are poisoning the water. You may not have known it at the time the fuel additive began to be used, but it should be discontinued. You and your employees need to be a part of the answer. I need you to get out of your vehicles. Don't tell me your plan is working when we don't have clean air. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mr. Smith complimented MAG's air quality staff for the outstanding job on the Plan. He added that few MPOs in the nation do air quality planning.

Mayor Edward Lowry moved to adopt the MAG Carbon Monoxide Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Mayor Steven Berman seconded, and the motion carried unanimously.

10. FY 2004 MAG Unified Planning Work Program and Annual Budget

Ms. Kimbrough addressed the Council on the Draft FY 2004 MAG Unified Planning Work Program and Annual Budget. She stated that in December 2002, MAG initiated a new budget process that provided additional time for review of the major elements of the FY 2004 budget by the Management Committee, Executive Committee and Regional Council at their monthly meetings. The draft Unified Planning Work Program and Annual Budget was presented in March. Ms. Kimbrough stated that the Executive Committee discussed and approved MAG joining the Arizona State Retirement System (ASRS). Ms. Kimbrough noted that MAG is awaiting word from the ASRS board for approval. If the retirement change is made, the overall 2004 budgeted costs would not change. Ms. Kimbrough stated that in April, modifications were made to one consultant project, which was discussed at the May 21 Transportation Policy Committee meeting. She added that the TPC recommended that the study be set aside for one year and reconsidered at that time. Ms. Kimbrough called attention to the revised appendix pages of the Work Program showing detailed consultant, associate, and pass through projects. She explained that the "Programs in Brief," a summary document of the Work Program, will be produced in color, whereas this year, the full document will be printed in black and white to save on cost. In addition, a CD will also be available. Ms. Kimbrough noted that the Management Committee recommended approval of the Work Program.

Chair Feldman-Kerr thanked MAG staff for making the process easy to follow this year. No questions from the Council were noted.

Chair Feldman-Kerr recognized public comment from Mr. Crowley, who stated that he had a problem with the Work Program because it is not unified. Mr. Crowley commented that the lagging left turn has been proven a safer alternative than forward left, and urged a uniform approach throughout the region. He stated that he did not see bike and pedestrian being considered. Mr. Crowley stated that he wanted a bike lane and paint used as a weapon. He stated that he needed the Regional Council and their employees to be a part of the solution, not a part of the problem. Chair Feldman-Kerr thanked Mr. Crowley for his comments.

Mayor Drake moved to approve the resolution adopting the FY 2004 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments, and to amend the FY 2003 MAG Unified Planning Work Program and Annual Budget and the FY 2003 Transportation Improvement Program to incorporate the FY 2003 Surface Transportation Improvement Program funds identified in the FY 2004 Unified Planning Work Program and Annual Budget. Mayor Lowry seconded, and the motion carried unanimously.

11. 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.

No comments were noted.

There being no further business, the meeting adjourned at 6:05 p.m.

Chair

Secretary