

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

June 26, 2002  
Phoenix Airport Marriott  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Douglas Coleman, Apache Junction  
Mayor Ron Drake, Avondale  
\* Mayor Dusty Hull, Buckeye  
\* Mayor Edward Morgan, Carefree  
\* Vice Mayor Ralph Mozilo, Cave Creek  
Mayor Boyd Dunn, Chandler  
Mayor Roy Delgado, El Mirage  
\* Mayor Jon Beydler, Fountain Hills  
\* Mayor Chuck Turner, Gila Bend  
\* Governor Donald Antone, Gila River Indian  
Community  
Councilmember Steve Urie for  
Mayor Steven Berman, Gilbert  
Mayor Elaine Scruggs, Glendale  
Mayor Bill Arnold, Goodyear  
\* Mayor Margarita Cota, Guadalupe  
Mayor J. Woodfin Thomas, Litchfield Park  
Supervisor Don Stapley, Maricopa County  
Mayor Keno Hawker, Mesa

Mayor Edward Lowry, Paradise Valley  
Vice Mayor Pat Dennis for  
Mayor John Keegan, Peoria  
Vice Mayor Claude Mattox for  
Mayor Skip Rimsza, Phoenix  
Vice Mayor David Dobbs for  
Mayor Wendy Feldman-Kerr, Queen Creek  
\* President Ivan Makil, Salt River  
Pima-Maricopa Indian Community  
Mayor Mary Manross, Scottsdale  
Mayor Joan Shafer, Surprise  
Mayor Neil Giuliano, Tempe  
\* Mayor Adolfo Gamez, Tolleson  
Mayor Lon McDermott, Wickenburg  
Mayor Daphne Green, Youngtown  
\* Rusty Gant, ADOT  
Joe Lane, ADOT  
F. Rockne Arnett, Citizens Transportation  
Oversight Committee

\* 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 Acting Chairman Bill Arnold at 5:05 p.m.

2. Pledge of Allegiance

Acting Chairman Arnold recognized as proxies Councilmember Steve Urie for Mayor Steven Berman, Councilmember Bob Barrett for Mayor John Keegan, Vice Mayor Claude Mattox for Mayor Skip Rimsza, and Vice Mayor David Dobbs for Mayor Wendy Feldman-Kerr.

Acting Chairman Arnold stated that the RPTA has agreed to provide transit tickets for those who used transit to come to the meeting.

Acting Chairman Arnold stated that for agenda item #21, Appointment of the MAG Transportation Policy Committee, supporting material that was faxed to members earlier was at each place.

Acting Chairman Arnold introduced two new Regional Council members. He presented Mayor Boyd Dunn from Chandler with his Regional Council membership certificate. Acting Chairman Arnold stated that Mayor Jon Beydler from Fountain Hills was not present and would receive his membership certificate at a later meeting.

3. Approval of May 22, 2002 Regional Council Meeting Minutes

Mayor Neil Giuliano moved to approve the minutes of the May 22, 2002 meeting. Mayor Woody Thomas seconded, and the motion carried unanimously.

4. Call to the Audience

Acting Chairman Arnold 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. He noted that there was a three minute time limit. Public comment is provided at the beginning of the meeting for non-agenda items.

Acting Chairman Arnold recognized public comment from Blue Crowley, who stated that communication to the public is needed about what has been going on. With the change in administration, he hoped there would be better outreach. Mr. Crowley mentioned that Mr. Jack DeBolske allowed communication. He stated that the County should have more input because the County represents a large number of elderly and all of the unincorporated areas of the County. Mr. Crowley stated that the opportunity has presented itself to get on track and get the job done. Don't be afraid to make tough decisions. Acting Chairman Arnold thanked Mr. Crowley for his comments.

5. Interim Executive Director's Report

Dennis Smith stated that members' Desert Peaks name badges were at their places.

Mr. Smith stated that as a result of the efforts of local elected officials, MAG was recently awarded a grant of \$45,000 from St. Luke's Health Initiatives to support the Employers Against Domestic Violence program. Mr. Smith explained that Phoenix City Council member Peggy Bilsten led the effort in the application for the grant.

6. Approval of Consent Agenda

Acting Chairman Arnold 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. Acting Chairman Arnold stated that agenda items #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, and #18 were on the consent agenda.

Mayor Joan Shafer moved to approve the consent agenda. Mayor Roy Delgado seconded.

Acting Chairman Arnold recognized public comment from Mr. Crowley, who commented on agenda item #7, Proposed Amendment and Administrative Adjustments to the FY 2002-2006 MAG Transportation Improvement Program (TIP) for Transit Projects. He said that under the public input section of the summary transmittal, it states that “An opportunity for public input and consultation are also scheduled for the June 26, 2002 meeting of the MAG Regional Council.” Mr. Crowley stated that this is the only opportunity for the public to input on this item. He stated that he would be contacting Dennis Mittelstedt, FHWA, about this. Mr. Crowley said that MAG is not being proactive. He stated that for agenda items #8, #9, #10, and #11, three minutes are necessary for each item, not a cumulative three minutes. Mr. Crowley expressed his appreciation to Chief Justice Frank Gordon for his efforts on agenda item #12, Homeless Continuum of Care Recommendations. He stated that this is the only opportunity to comment on agenda item #14, Desert Spaces Implementation, which he supports. Mr. Crowley stated that for agenda items #15, #16, #17, and #18, he stated that the public should be a part of the process and should be allowed to input. He mentioned that he had provided staff with a booklet on open meeting laws that include guidelines on executive sessions. Mr. Crowley stated that he realized that the public is not allowed to attend executive sessions, but negative aspects should be communicated to the public. This is not Russia, and the public should know what you are doing. Business should be done as publicly as possible. Acting Chairman Arnold thanked Mr. Crowley for his comments.

A vote was taken on the question, which passed unanimously.

7. Proposed Amendment and Administrative Adjustments to the FY 2002-2006 MAG Transportation Improvement Program (TIP) for Transit Projects

The Regional Council, by consent, approved an Amendment and Administrative Adjustments to the FY 2002-2006 MAG Transportation Improvement Program for transit projects. The FY 2002-2006 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on July 25, 2001. Each year, when the Transit Appropriations are released, Valley Metro reviews the Federal Transit Administration (FTA) Grant Application that is under development and adjusts the projects listed in the Grant and the TIP to ensure that the two programs are in conformance. The Management Committee recommended approval.

8. Consultant Selection for the 2002 MAG Travel Speed Study

The Regional Council, by consent, approved Carter Burgess, Inc. to conduct the 2002 MAG Travel Speed Study for an amount not to exceed \$300,000. The FY 2002 Unified Planning Work Program, approved in May 2001 by the Regional Council, included a travel speed study for \$300,000. The data collected from this survey will be used to calibrate the MAG travel demand model. The accuracy of speed data is important to the annual process of evaluating the conformity of transportation plans to state and federal air quality implementation plans. A Request for Proposals was advertised and seven firms submitted proposals. A multi-agency review team considered the proposals and reached a consensus that Carter Burgess, Inc. be selected to conduct the Travel Speed Study for an amount not to exceed \$300,000. The Management Committee recommended approval.

9. Consultant Selection for the MAG 2002 Traffic Volume Survey

The Regional Council, by consent, approved the selection of Traffic Research & Analysis, Inc. to conduct the 2002 Traffic Volume Survey for an amount not to exceed \$80,000. The FY 2002 Unified

Planning Work Program, approved in May 2001 by the Regional Council, included a Traffic Volume Survey for \$80,000. The data collected from this survey will be used to calibrate the MAG travel demand model and provide a baseline for transportation planning and traffic engineering studies conducted in the MAG region. A Request for Proposals was advertised and two firms submitted proposals. A multi-agency review team considered the proposals and reached a consensus that Traffic Research & Analysis, Inc. be selected to conduct the 2002 Traffic Volume Survey for an amount not to exceed \$80,000. The Management Committee recommended approval of the selection.

10. Amendment of MAG Transportation Model Enhancements Consultant Contract for Station Demand Forecasting

The Regional Council, by consent, approved amending the consultant contract with Parsons Brinckerhoff Quade & Douglas for transportation model enhancements from \$412,908 to \$512,908. The Regional Public Transportation Authority has provided MAG with funding for staff support and transit modeling improvements. Staff is recommending that the consultant contract with Parsons Brinckerhoff Quade & Douglas be amended to continue with the refinements to the model for transit purposes. This would increase the present contract from \$412,908 to \$512,908. The Management Committee recommended approval of the amendment.

11. Conformity Consultation

MAG is conducting consultation on a conformity assessment for amendments and administrative adjustments to the FY 2002-2006 MAG Transportation Improvement Program and the Draft FY 2003-2007 MAG Transportation Improvement Program. The amendments and administrative adjustments are necessary to incorporate revisions to existing transit projects, add new federal-aid transit projects, and to include projects recommended for the interim closeout of the FY 2002 MAG federally funded program.

12. Homeless Continuum of Care Recommendations

On December 8, 1999, the Regional Council approved MAG becoming the responsible entity for a year round homeless planning process that includes submittal of the Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for Maricopa County. The Continuum of Care grant supports transitional and permanent housing, and supportive services. Last year, the region received \$9.2 million. A Continuum of Care Steering Committee was formed and chaired by former Chief Justice Frank Gordon. MAG received 31 applications from non-profit organizations in the Valley. A ranking and review process was administered by the Valley of the Sun United Way. Because the Regional Council meeting will be held after the submission deadline of June 21, 2002, the MAG Executive Committee reviewed and commented on the application rankings at their meeting on June 17, 2002.

13. 9-1-1 Budget Request to the Arizona Department of Administration for Equipment and Operating Funds

The Regional Council, by consent, approved the MAG FY 2004 PSAP Funding Request and MAG FY 2004-2008 PSAP Equipment Program, and the request for 9-1-1 operating funds for submittal to the Arizona Department of Administration. Each year, the Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five year equipment program that forecasts future 9-1-1 equipment needs of the region and will enable MAG to provide estimates of future

funding needs to the Arizona Department of Administration. The Management Committee recommended approval.

14. Desert Spaces Implementation

The Regional Council, by consent, approved not proceeding with updating and implementing the Desert Spaces Plan. The Desert Spaces Plan (adopted by Regional Council 1995) is a widely accepted plan for regional open space in the MAG region. The Plan recommends conservation and management strategies for lands that were identified as critical to the quality of life in the Valley. In 1996, the Desert Spaces Implementation Task Force was formed to further implement the recommendations of the Desert Spaces Plan. One of the recommendations of this Task Force was to form a citizens committee to provide leadership to enhance the implementation of the Desert Spaces Plan. This action may no longer be appropriate as there have been many changes since the Desert Spaces plan was adopted. The Management Committee recommended not proceeding with the update.

15. Ratification of Executive Committee Action to Approve the Separation Agreement with MAG Executive Director

The Regional Council, by consent, ratified the Executive Committee action regarding the separation agreement with the MAG Executive Director. At the June 6, 2002, Executive Committee meeting, the MAG Executive Director offered his voluntary resignation, effective August 1, 2002. In the separation agreement, the last office day was June 7, 2002, with a wind down period ending August 1, 2002. The separation agreement was unanimously approved by the Executive Committee.

16. Ratification of Executive Committee Action to Appoint MAG Assistant Director as the Interim Executive Director

The Regional Council, by consent, ratified the Executive Committee action to appoint the current MAG Assistant Director as the Interim MAG Executive Director effective June 10, 2002, and to provide a ten percent increase to the Assistant Director's salary while serving as the Interim Executive Director. At the June 6, 2002 Executive Committee meeting, the Executive Committee unanimously appointed Dennis Smith, the current MAG Assistant Director, as the Interim Executive Director, effective June 10, 2002. While serving as the Interim Executive Director, a ten percent increase in salary was approved.

17. Arizona Department of Environmental Quality Request for Offer for a Community Emergency Notification System

The Regional Council, by consent, approved receiving the Community Emergency Notification System funding, if awarded from the Arizona Department of Environmental Quality, and to amend the FY 2003 MAG Unified Planning Work Program and Annual Budget to reflect acceptance of the funding and program, and to coordinate with and give consideration to those jurisdictions that already have notification systems in place. In October 2000, MAG was notified that funding may be available for an emergency warning system to provide emergency agencies with the ability to notify citizens within an event area of floods, fires, chemical spills, industrial mishaps, evacuations, or other emergencies. This funding was being made available from a court settlement through the Arizona Department of Environmental Quality (ADEQ), Hazardous Waste Section. On October 19, 2000, the MAG 9-1-1 Oversight Team recommended accepting the funding. Since that time, ADEQ indicated that a

procurement process would be used to determine which agency would implement the system. On April 12, 2002, the Arizona Department of Environmental Quality released a Request for Offer (RFO) for a Community Emergency Notification System (CENS). MAG has submitted a response to the RFO. If awarded, MAG would receive approximately \$2.5 million over a two year period. One of the provisions of the RFO was to identify how the system would be continued. The RFO closed on May 24, 2002, and the Arizona Department of Environmental Quality anticipates awarding the RFO in six weeks. The Management Committee recommended approval of receiving the funding and program, and to coordinate with and give consideration to those jurisdictions that already have notification systems in place.

18. Amendment to the MAG By-Laws to Include Apache Junction as a MAG Member Agency

The Regional Council, by consent, approved the amendment to the MAG By-Laws to include Apache Junction as a MAG member agency, to revise the methodology for calculating MAG dues and assessments to include the entire population of the MAG member agencies that are beyond the Maricopa County boundary, and to retain the existing methodology for calculating dues and assessments for Native American Communities as stated in the existing By-Laws. At the May 22, 2002 Regional Council meeting, Apache Junction was approved as a MAG member agency. Included in this action was direction for MAG to draft the required changes to the By-Laws to include Apache Junction as a MAG member agency. An amendment to the By-Laws has been prepared, which includes Apache Junction and computes their dues and assessments on the total population of Apache Junction, which includes that portion in Pinal County. It is anticipated that this revised methodology would be incorporated into the invoices sent out for the FY 2003 Unified Planning Work Program and Annual Budget. The Management Committee unanimously recommended approval of the amendment, while retaining the existing methodology for calculating dues and assessments for Native American communities.

19. Requested Change to the MAG Regional Freeway Program

The Arizona Department of Transportation has requested a number of material changes to the MAG Regional Freeway Program. The changes include schedule, cost, and new projects. Eight schedule changes are requested to better coordinate with related projects. Seven of the changes involve material cost changes which are defined as increases of more than five percent. The cost changes reflect the latest cost information available. There are five new projects being added. A review of the net impact of these changes indicates that the cash balances for the MAG Regional Freeway Program are adequate to accommodate the requested changes. The Management Committee recommended approval. Mr. Smith stated that staff was present to give a presentation if the Council so desired.

Mayor Giuliano moved to approve the requested change to add the two noise mitigation projects for the Pima and Price Freeways and approval of the remainder of the changes as requested by ADOT. Mayor Thomas seconded, and the motion carried unanimously.

20. Federal Fiscal Year 2002 MAG Federal Funds Interim Closeout and Amendment/Adjustments to the FY 2002-2006 and Draft 2003-2007 MAG Transportation Improvement Program and FY 2002 and FY 2003 Unified Planning Work Programs and Annual Budgets

Annual sub-allocations of Federal Obligation Authority (OA) to the MAG region must be used or they could be lost. Each year, the process to close out the MAG federally funded program is completed in three distinct steps. First, an assessment is completed to establish the precise amount of federal funds

that have been sub-allocated to the MAG region and is compared with the list of projects programmed in the current year (FY 2002) of the most recent Transportation Improvement Program (TIP). Second, by March 1 of each year, MAG agencies request the deferral from the current fiscal year (FY 2002) to the following (FY 2003), of any projects that are not likely to be completed through the federal development process in time. Third, projects are identified that are able to utilize the funds available from the first two phases and from any redistributed OA that might be made available from federal sources. In this phase of the closeout process, approximately \$11.3 million is available for the close out. Approximately \$16 million in project requests have been received for the funds available. The Management Committee recommended approval of the interim closeout. Mr. Smith stated that staff was present to give a presentation if the Council so desired.

Mayor Delgado moved to approve the interim closeout of Federal FY 2002, as follows: (1) Defer the projects listed in Table One; (2) Advance the projects listed in Table Two; (3) Amend the FY 2002 and FY 2003 MAG Unified Planning Work Programs and Annual Budgets to include the additional funds for the Grand Avenue Major Investment Study as shown in Table Three; and (4) Authorize an amendment to the FY 2002-2006 MAG Transportation Improvement Program to include the necessary projects in FY 2002 and an adjustment to the Draft FY 2003-2007 MAG Transportation Improvement Program as listed in Table Four. Mayor Shafer seconded, and the motion carried unanimously.

21. Appointment of the MAG Transportation Policy Committee

Acting Chairman Arnold recognized public comment from Mr. Crowley, who stated that there is no public representation on the committee, and he has a problem with that. When he doesn't see citizen representation, it is just a good old boy network. Mr. Crowley encouraged communication between Swift Transportation and Yellow Freight. Canamex can be a very important part of this region, so this communication is necessary. Mr. Crowley commented on handing this to the lobbyists and telling them to get the job done. Acting Chairman Arnold thanked Mr. Crowley for his comments.

Mr. Smith stated that the composition and concepts of the Transportation Policy Committee were approved by the Regional Council Transportation Subcommittee and the Regional Council. He referred to the chart included in the agenda packet that showed the representatives selected by member agencies. Mr. Smith referred to the memo regarding the one remaining At-Large seat that was faxed to members, as noted by Acting Chairman Arnold at the beginning of the meeting. He stated that since the memo was faxed, MAG was informed that Vice Mayor Daniel Schweiker, Paradise Valley, is the nominee for that remaining At-Large seat. Mr. Smith proposed that action on portions of the committee membership could be taken in separate motions.

Mayor Elaine Scruggs moved to appoint the city and state representatives shown on the chart. Mayor Giuliano seconded. Acting Chairman Arnold asked if there was discussion.

Supervisor Don Stapley asked for clarification that the motion included the County representative.

Mayor Scruggs, as maker, clarified that the motion included representatives from the cities, the state, the county, and the Citizens Transportation Oversight Committee. Mayor Giuliano, as second, agreed.

Mayor Lon McDermott asked about the Native American representative. Mr. Smith replied that he has been in contact with both the Gila River Indian Community and the Salt River Pima-Maricopa Indian

Community. The tribes had decided that the representative would be from Gila River, but a name has not yet been submitted. Mr. Smith stated that this name would be brought forward to the Regional Council when provided.

Hearing no further discussion, a vote was taken on the question, which passed unanimously.

Mr. Smith noted that the names and bios of the nominees for the business representatives were included in the agenda packet. He stated that there had been agreement to select Mr. Benito Almanza, Mr. Eneas Kane, Mr. James Pulice, Jr., and Mr. Martin Shultz. For the freight representative, there was agreement to select Mr. David Berry.

Mayor Shafer moved to approve the appointment of Mr. Benito Almanza, Mr. Eneas Kane, Mr. James Pulice, Jr., and Mr. Martin Shultz as the business representatives, and Mr. David Berry as the freight representative as members of the MAG Transportation Policy Committee. Mayor Thomas seconded, and the motion carried unanimously.

Mr. Smith stated that three very capable individuals had been nominated for the one seat representing transit on the Committee, Mr. Don Cassano, Ms. Diane Scherer, and Ms. Gena Trimble.

Vice Mayor Claude Mattox moved to appoint Diane Scherer to the Transportation Policy Committee as the transit representative. Mayor Shafer seconded.

Acting Chairman Arnold asked if there was discussion. Mayor Thomas asked Vice Mayor Mattox to share how Ms. Scherer's experience would qualify her as a transit representative. Vice Mayor Mattox stated that Ms. Scherer serves as CEO on the Arizona Association of Realtors Board of Directors. He noted that Ms. Scherer served as the Chair of the City of Phoenix Transit Commission since its inception, and continues to serve in that capacity.

Mayor Shafer asked if Ms. Scherer's viewpoint would be inclined toward Phoenix. Vice Mayor Mattox assured Mayor Shafer that he has found Ms. Scherer to be a very fair-minded person.

A vote was taken on the question, which passed unanimously.

Mr. Smith stated that the Chair and Vice Chair of the Transportation Policy Committee will be appointed at the July 24, 2002 Regional Council meeting.

Mayor Scruggs asked for clarification of the length of term for the business representatives. Mr. Smith replied that business members would serve a two year term, with the possibility for reappointment of another two years, for a maximum term of four years.

Mayor Delgado moved to approve the term for the business members to be two-year terms, eligible for reappointment, with a maximum term of four years. Vice Mayor Mattox seconded, and the motion carried unanimously.

## 22. Election of Officers

Mayor Giuliano, the Chair of the MAG Nominating Committee, provided a report on the Committee's recommendations for 2002-2003 officers. He stated that the Committee has recommended Mayor Wendy Feldman-Kerr as Chair, Mayor Joan Shafer as Vice Chair, Mayor Keno Hawker as Treasurer, Mayor William Arnold, Mayor Mary Manross, and Mayor Roy Delgado, as the three At-Large Members. He added that the Executive Committee would also include Mayor Skip Rimsza as Past Chair.

Mayor Giuliano moved to approve the recommendation of the MAG Nominating Committee to elect the Regional Council officers to the Executive Committee. Mayor Thomas seconded.

Acting Chairman Arnold asked if there was discussion. Hearing none, he called for a vote on the question, which passed unanimously.

There being no further business, the meeting adjourned at 5:32 p.m.

---

Secretary

---

Chairman