

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE  
SPECIAL TELEPHONE CONFERENCE CALL MEETING

February 19, 2010  
MAG Offices, Cholla Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

# Councilwoman Peggy Neely, Chair	# Mayor Marie Lopez Rogers, Avondale
# Mayor Thomas L. Schoaf, Litchfield Park, Vice Chair	# Mayor James M. Cavanaugh, Goodyear
# Mayor Hugh Hallman, Tempe, Treasurer	# Mayor Scott Smith, Mesa
	# Mayor Jim Lane, Scottsdale

\* Not present

# Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Peggy Neely at 2:00 p.m. Chair Neely requested a roll call of the members. Dennis Smith, MAG Executive Director, stated that the following members were in attendance via telephone conference call: Mayor Lopez-Rogers; Councilmember Neely, Mayor Smith, Mayor Schoaf, Mayor Cavanaugh, Mayor Lane and Mayor Hallman.

2. Call to the Audience

Chair Neely noted that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards and stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Neely noted that no public comment cards had been received.

3. Status of the Transit Planning Agreement and Discussion of Potential Legislation

Mr. Smith stated that at the February 16, 2010 Executive Committee meeting, the Committee discussed the RPTA Legislation and Transit Planning Agreement (MOU). He noted that staff was directed to convene a meeting of the affected parties to finalize the details of the MOU and to determine if a consensus could be reached on modifications to SB 1416. Mr. Smith stated that at the Executive Committee meeting, it was determined that the Transit Planning Agreement and legislation would be modified to include the role of the local governments in approving the Locally Preferred Alternatives. The affected parties met for several hours on February 17, 2010 and reached consensus on the MOU and draft legislation. Mr. Smith stated that the RPTA unanimously approved the MOU and the Senate bill re-write.

Mr. Smith stated that MAG staff had a meeting with Senator Nelson yesterday to discuss SB1416. He noted that the Senator may have a vehicle bill that we can put this legislation onto. Mr. Smith noted that the other regional agency would need to take this item to their board on March 3<sup>rd</sup>. He explained that we are looking for a recommendation to the MAG Regional Council today. The final adoption by MAG would not be until the March meetings. Mr. Smith added that this information would then go to the Federal Transit Administration (FTA).

Mayor Hallman stated that he appreciates all the work that has been done so far. He noted that he still had some concerns. Mayor Hallman stated that the main item that needs addressed is the distinction between system level planning and corridor planning. Mayor Hallman pointed out a section in the bill, 48-5121(6) "Select appropriate public transportation technology including high occupancy vehicle lanes and related facilities." Mayor Hallman stated that is a corridor level planning and not a system level planning item and does not belong at the MPO. He explained that he still strongly supports the direction we are heading and the merger of RPTA and VMR. Mayor Hallman further explained that he believes that it is critically important to retain the distinction between the MPO authority and the local authority. He recommended that we take this item out of the legislation. Mr. Anderson responded that this item is very ambiguous and he does not see why we cannot strike that from the legislation.

Mayor Hallman continued on the second piece of the legislation that he would like to address. He noted that under section 48-5106 (A) the changed reference that refers to the "changes to the budget that have a significant impact on the performance of the regional transporting plan..." Mayor Hallman believes that it is important to tie this back to the MPO level authority, which is based on the major amendment language in Prop 400. Mayor Hallman explained how he wanted to tie this language back to the state statute in 28-6353 (E), which is the major amendment language. He then asked MAG if they had any recommendations. Mr. Anderson stated the MPO must act on the major amendment as defined in Arizona State Statutes, but there is another provision in Title 28 dealing with material changes that have to come back to MAG also. He expressed the concern that when RPTA goes through the changes of the life cycle program, none of the changes have been tested as to their impact on the RTP. Mayor Hallman suggested using the same language as in section 28-6353 (B) and using the phrase "materially impact." Mr. Anderson agreed.

Mayor Hallman expressed his concern on one last item, which was in the MOU. He stated that on page 6 paragraph 3 and 4, the use of the phrase "Regional sustainability issues" he is comfortable with, but it goes on and puts a comma after the word MAG; "Regional sustainability issues should be coordinated at MAG, and project/facility specific sustainability initiatives should be managed by METRO and RPTA." Mayor Hallman explained that the second half of that sentence gets real close to what appears to be land use planning, which is outside the MPO authority. He noted that the same wording appears in #4. John Farry from Valley Metro Rail addressed this question. He noted the reason this language was put into the MOU specific to METRO and RPTA was related to the development of AA and the Federal requirements related to land use and transit oriented development (TOD) efforts that are then incorporated into the application that is submitted to the FTA for FFGA or small starts approval. He stated that this is to help coordinate with our member cities. Mayor Hallman suggested that instead of the word "managed" we use "coordinate." Mr. Farry agreed with that change. Mayor Smith asked if that

gets us there. Mayor Hallman stated that he is not sure. Mayor Smith stated that he understands Mayor Hallman's concerns being more related to application process that should flow from the local level. Mr. Farry stated that the intent of the language was to make sure that we adequately flush out those issue as part of the application process with the FTA related to the capital improvement projects. Mayor Smith suggested that we reference as it relates to these items that is the process that applies. Mr. Smith suggested the term "coordinated through the local jurisdictions."

Mr. Anderson suggested the following language: "Regional sustainability issues should be coordinated at MAG, and project/facility specific sustainability initiative, in connection with the Federal application process, should be coordinated by METRO and RPTA in conjunction with local jurisdictions." Mr. Anderson stated that we would mirror this change in #4 using TOD initiatives. Mayor Hallman agrees with this recommendations.

Mayor Hallman moved to approve the proposed statutory bill 1416 and the proposed MOU among MAG, RPTA, METRO and others as amended. Mayor Smith seconded the motion and it carried unanimously.

Chair Neely asked if RPTA was on board with these changes. Brian Jungwirth stated that RPTA agrees with the recommended changes to SB1416 and the MOU.

Mr. Smith suggested a roll call on the vote. Chair Neely agreed. Mr. Smith began the roll call; Mayor Hallman - yes; Mayor Schoaf - yes; Councilmember Neely - yes; Mayor Lopez-Rogers - yes; Mayor Smith - yes; Mayor Lane - yes; and Mayor Cavanaugh - yes.

Mr. Smith noted that this will be sent out to the Regional Council for information for the Wednesday night meeting.

9. Adjournment

Mayor Hallman moved to adjourn the Executive Committee meeting. Councilmember Neely seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 1:17 p.m.

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Chair

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Secretary