

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

March 22, 2000  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Neil Giuliano, Tempe, Chairman	Supervisor Andy Kunasek, Maricopa County
Mayor Ron Drake, Avondale	Mayor Wayne Brown, Mesa
Vice Mayor John Hawley for Mayor Dusty Hull, Buckeye	Mayor Edward Lowry, Paradise Valley
Mayor Edward Morgan, Carefree	* Mayor John Keegan, Peoria
* Mayor Vincent Francia, Cave Creek	Mayor Skip Rimsza, Phoenix
Mayor Jay Tibshraeny, Chandler	* Mayor Mark Schnepf, Queen Creek
Mayor Cel Arias, El Mirage	Councilmember Tom Largo for President Ivan Makil, Salt River Pima-Maricopa Indian Community
Councilmember Marianne Wiggishoff for Mayor Sharon Morgan, Fountain Hills	Mayor Sam Campana, Scottsdale
Vice Mayor G. Fred Hull for Mayor Chuck Turner, Gila Bend	Mayor Joan Shafer, Surprise
Lt. Governor Richard Narcia for Governor Donald Antone, Gila River Indian Community	Mayor Adolfo Gamez, Tolleson
Mayor Cynthia Dunham, Gilbert	Councilmember Lon McDermott for Mayor Dallas Gant, Wickenburg
Mayor Elaine Scruggs, Glendale	Mayor Eugene Russell, Youngtown
Mayor Bill Arnold, Goodyear	F. Rockne Arnett, ADOT
Councilmember Margarita Garcia, Guadalupe	Mayor Dallas Gant, ADOT
Mayor Colin Barleycorn, Litchfield Park	Bill Beyer, Citizens Transportation Oversight Committee

\*Those members neither present nor represented by proxy.

1. Call to Order

The meeting of the Regional Council was called to order by Chairman Neil Giuliano at 5:00 p.m.

2. Pledge of Allegiance

Chairman Giuliano recognized that Mayor Dallas Gant as the second State Transportation Board member of the Regional Council.

Chairman Giuliano introduced and welcomed Mayor Douglas Coleman from Apache Junction to the Regional Council meeting as MAG's Associate Government.

Chairman Giuliano introduced proxies Vice Mayor John Hawley for Mayor Dusty Hull from Buckeye, Councilmember Marianne Wiggishoff for Mayor Sharon Morgan from Fountain Hills, Vice Mayor G.

Fred Hull for Mayor Chuck Turner from Gila Bend, Lt. Governor Richard Narcia for Governor Donald Antone from the Gila River Indian Community, Councilmember Tom Largo for President Ivan Makil from the Salt River Pima-Maricopa Indian Community, and Councilmember Lon McDermott for Mayor Dallas Gant from Wickenburg.

Chairman Giuliano announced that the RPTA has generously agreed to provide transit tickets for individuals who use the bus to get to the Regional Council meeting. He stated that tickets are available following the meeting from Ken Driggs of the RPTA.

Chairman Giuliano stated that a letter from Federal Highway Administration regarding agenda item #13D was at each place. He said that for agenda item #13E, errata sheet #3 was at each place.

3. Approval of February 23, 2000 Meeting Minutes

Chairman Giuliano asked if there were any corrections to the minutes of the February 23, 2000 meeting. Hearing none, he asked for a motion to approve.

Mayor Joan Shafer moved, Mayor Adolfo Gamez seconded, and it was unanimously carried to approve the minutes of the February 23, 2000 meeting, as written.

4. Call to the Audience

Chairman Giuliano noted that we have a timer to assist the public with their presentations, which have a three minute time limit. When two minutes have elapsed, the yellow light will come on notifying the speaker that they have one minute to sum up. He said that at the end of the three minute time period, the red light will come on. Members of the audience who wish to speak fill out a card and give it to the MAG staff who will bring it to the Chairman.

Chairman Giuliano stated that public comment is provided at the beginning of the meeting for non-agenda items. He indicated that for the action items on the agenda, public comment will be taken when the item is heard. Public comments are limited to three minutes.

Chairman Giuliano recognized public comment from Blue Crowley, who stated that efforts need to be increased to place notices of public hearings on buses to receive input from those who use transit. Mr. Crowley commented on the \$3.5 million bridge plan, not a tunnel, discussed at the MAG Street Committee meeting. Mr. Crowley mentioned that the tunnel is planned in the TIP. He said that construction needs to be coordinated with canal dry-up in January. Mr. Crowley commented on increasing communication between the Citizens Transportation Oversight Team and the State Transportation Board. He commented on the proposed Canamex corridor route in the Wickenburg area. Mr. Crowley mentioned that the Town wants a bypass, but there has been no organized resistance to having Canamex in their Town. Chairman Giuliano thanked Mr. Crowley for his comments.

Chairman Giuliano recognized newly elected officials who attended the meeting. Mayor Dallas Gant introduced Mayor-elect Larry "Roach" Roberts from Wickenburg. Mayor Wayne Brown introduced Mayor-elect Keno Hawker from Mesa.

5. Executive Director's Report

James M. Bourey stated that a successful new construction program was agreed to by the Census Bureau. He said that all addresses in the mail-out, mail-back area provided by cities will receive a questionnaire. New construction information from the cities is due to the Census by April 3rd and he encouraged timely submission of this information. He said that enumerators are in the field distributing forms.

Mr. Bourey gave an update on Legislative activities of interest. He said that a strike to SB 1334, introduced to the House, is expected. Mr. Bourey stated that he would continue to update the members.

Mr. Bourey stated that a Brown Cloud Summit Task Force was formed by the Governor. He indicated that Regional Council Chairman Neil Giuliano had been asked to serve. Mr. Bourey stated that the industrial sanctions are expected to be lifted on April 10th.

Mr. Bourey stated that he recently attended a NARC Policy Conference in Washington, DC. He said that the EPA is appealing the new ozone standard to the Supreme Court. A decision is expected in late spring of 2001.

Mr. Bourey stated that a memo was recently distributed announcing the date change of the Desert Peaks Awards and Regional Council Annual meeting from June 28, 2000 to June 21, 2000. Mr. Bourey stated that Katie Lincoln, President of the Lincoln Foundation; Representative Jeff Hatch-Miller; Pam Johnson, Vice President of News at Arizona Republic; Alfredo Gutierrez former Arizona State Senator; Ginny Hildebrandt, from Arizona Food Banks and former Desert Peaks recipient; Sandy Black from Intel; and Ray Kellis former Peoria School Superintendent have agreed to judge the Awards.

Mr. Bourey stated that a \$295,000 grant from the Transportation and Community and System Preservation Program was received to assist in implementing Growing Smarter in the region.

Chairman Giuliano thanked Mr. Bourey for his report and asked if there were any questions.

Chairman Giuliano presented Councilmember Margarita Garcia from Guadalupe with her Regional Council membership certificate.

6. Approval of Consent Agenda

Chairman Giuliano stated that due to the length of the agenda, item #14, MAG Videoconferencing Equipment and Services Selection, would be considered on the consent agenda.

Chairman Giuliano recognized public comment from Blue Crowley, who stated that for agenda item #8, Recommendations to the Arizona Department of Transportation for the FTA Elderly & Persons with Disabilities Transportation Program, the State needs to contribute more money to the program. He said that the County spends \$500,000 in taxes per year on transporting patients for medical treatment. For agenda item #7, Amendment to the FY 2000-2004 MAG Transportation Improvement Program, Mr. Crowley stated that the document was not at the public hearing at the transit center.

He indicated that a Grand Canal bridge was discussed at the Street Committee meeting, but the project does not appear in the document. He said this project should have been constructed ten years ago. For agenda item #9, Consultation on Conformity Assessment for an Amendment to the FY 2000-2004 MAG Transportation Improvement Program, he mentioned that outreach should be proactive according to agreements made in 1994. Putting notices of public meetings on buses would be proactive. Chairman Giuliano thanked Mr. Crowley for his comments.

Mayor Wayne Brown moved to approve consent agenda items #7, #8, #9, #10, #11, #12, and #14. Supervisor Andy Kunasek seconded, and the motion was unanimously carried.

7. Amendment to the FY 2000-2004 MAG Transportation Improvement Program

The Regional Council, by consent, approved the amendment to the FY 2000-2004 MAG Transportation Improvement Program to add the following projects: Maricopa County, Upgrade AzTech Data Server (\$471,500, CMAQ); and ADOT Various locations Gore Re-stripping (\$800,000, HES) in FY 2000. The FY 2000-2004 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on June 9, 1999. On July 28, 1999, the Regional Council approved the carry forward of the Maricopa County Upgrade AzTech Data Server (\$471,500, CMAQ) project from FY 1999 to 2000. The Federal Highway Administration has requested that a TIP amendment be completed to allow this project to proceed. In addition, ADOT has requested adding a Gore re-stripping project to FY 2000 with \$800,000 in Federal Safety funds (HES). These changes are not expected to affect the MAG air quality conformity analysis and the required action is considered a minor TIP amendment. The proposed projects are categorized as exempt, for which conformity determinations are not required. Consultation on the conformity assessment for this amendment is considered under a separate agenda item. The Management Committee recommended approval of the amendment.

8. Recommendations to the Arizona Department of Transportation for the FTA Elderly & Persons with Disabilities Transportation Program

The Regional Council, by consent, approved forwarding the priority listing of applicants for FTA Elderly & Persons with Disabilities Transportation Program to the Arizona Department of Transportation. On February 24, 2000, the MAG FTA Elderly and Persons with Disabilities Transportation Ad Hoc Committee ranked applications for the Federal Transit Administration (FTA) Section 5310 funding. FTA provides these funds to the Arizona Department of Transportation for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people who have a disability. This year, 15 applications for capital assistance awards were received and considered by the Committee. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded. The Management Committee recommended forwarding the priority listing to ADOT.

9. Consultation on Conformity Assessment for an Amendment to the FY 2000-2004 MAG Transportation Improvement Program

The Federal Highway Administration has requested that an amendment to the FY 2000-2004 MAG Transportation Improvement Program (TIP) be completed to allow the Maricopa County project to upgrade the AzTech Data Server to proceed. The estimated cost of the project is \$471,500 in available Congestion Mitigation Air Quality (CMAQ) funds. In addition, the Arizona Department of

Transportation has requested an amendment to add a gore re-striping project to FY 2000 with \$800,000 in available Safety funds.

MAG has reviewed the projects for compliance with the federal conformity rule (40 CFR Parts 51 and 93) and found that the project changes requires consultation on the conformity assessment. The projects may be categorized as exempt, for which conformity determinations are not required. The current conformity finding of the TIP and the associated Long Range Transportation Plan Summary that was made jointly by the Federal Highway Administration and Federal Transit Administration in a letter dated June 10, 1999, would be unchanged by this action.

10. Consultation on Processes for the 2000 Conformity Analysis

Federal and state conformity regulations require that Metropolitan Planning Organizations such as MAG consult with federal, state and local air quality and transportation agencies on processes proposed for the conformity analysis on the transportation program and plan. These processes include: the documentation of models, associated methods, and assumptions for use in regional emissions analyses, ensuring the expeditious implementation of transportation control measures, the types of projects considered exempt from regional emissions analyses, and the identification of projects which require PM<sub>10</sub> hotspot analysis. It was requested that comments regarding the processes be reported to MAG by March 17, 2000.

11. Consultation on Potentially Regionally Significant Projects of the FY 2001-2005 MAG Transportation Improvement Program

Federal and State conformity regulations require Metropolitan Planning Organizations such as MAG to consult with federal, state, and local air quality and transportation agencies on transportation projects that are considered "regionally significant" for the purposes of regional emissions analysis. Regionally significant projects are subject to conformity requirements. Comments were due to MAG by March 17, 2000.

12. Social Services Block Grant Funding Recommendations

The Regional Council, by consent, approved of the SSBG funding reductions and to request the Department of Economic Security and the Office of the Governor to work together to find an adequate amount of funds to provide SSBG-funded services in the State. On March 2, 2000, the MAG Human Services Technical Committee recommended specific funding reductions for the Social Services Block Grant (SSBG) funds. The SSBG funds need to be reduced by \$469,586 for State FY 2001. The State of Arizona has endeavored to offset the negative effects of these reductions by replacing some of the reduced SSBG funds with federal Temporary Assistance to Needy Families. This replacement ends in State FY 2001, meaning there will be further service reductions to the community-based infrastructure to assist people in need. The Management Committee recommended approving the funding reductions and requesting the Department of Economic Security (DES) and the Office of the Governor to work together to find an adequate amount of funds to provide SSBG-funded services in the State. The MAG Human Services Coordinating Committee considered these recommendations at their March 16, 2000 meeting.

14. MAG Videoconferencing Equipment and Services Selection

This agenda item was considered on the consent agenda.

The Regional Council, by consent, approved selecting the Intellisys Group to implement the MAG Videoconferencing System with the contract award not to exceed \$1,100,000. The contract award and first year's operating costs will not exceed \$1,426,000, with \$496,000 of this amount contingent upon the closeout of FY 2000 MAG federal funds. At the beginning of 1999, in conjunction with the Teleconferencing and Telecommunications Program approved by the Regional Council, MAG contracted with Norstan Communications to conduct a study to define a region-wide videoconferencing system to link MAG with its member agencies. In September, the Regional Council approved adding \$496,000 from the closeout of MAG federal funds to the project for a total of \$1,446,000. After a nine month study process, a Request for Proposals was prepared and proposals were received. Based on legal advice on issues raised regarding the procurement process, the RFP was canceled. The RFP was revised and reissued. Nine proposals were received and a multi-agency review group reviewed the proposals. On February 24, 2000, the MAG Telecommunications Advisory Committee unanimously recommended that the firm Intellisys Group be selected to implement the MAG Videoconferencing System. The contract award will not exceed \$1,100,000. The contract award and first year's network and operating costs will not exceed \$1,426,000. The Management Committee recommended selecting the Intellisys Group to implement the MAG Videoconferencing System.

13A. FY 2000 MAG Mid-Phase Public Input Opportunity

Terry Johnson stated that the goal of the public involvement program is to provide opportunity for early and continuing involvement in the transportation planning and programming process, which is required under TEA-21. The mid-phase process provides for input on the TIP and LRTP. An open house was held on February 24th and a public hearing held on March 2nd. Mr. Johnson summarized the comments received at the open house. He said that attendees were supportive of Transit 2000 and additional transit hours and frequency. Mr. Johnson summarized comments received at the public hearing. He said that many citizens expressed opposition for the widening of the Superstition Freeway. Comments were received about impact to quality of life, air quality, and noise caused by freeway construction. Mr. Johnson stated that citizens expressed the need for noise walls along the Santan Freeway in Gilbert and that they should be funded by ADOT, rather than developers. Comments were also received to elevate the interchange at Higley Road along the Santan. Chairman Giuliano thanked Mr. Johnson for his presentation. He noted that this agenda was for information and no action was needed.

13D. Superstition Freeway Retaining Wall Location for Tempe Portion of the Design Build Project

Chairman Giuliano turned the Chair over to Mayor Rimsza for consideration of this agenda item. Acting Chairman Rimsza stated that agenda item #13D would be considered separately from items #13B, #13C, #13E, and #13F, which would be presented and considered together. He said that public comments would be followed by a short staff presentation. Acting Chairman Rimsza proposed that the item be handled in two parts. First, the body would determine whether design is within their responsibility. He said that if the Regional Council finds design is not within their responsibility, then no further action is required. If yes, then a vote would follow on placement of the retaining wall. Mayor Tibshraeny asked for clarification. Acting Chairman Rimsza replied that determination of the wall placement could be dispensed with if a decision was made that the body was not responsible for design issues. Mayor Dunham commented that the policy question would be decided, followed by

consideration of the design element, if necessary. Acting Chairman Rimsza replied that was correct. Mayor Giuliano stated that discussion would be whether this is a design or capacity issue. Acting Chairman Rimsza asked staff for the presentation on this agenda item.

Mr. Bourey stated that an HOV lane in Tempe and general purpose lanes from the 101 east to Val Vista in Mesa are included in the TIP. He indicated that no general purpose lanes are included in the TIP or LRTP in Tempe. Mr. Bourey stated that ADOT wants to move the walls only once, to accommodate potential future expansion. He remarked that ADOT has indicated that commenting on wall placement is not in the MPO's responsibility, since it is a design issue. A letter from Federal Highway Administration to ADOT interpreted placement of walls as a design issue. Mr. Bourey stated that MAG has established their position on increasing capacity by approving only the HOV lane in Tempe and general purpose lanes in Mesa only. He stated that the addition of lanes or capacity would have to go through the process to change the TIP and LRTP. Mr. Bourey stated that the Management Committee discussed design and capacity issues. He stated that this body has established capacity by previous actions.

Acting Chairman Rimsza asked for the Management Committee's recommendation. Mr. Bourey replied that a motion to recommend authorization to place the walls only to the extent necessary to accommodate the planned facility, and not include widening for future capacity expansion which has not been authorized by the plan was made at the Management Committee meeting. He said the motion failed by a vote of 16 no, five yes, and one not voting. Acting Chairman Rimsza asked ADOT to present their position.

Victor Mendez, Deputy Director at ADOT, stated that ADOT supports a long range, comprehensive, multi-modal transportation plan to address future transportation needs for the region and the state. Mr. Mendez stated that it is critical to preserve the opportunity for future transportation improvements whenever the opportunity presents itself. He said that the opportunity has presented itself with the improvements being made to the Superstition. ADOT believes that the best decision is to move the retaining walls only once, to the ultimate location, to provide the opportunity for future transportation improvements. Mr. Mendez stated that future transportation improvements, with all feasible modes of transportation considered, would have to be developed and agreed upon by the region and the state. He noted that local involvement and evaluation of environmental impacts, including noise mitigation and air quality, would be a part of the process. Mr. Mendez stated that ADOT will work with the residents in the area of the project to minimize the impacts. He stated that ADOT will not build a project that does not meet acceptable safety and environmental standards. Mr. Mendez stated that this is a design decision, related only to the lateral location of retaining walls, not a capacity decision. Mr. Mendez that liability is a big issue, once design responsibilities are assumed.

Bob Hollis, Division Administrator for the Arizona Division of the Federal Highway Administration, stated that Federal Highways has gone on record that placement of the retaining walls is a design issue. He indicated that ample opportunity would be available for future decision making.

Acting Chairman Rimsza polled the members of the public who had filled out public comment cards. He indicated that he would hear comments on agenda item #13D, followed by one citizen speaking on agenda item #13C.

Acting Chairman Rimsza recognized public comment from Jeanette Howell, who stated that she is a resident of Tempe. She expressed concern with ADOT's decision to move the walls back in order to be economical. Ms. Howell stated that the money is not available for more projects. She commented that the decision made previously is being changed, which then changes the commitment, and #13F would need to be changed. Ms. Howell commented on the \$180 million deleted and is now listed as state or local funds in 2001. She asked the members not to approve this agenda item.

Acting Chairman Rimsza recognized public comment from Jane White, who stated that she supports moving the retaining wall to the ultimate. She indicated that this is a design decision. Accountability is the issue. Ms. White stated that the comments are splitting hairs. She commented on the financial repercussions to the freeway system that occurred in August 1987 when a city attempted to sue ADOT.

Acting Chairman Rimsza recognized public comment from Eric Emmert, who stated he is Vice President of the Tempe Chamber of Commerce, and was speaking on behalf of the Board of Directors. Mr. Emmert stated that the Board is in favor of expanding the freeway to one HOV lane eastbound and one HOV westbound. He stated that an additional \$6 million for moving the walls is an unnecessary cost since no increased capacity is being planned. Mr. Emmert stated that the Board agreed that a multi-modal approach must be considered. He indicated that the placement of the walls should reflect HOV expansion and no more.

Acting Chairman Rimsza recognized public comment from Blue Crowley, who expressed thanks for including his comments in the Public Input in the agenda packet. As mentioned in these comments, he supports moving back the retaining walls. He noted that the only lanes that could be added are HOV lanes, as dictated by federal regulations. Mr. Crowley mentioned that rail could be a possibility in this corridor. He stated that it makes sense to dig once, not twice. He expressed congratulations to the City of Phoenix on passage of the transit tax.

Acting Chairman Rimsza recognized public comment from Joe Pospicil, who stated that he supports Tempe City Council's stand on this issue. Mr. Pospicil stated that a pending construction of a power plant in the area will not help air quality. He stated that with the transit tax being passed by Phoenix, another lane through Tempe will not be needed.

Acting Chairman Rimsza recognized public comment from Richard Nolan, who stated that he supports an HOV lane, but not widening the freeway by moving the wall. He referred to a study in Maryland and Virginia that showed that adding lanes do not reduce congestion, but induce travel. Mr. Nolan stated that there was much discussion at the Management Committee meeting whether this was a design or capacity issue. He commented that if the walls are placed at the ultimate, the message is that someday the lanes will be extended. Mr. Nolan stated that multi-modal needs more consideration and to stop rewarding the drivers of single occupant vehicles.

Acting Chairman Rimsza recognized public comment from Linda Shuster, who stated that she is a resident of Tempe. Ms. Shuster displayed a 1998 map of carbon monoxide levels showing Tempe as a hot spot. She indicated that this has risen and noted that 9.5 ppm causes exceedance of federal air quality standards. She stated that ADOT predicts a level of service F when the freeway is completed. ADOT stated that air quality will improve because newer cars pollute less. Ms. Shuster asked that the retaining walls be placed to accommodate only the HOV lane, so as not to allow traffic lanes to be added.

Acting Chairman Rimsza recognized public comment from Lyn James, who commented on a January 9th Arizona Republic newspaper article on pollution problems. She stated that the Governor recently formed a Brown Cloud Task Force. Ms. James commented on the increased health risks associated with exposure to diesel exhaust. She reported that nine pine trees in her yard have died because of the pollution.

Acting Chairman Rimsza recognized public comment from Rick Shuster, who stated that if ADOT intends to relieve congestion, they have failed. He commented on the transition problems at I-10 and US 60, which is not designed to handle the amount of traffic. Mr. Shuster commented on the “weave” situation created by this design. He stated that taxes should be spent to correct the root cause and to complete the rest of the freeway plan. Mr. Shuster commented on the TIP approval the previous year, when members were told that the TIP could not meet conformity if the HOV lane was not approved.

Acting Chairman Rimsza recognized public comment from Tommy James, who stated that he lives with the freeway in his backyard. He said that when he moved into his home in 1983, the freeway was only two lanes, and there was no noise. Mr. James said that he had trees and shrubs in his back yard, but now he has a block wall. He stated that promises made by ADOT are empty. Mr. James commented that if the spotted owl lived in his yard, the project would stop. He asked that a reasonable amount of concern be shown to residents, who have made sacrifices already.

Acting Chairman Rimsza recognized public comment from Randy Lewis, who stated that he is a resident of Tempe. Mr. Lewis commented that because of the dust and noise from the freeway he has a 12-foot wall in his backyard and triple pane windows on his house. He said that all these measures, including an office addition on the back of his house, have barely mitigated the sound. He indicated that property values have declined with no appreciation expected in the near future. Mr. Lewis stated that when he moved into his home, the freeway was only two lanes, which has now become nine lanes. He indicated that this is a quality of life issue. Widening will only increase the amount of cars. Mr. Lewis said to listen to the citizens. This is not a design issue to them.

Acting Chairman Rimsza recognized public comment from Tempe Councilmember Hugh Hallman, who stated that he considers this a capacity issue. He stated that the Management Committee vote was not on design vs. capacity. Councilmember Hallman stated that it is a capacity issue because of the verbiage used by staff “in anticipation of added capacity.” He indicated that if walls are moved now, the extra width will become a lane. He indicated that asphalt would be laid down. Councilmember Hallman stated support for an agreement that MAG never allow a lane to be put down and only alternate transportation would be allowed.

Chairman Rimsza recognized public comment from Jeff Axberg, who stated that he is the Vice President of the Dobson Ranch Homeowner’s Association representing 4,950 homeowners whose homes are on the border of US 60 and the 101. Mr. Axberg expressed the concern of the Board with the widening of US 60. He mentioned that they passed a resolution in support of the HOV lane in Tempe and general purpose lanes from I-10 to Val Vista and eventually to Power Road. Mr. Axberg stated he is not in support of any additional widening of US 60 between the 101 and Alma School Road. He mentioned concern for air pollution exceedance. Mr. Axberg stated that Dobson Ranch wishes to assist on design issues which may arise, including landscaping, walls, and air quality monitoring.

Chairman Rimsza recognized public comment from Joe Shipley, who commented on agenda item #13C. He stated that solutions are being sought to increase speed on the freeway. However, wider is not always faster. Mr. Shipley commented that merging six lanes into four lanes will not speed up travel. He indicated that width of US 60 is not the problem, just the amount of people who want to use it at one time. Mr. Shipley suggested promoting staggered work hours and educational messages could help alleviate congestion. He also suggested that instead of spending \$350 million for the freeway, spend \$50-\$75 million to build a 5,000 worker complex and offer incentives to employers to use this east valley office. Mr. Shipley stated his opposition to the approval of agenda item #13C, because adding two lanes will not improve the quality of life. He asked that the agenda item be continued until it is understood how six lanes can be merged into four.

Acting Chairman Rimsza thanked the public for their participation. He asked for confirmation that the Regional Council has the power to designate a lane. Mr. Bourey stated that was correct, but that a change in the scope would require an amendment to the TIP, LRTP and a conformity analysis and would require a vote of the Regional Council. Acting Chairman Rimsza asked for discussion by the Regional Council.

Councilmember Garcia stated her agreement with the residents opposed to moving the wall. She noted that the pollution and noise in Guadalupe from the freeway is terrible. Councilmember Garcia mentioned that truck travel through the Town needs to be dealt with. She commented on the air pollution trapped by the freeway walls.

Mayor Wayne Brown stated that transportation is a huge problem. He commented on Tempe taking the initiative in multi-modal transportation with the passage of their tax. Mayor Brown stated that the Mayors need to take a broad view and sometimes make tough decisions. He noted that ADOT is the design entity and MAG is the planning entity. Mayor Brown urged members not to change this policy.

Mayor Elaine Scruggs stated that she took considerable time to learn both sides of the issue. She said that she participated in Mayor Giuliano's bus trip and realized the concern for six lanes merging into four lanes. Mayor Scruggs stated that she invited the East Valley Mayors and Managers to attend the West Valley Mayors and Managers meeting in order to discuss technical issues. She said she learned that ADOT feels that the walls need to be moved and they intend to rearrange funding in order to accomplish this. Mayor Scruggs stated that ADOT has design authority and this issue concerns design. It is not about air quality or future lanes. Mayor Scruggs noted that ADOT is backed by the Federal Highway Administration that this is a design issue. She expressed her regret that this issue has involved MAG and the decision should have stayed with ADOT.

Mayor Joan Shafer stated that it is difficult for one city to say what is good for another city. Mayor Shafer stated that the people need to be listened to.

Mayor Cynthia Dunham stated that she agreed with Mayor Scruggs's comments. She commented that this is a design issue, not a capacity issue. Mayor Dunham moved that the Regional Council find that the placement of the retaining walls in the Tempe portion of the Superstition Freeway is a design decision. Roc Arnett seconded. Mayor Dunham stated for the record that the Regional Council acknowledges the concerns expressed by the City of Tempe, and reaffirms the April 1999 decision for adding only HOV lanes through Tempe and requiring mitigation through this corridor due to its residential nature. Before a vote was taken, Acting Chairman Rimsza asked for discussion.

Mayor Giuliano stated that the discussion on approving the TIP last year was to accommodate only the HOV lane, and it was agreed not to say anything about expansion. Mayor Giuliano referred to a letter written to the City of Tempe by ADOT that the walls would be placed only to accommodate the HOV lane. He stated that Federal Highways Administration's and Tempe's legal experts differ on the interpretation of federal law. Mayor Giuliano mentioned that MAG has made design decisions in the past, such as tunnels vs. above ground structures. He stated that in public meetings and newspaper articles, MAG members have stated that the wall placement issue is necessary to build the freeway to its full capacity. These comments acknowledge that the wall placement is a capacity issue. Mayor Giuliano said that ADOT has stated their intention to add a general purpose lane through Tempe and this placement of the wall is a part of their strategy. He stated that much of the development taking place now in the East Valley would not be happening if Tempe had tried to block progress. Mayor Giuliano stated that the City cares about the region.

Mayor Giuliano stated that MAG has the authority to determine which projects are authorized for funding and the amount of funds to be spent, and to define project characteristics. He said that federal law prescribes MAG's authority and establishes that MAG approve funds for highway projects that are consistent with the Long Range Transportation Plan and the Transportation Improvement Plan. Mayor Giuliano remarked that ADOT is not authorized to spend funds on facility characteristics that are not consistent with the projects approved in the Long Range Transportation Plan and the Transportation Improvement Plan. He stated that federal law also states that project elements significantly affecting project cost, such as the \$6 million for the wall, should be included in the MPO's regional plan.

Mayor Giuliano stated that ADOT staff finds it necessary to build the freeway to the greatest "capacity." This defines that this is a capacity, not design, issue. Cost estimates for the wall placement were not discussed in April 1999. He stated that the Regional Council has the final authority and responsibility to define projects for funding. Mayor Giuliano encouraged the members to accept this responsibility and vote no.

Mayor Russell commented on previous discussion on design and capacity issues. He said that this was not a part of the original plan. Mayor Russell stated that he was elected to represent the rights of the people. He stated that a better way must be found than to take these rights away.

Acting Chairman Rimsza repeated the motion that the Regional Council find that the placement of the retaining walls in the Tempe portion of the Superstition Freeway is a design decision and that the Regional Council acknowledges the concerns expressed by the City of Tempe, and reaffirms the April 1999 decision for adding only HOV lanes through Tempe and requiring mitigation through this corridor due to its residential nature. He asked for a vote on the motion. The motion passed by a vote of 21 yes, with Mayor Giuliano, Councilmember Garcia, Mayor Barleycorn, Mayor Campana, Mayor Shafer, and Mayor Russell voting no.

Acting Chairman Rimsza turned the chair over to Mayor Tibshraeny. Acting Chairman Tibshraeny stated that presentations would be given on agenda items #13B, #13C, #13E, and #13F.

13B. Adopt Revised Freeway Acceleration Policy

Eric Anderson stated that, in 1997, the Regional Council approved the Freeway Acceleration Policy for projects that are part of the MAG Regional Freeway Program. The Regional Freeway Program is

scheduled for completion in 2007 and there are efforts to consolidate the Regional Freeway Program with the balance of the ADOT state highway program for the MAG region. With the interest to accelerate projects that are not part of the Regional Freeway Program, the MAG Freeway Acceleration Policy needs to be modified to include all highway projects in the region.

Mr. Anderson summarized the changes to the policy. The policy is modified to include all state highway projects, not just for the Regional Freeway Program, and projects in the MAG TIP or LRTP. He said enhancements, such as artwork or unnecessary interchanges, would not be eligible for repayment, which must follow the schedule in the TIP or priorities in the LRTP. Mr. Anderson said that if priorities are not established, then ADOT and MAG would cooperatively determine an unaccelerated start date in order to calculate interest expense. He said that none of the interest is eligible for reimbursement for non-Regional Freeway System projects, and repayment would be adjusted if revenues are higher or lower. Mr. Anderson mentioned that if revenue were lower, repayment would be delayed. He noted that, importantly, no other project would be adversely affected.

13C. Advancement of the Superstition Freeway General Purpose Lanes in Mesa

Eric Anderson stated that the City of Mesa requested that the general purpose lanes from Price to Val Vista be included as part of the Superstition Freeway design-build project. The general purpose lanes are included in the MAG Long-Range Transportation Plan for construction after the 2007 priority projects are completed. The City of Mesa has offered to finance the acceleration of the general purpose lanes through a Grant Anticipation Note (GAN). To calculate the interest payment on the GAN, a repayment date is required. To set the repayment date, it was assumed that the unaccelerated start date for the general purpose lanes would be 2008, after all of the 2007 priorities are completed. Approval of this advancement therefore establishes a commitment to program the project in 2008 for the general purpose lanes in Mesa which follows the 2007 projects previously approved by the Regional Council. Other projects for funding in 2008 will be recommended as part of a new long range planning process or when the FY 2004-2008 MAG Transportation Improvement Program is developed.

Mayor Barleycorn asked for clarification of the payment completion date of 2008. Mr. Anderson replied \_\_\_\_\_.

Mayor Scruggs asked for clarification on agenda item #13B, whether this allows the acceleration of non-RARF projects, such as the widening of I-17. Mr. Anderson replied \_\_\_\_\_  
Eric comments on Country Club. Interest expense in full, but would not be reimbursed. He mentioned that the City of Mesa will pay 100 percent of the interest costs. Mayor Scruggs asked if \_\_\_ was not going to be exactly as RARF, if the policy is adopted. Mr. Anderson replied that was correct.

13E. Conformity Analysis of the Draft FY 2001-2005 MAG Transportation Improvement Program

Paul Ward summarized the reasons for drafting a Transportation Improvement Program (TIP). The 1990 Clean Air Act Amendments require that the MAG TIP be in conformance with the applicable air quality plans. He explained that all Title 23 federally funded projects within the region, and all regionally significant projects within a non-attainment area must be included in a conforming TIP. In addition, regionally significant projects within a non-attainment area need to come from a Congestion Management System. Mr. Ward said that TIP development is required every two years, but MAG

develops a TIP every year to keep pace with the fast growth and air quality concerns. He summarized the schedule of TIP development. Data for the TIP is received from federal, state and local agencies, private developers, MAG transportation plans, work program, and models. Mr. Ward stated that further input is received from the public, MAG Technical Advisory Committees, and MAG staff. He summarized the federal regulations that apply to the development of the TIP. Mr. Ward displayed pie charts that showed the amounts of federal funds in the TIP, totalling \$286 million, allocated to freeways, bicycle, transit, telecommuting, street, pedestrian, ITS, and transportation demand projects. He pointed out the sources of total funds allocated in the TIP, including local highway, state highway, federal highway, private highway, RARF, and federal, state and local transit. Mr. Ward said that these funds total \$4.54 billion. He noted the allocation of these funds to various transportation modes, with the majority going to freeways, followed by streets. Other modes include transit, bike, pedestrian, and contingencies. Mr. Ward remarked that the TIP is constantly changing. After the original TIP was recommended by the TRC in February, changes received during the process are contained in errata sheets. Mr. Ward mentioned that errata sheets #1 and #2 were included in the document sent in the agenda packet. Errata sheet #3 was at each place.

13F. Conformity Analysis of the MAG Long Range Transportation Plan Summary and 2000 Update

Terry Johnson stated that the Long Range Transportation Plan is a multi-modal plan that includes street and freeway improvements, transit, pedestrian, car pools and HOVs, bike, air, telecommuting, and traffic signals. He said that the 1990 Clean Air Act Amendments require that transportation plans and programs be in conformance with applicable air quality plans. To comply with this requirement, it is necessary to conduct a conformity analysis on an update to the LRTP. Mr. Johnson stated that highlights in the Update include incorporation of the Grand Avenue MIS, an updated Pedestrian Plan, extending the time horizon to 2020 from 2019, an updated street funding plan, and incorporation of changes from the draft FY 2001-2005 Transportation Improvement Program.

Mr. Johnson summarized the Plan highlights, which includes new controlled access highways and widening for regional routes, such as the HOV lanes and general purpose lanes on the Superstition through Mesa, SR 85, and the 303. He said the Plan includes more than 50 percent increase in street lane miles, tripling of bus service, quadrupling of express bus service, and a 39-mile light rail transit system.

Mayor Gamez moved to approve agenda item #13B, Adopt Revised Freeway Acceleration Policy, adopting the revised MAG Freeway Acceleration Policy to include all state highway projects in the MAG region, #13C, Advancement of the Superstition Freeway General Purpose Lanes in Mesa, advancing the general purpose lanes on the Superstition Freeway between Price Road and Val Vista Drive with a loan from the City of Mesa, with repayment of the loan from MAG scheduled for the year 2008, agenda item #13E, Conformity Analysis of the Draft FY 2001-2005 MAG Transportation Improvement Program, the Draft FY 2001-2005 MAG Transportation Improvement Program for an air quality conformity analysis, and #13F, Conformity Analysis of the MAG Long Range Transportation Plan Summary and 2000 Update, the MAG Long Range Transportation Plan Summary and 2000 Update for an air quality conformity analysis. Vice Mayor Hawley seconded.

Before a vote was taken, Acting Chairman Tibshraeny recognized public comment from Blue Crowley, who stated that a resolution was passed by the State Transportation Board on the retaining walls. Mr. Crowley stated that the State is not doing its part for trip reduction. He commented on the 1989 transit

plan that states that park and ride lots will be put in when freeways are being built. Mr. Crowley mentioned that while paving road shoulders they should be paved as bike lanes to save money in the long run. He said this is not included in the TIP. Mr. Crowley complimented Mayor Keegan on the bike project. He encouraged transit projects.

Acting Chairman Tibshraeny asked for a vote on the motion and it was unanimously carried to approve agenda items #13B, #13C, #13E, and #13F.

15. Annual Evaluation of the MAG Executive Director

At the January Executive Committee meeting, the performance evaluation process for the MAG Executive Director was discussed. Information was gathered from the MAG member agencies to evaluate the Executive Director at the Executive Committee February 14, 2000. The Executive Committee discussed the information and conducted a salary review. A summary of the discussion of the Executive Committee will be presented to the Regional Council.

The Regional Council may vote to recess the meeting and go into executive session to discuss personnel matters relating to the MAG Executive Director evaluation and the salary review. The meeting may then be reconvened to make recommendations regarding the evaluation and salary review. The authority for such an executive session is A.R.S. § 38-431.03(A)(1).

Chairman Giuliano rejoined the meeting. Mayor Scruggs moved recess the meeting to conduct an executive session and to reconvene the meeting for possible action on matters relating to the salary review of the MAG Executive Director. Mayor Tibshraeny seconded. The Regional Council meeting recessed at 7:25 p.m.

The Regional Council meeting reconvened at 7:45 p.m.

Chairman Giuliano announced that a dinner for the members of the Regional Council and their staff who have confirmed their dinner reservations will be held in the MAG offices on the third floor.

There being no further business, the meeting was adjourned at 7:45 p.m.

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Chairman

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Secretary