

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

February 22, 2012  
MAG Office, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Hugh Hallman, Tempe, Chair	*Mayor Yolanda Solarez, Guadalupe
Mayor Marie Lopez Rogers, Avondale, Vice Chair	Mayor Thomas Schoaf, Litchfield Park
# Councilwoman Robin Barker, Apache Junction	#Supervisor Mary Rose Wilcox, Maricopa Co.
Councilman Eric Orsborn for Mayor Jackie Meck, Buckeye	Mayor Scott Smith, Mesa
# Mayor David Schwan, Carefree	*Mayor Scott LeMarr, Paradise Valley
Councilman Dick Esser, Cave Creek	Mayor Bob Barrett, Peoria
Councilman Jack Sellers for Mayor Jay Tibshraeny, Chandler	Mayor Greg Stanton, Phoenix
Mayor Lana Mook, El Mirage	Mayor Gail Barney, Queen Creek
* President Clinton Pattea, Fort McDowell Yavapai Nation	*President Diane Enos, Salt River Pima-Maricopa Indian Community
* Mayor Jay Schlum, Fountain Hills	*Mayor W. J. "Jim" Lane, Scottsdale
* Mayor Ron Henry, Gila Bend	Mayor Sharon Wolcott, Surprise
* Governor Gregory Mendoza, Gila River Indian Community	*Mayor Adolfo Gamez, Tolleson
Mayor John Lewis, Gilbert	Councilman Rui Pereira, Wickenburg
Mayor Elaine Scruggs, Glendale	Mayor Michael LeVault, Youngtown
Mayor Georgia Lord, Goodyear	Victor Flores, State Transportation Board
	*Vacant, State Transportation Board
	Roc Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.                      + Attended by videoconference

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Hugh Hallman at 11:35 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Hallman noted that Mayor David Schwan, Supervisor Mary Rose Wilcox and Councilwoman Robin Barker were participating in the meeting by teleconference.

Chair Hallman presented membership certificates to two new Regional Council members: Mayor Greg Stanton from Phoenix and Councilman Rui Pereira from Wickenburg.

Chair Hallman noted that a legislative summary for agenda item #10 was at each place.

Chair Hallman requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. He noted that transit tickets for those who used transit to attend the meeting were available from staff.

3. Call to the Audience

Chair Hallman noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

No requests for public comment were received.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, first expressed his appreciation to members for the attendance at the new meeting time of 11:30 a.m.

Mr. Smith then reported on items of interest in the MAG region. Mr. Smith stated that names of community leaders to serve on the judging panel for the Desert Peaks Awards had been submitted by west valley jurisdictions so far. Mr. Smith stated that a new award has been added this year, the Outstanding Economic Development Champion.

Mr. Smith announced that Governor Brewer's office had awarded a STOP Violence Against Women grant for more than \$160,000 to the MAG Domestic Violence Protocol Evaluation project. He noted that the project has been very well received and has expanded to include many participants.

Mr. Smith reported that 272 people registered for the "Planning for the Next 100 Years" conference, which was held February 15, 2012, at the Phoenix Convention Center. He said that the conference, which is a part of the MAG Municipal Aging Project, was sponsored by the Virginia G. Piper Charitable Trust. He stated that best practices for preparing for services that will be needed by their residents aged 65 years and older were presented at the conference. Mr. Smith stated that Amy St. Peter, MAG Human Services Manager, and Carol Kratz and Michelle Dionisio appeared on the Horizon television show to

talk about the project. He noted that the results of a survey and focus groups will be provided in the next Regional Council agenda.

Mr. Smith stated that interest has been expressed in another tour of the Utah Transit Authority (UTA) for those who could not attend the last trip. He stated that the previous tour highlighted multimodal transit, such as commuter rail, light rail, and bus rapid transit. Mr. Smith noted that the local Utah mayors who joined the tour spoke of the benefits their communities received and they discussed various financing tools available in Utah. He remarked that the City of Peoria is taking the lead on House Bill 2469, regarding a financing tool of revenue districts, which is moving through the Legislature.

Chair Hallman thanked Mr. Smith for his report. No questions from the Council for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Hallman noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5J were on the Consent Agenda. He noted that no public comment cards had been received. Chair Hallman asked members if they had questions or requests to hear an item individually. None were noted.

Mayor LeVault moved to approve the Consent Agenda. Councilman Esser seconded, and the motion passed unanimously.

5A. Approval of the January 25, 2012, Meeting Minutes

The MAG Regional Council, by consent, approved the January 25, 2012, meeting minutes.

5B. ADOT Red Letter Process

In June of 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning and permits. ADOT has forwarded a list of notifications from July 1, 2011 to December 31, 2011. Of the 70 notices received, none had an impact to the State Highway System.

5C. FY 2013 MAG Human Services Coordination Transportation Plan

The MAG Regional Council, by consent, approved the FY 2013 MAG Human Services Coordination Transportation Plan. The federal Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) requires the establishment of a locally developed, coordinated public transit-human services transportation plan for all Federal Transit Administration programs for underserved populations: the Elderly Individuals and Individuals with Disabilities program (Section 5310); the Job Access and Reverse Commute program (Section 5316); and the New Freedom program (Section 5317). Since 2007, MAG has updated this coordination plan annually in compliance with this requirement. The fiscal year (FY) 2013 MAG Human Services Coordination Transportation Plan was

recommended for approval by the MAG Human Services Technical Committee on January 12, 2012, the MAG Human Services Coordinating Committee on January 25, 2012, and the MAG Management Committee on February 8, 2012.

5D. Recommendation to the Arizona Department of Transportation Safe Routes to School Program

The MAG Regional Council, by consent, approved the ranked list of projects for submission to the ADOT Safe Routes to School Program. The Arizona Department of Transportation's (ADOT) Safe Routes to School Program provides annual grants for road safety improvement projects that are related to access to schools. The program provides grants to public and non-profit agencies for projects that improve road safety and encourage more K-8 children to walk or bike to their neighborhood schools. This is the sixth cycle of the program, and grants will be provided to projects that implement infrastructure improvements as well as projects that would involve education, training and encouragement. In response to the ADOT request for proposals announced in October 2011, a total of 16 project applications from the MAG region were received by ADOT. The ADOT proposal review process stipulates that MPOs and COGs must recommend a ranked list of projects to ADOT by February 24, 2012. These recommendations will be considered by a statewide Safe Routes to School panel that will make a final recommendation to ADOT. The MAG Transportation Safety Committee reviewed all project proposals, and on January 24, 2012, recommended a ranked list of projects from the region as the MAG recommendation to ADOT. On February 8, 2012, the MAG Management Committee recommended approval of the ranked list of projects.

5E. MAG Federally Funded Locally Sponsored Project Development Status Report

The MAG Regional Council, by consent, approved federal fund projects to be deferred, deleted, advanced, and changed; and of the necessary amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The MAG Federal Fund Programming Guidelines & Procedures, approved by the MAG Regional Council on October 26, 2011, outline the requirements for local agencies to submit status information on the development of their federal funded projects. This Project Development Status Report focuses mainly on projects funded with Congestion Mitigation and Air Quality (CMAQ) funds that are programmed to obligate in federal fiscal year (FFY) 2012 and FFY 2013. The Project Development Status workbook that was sent to member agencies required that a project development schedule was completed and project change requests could be requested. Based on information submitted by local agencies, information at times was cross checked with the ADOT Local Government section for feasibility, and further inquiries were made by MAG staff. The Project Development Status Report notes that of the 47 projects programmed to obligate in FFY 2012, 13 are requesting a deferral to a later year, four are requesting to be deleted or have funds reprogrammed, six are requesting a project change, and 30 are projected to obligate based on the schedule submitted. The Project Development Status Report notes that of the 46 projects programmed to obligate in FFY 2013, two are requesting to be advanced to FFY 2012, 10 are requesting a deferral to a later year, four are requesting to be deleted or have funds reprogrammed, two are requesting a project change, and the rest are projected to obligate in FFY 2013 based on the schedule submitted. This item was recommended

for approval by the MAG Transportation Review Committee on January 26, 2012, and by the MAG Management Committee on February 8, 2012.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The amendment and administrative modification involve several projects, including the deferral, deletion, and advancement of Congestion Mitigation and Air Quality projects for fiscal years 2012, 2013, and 2014. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Comments were requested by February 17, 2012.

5G. Social Services Block Grant Allocation Recommendations

The MAG Regional Council, by consent, approved the Social Services Block Grant (SSBG) allocation recommendations for FY 2013 to be forwarded to the Arizona Department of Economic Security. Through a partnership with the Arizona Department of Economic Security (DES), the MAG Human Services Coordinating Committee prioritizes services to receive funding with locally planned Social Services Block Grant (SSBG) dollars. Services funded by SSBG support assistance to the most vulnerable people in the region, including four target groups of Older Adults; People with Disabilities; People with Developmental Disabilities; and Adults, Families, and Children. Upon completion of research and a service ranking exercise, it is proposed to move \$118,654 to the highest priority services. The FY 2013 SSBG allocation recommendations were recommended for approval by the MAG Human Services Coordinating Committee on January 25, 2012, the MAG Human Services Technical Committee on January 12, 2012, and the MAG Management Committee on February 8, 2012.

5H. Economic Development Committee Vacancy

The MAG Regional Council, by consent, approved the appointment of Mayor Sharon Wolcott to fill the vacant Economic Development Committee West Valley seat. The composition of the Economic Development Committee (EDC), approved by the Regional Council, includes the Chair and the Vice Chair of the Transportation Policy Committee (TPC). On January 25, 2012, the Regional Council appointed Mayor Jackie Meck, Town of Buckeye, as the Vice Chair of the TPC. This left the West Valley seat that Mayor Meck previously held on the EDC vacant. A memorandum was sent to the Regional Council members explaining the vacant West Valley seat and requesting letters of interest for this seat be sent to the Regional Council Chair. On February 13, 2012, the MAG Regional Council Executive Committee recommended approval of Mayor Sharon Wolcott to fill the vacant West Valley seat on the EDC.

5I. Development of the FY 2013 MAG Unified Planning Work Program and Annual Budget

Each year, the MAG Unified Planning Work Program and Annual Budget is developed in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies

in April and approved by the Regional Council in May. To provide an early start in developing the Work Program and Budget, this is an overview of MAG's draft proposed new projects for the FY 2013 Work Program. The updated draft budget timeline, the invitation for the Budget Webinar presentation on February 16, 2012, at 1:30 P.M. in the MAG Palo Verde Room, estimated dues and assessments, and the proposed new projects were included with the budget documents.

5J. Regional Council Meeting Time for June 27, 2012

The MAG Regional Council, by consent, approved a 5:00 p.m. meeting time for the annual meeting of the MAG Regional Council on June 27, 2012, to accommodate the biannual Desert Peaks Awards ceremony. On January 25, 2012, the MAG Regional Council approved changing the time of the monthly MAG Regional Council meetings from 5:00 p.m. to 11:30 a.m. The time change is effective beginning with the February 22, 2012, MAG Regional Council meeting. On June 27, 2012, the biannual Desert Peaks Awards event will be held. In the past, this event began with the annual meeting of the Regional Council at 5:00 p.m., followed by the Desert Peaks Awards ceremony at 5:30 p.m. On February 13, 2012, to accommodate the biannual Desert Peaks Awards ceremony, the MAG Regional Council Executive Committee recommended holding the June 27, 2012, annual meeting of the MAG Regional Council at 5:00 p.m.

6. Tier 3 - Closeout Priorities for Federal Fiscal Year (FFY) 2012

Eileen Yazzie, MAG Transportation Planning Project Manager, presented a report on Tier 3 funding, which is made available through unprogrammed, deleted, and unobligated funding. She noted that the agenda material included a summary transmittal, memorandum, the program of projects tables, and Scenario #4 that was recommended by the Transportation Review Committee and Management Committee.

Ms. Yazzie noted that since the MAG Management Committee recommended approval, the City of Scottsdale contacted MAG staff of a duplicate record in the project set to obligate. She advised that this increases the amount for closeout. She explained the projected amounts available for FFY 2012 closeout of Congestion Mitigation and Air Quality (CMAQ), Surface Transportation Program (STP) funds and carry forward funds. Ms. Yazzie stated that it is anticipated there will be about a \$38 million balance of CMAQ funds and about a \$1 million balance of STP funds.

Ms. Yazzie stated that the recommendation is for approval of Scenario #4: fund projects that will obligate in FFY 2012 at a 50 percent increase of the federal share, up to 100 percent of project costs, with an additional \$293,000 of federal funds to CHN12-805, and the remaining balance is flexed to transit, with projects and priorities developed at a later time to close out Federal Fiscal Year (FFY) 2012; and of the necessary amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, the FY 2012 MAG Unified Planning Work Program and Annual Budget, and as appropriate, to the Regional Transportation Plan 2010 Update.

Ms. Yazzie stated that the MAG Transit Committee has begun discussing programming eligible projects. She said that flexing the funds to preventive maintenance for the operating budgets of bus and light rail

is one option, and she added that another round of service cuts and fare increases was anticipated to be implemented in July. Ms. Yazzie stated that the deadline for programming the funds is August, but they are aiming to finalize the programming by the end of spring.

Chair Hallman thanked Ms. Yazzie for her report. He noted that flexing is the opportunity to move funds to transit. No questions from the Council were noted.

Mayor Barney moved approval of Scenario #4: fund projects that will obligate in FFY 2012 at a 50 percent increase of the federal share, up to 100 percent of project costs, with an additional \$293,000 of federal funds to CHN12-805, and the remaining balance is flexed to transit, with projects and priorities developed at a later time to close out Federal Fiscal Year (FFY) 2012; and of the necessary amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, the FY 2012 MAG Unified Planning Work Program and Annual Budget, and as appropriate, to the Regional Transportation Plan 2010 Update. Supervisor Wilcox seconded, and the motion passed unanimously.

7. Update on the MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, provided an update on the MAG Five Percent Plan for PM-10. An editorial that had been submitted to *The Arizona Republic* but not yet published, was distributed. Chair Hallman noted that the editorial had been written in response to the series of articles published in the paper to demonstrate that MAG has been proactive with air quality issues.

Ms. Bauer stated that the Arizona Department of Environmental Quality (ADEQ) has now submitted information for the Draft MAG 2012 Five Percent Plan for PM-10 regarding its commitment to assess the effectiveness of the voluntary and emerging control measure (Dust Action General Permit). She stated that the ADEQ, the Environmental Protection Agency (EPA) and Governor's Best Management Practices Committee are having additional discussions regarding the Agricultural Best Management Practices Program. Ms. Bauer noted that as soon as these issues are resolved, MAG will be able to finalize the document and submit it for public review.

Ms. Bauer stated that the region needs three years of clean data as measured by the monitors for EPA to determine that the standard has been met. She expressed appreciation for the efforts put forth by member agencies and added that it is critical for the member agencies to maintain their aggressive efforts to prevent exceedances at the monitors and throughout the region. Ms. Bauer explained that to date in 2012, there have been two PM-10 exceptional event exceedances due to a 32.5 mile per hour wind at the West 43<sup>rd</sup> Avenue monitor on January 21, 2012, and residual dust at the Higley monitor in Gilbert on January 22, 2012.

Ms. Bauer sent around the table a copy of the 200-page report that ADEQ prepared to document the exceptional events that occurred from July 2 to 8, 2011, with the technical assistance from Maricopa County and MAG staff. She noted that the report took six months to prepare and she added that it is now available for a 30 day public comment period. Ms. Bauer stated that due to the extensive work required, ADEQ will be hiring a consultant to prepare the documentation for the remaining 12 packages of exceptional events for 2011.

Ms. Bauer stated that Representative Reeve has introduced House Bill 2798, which requires cities, towns, the county, and state agencies to report to ADEQ by March 30 annually how they are implementing measures. She noted that the cities and town submitted the documentation to Representative Reeve as she requested and Representative Reeve acknowledged that the cities and towns have been implementing the measures. Ms. Bauer noted that the bill has passed the House Environmental Committee.

Ms. Bauer then referenced the series of articles on air quality that appeared in The Arizona Republic. She noted concern because this region has not had a violation of the carbon monoxide standard since 1996, and no violations of the one hour ozone standard since 1996; for the eight-hour ozone standard, no violations of the .08 parts per million standard since 2004, and only one violation at a monitor of the more stringent eight-hour ozone standard of .075 parts per million.

Ms. Bauer stated that EPA sent proposed rulemaking on how it will designate the regions. The lowest category, which is the least severe category, is called marginal and ranges from .076 ppm to .086 ppm. Ms. Bauer stated that MAG's design value would be .077, so the region would be very low in that category.

Ms. Bauer stated that for PM-10 EPA indicated informally that 2009 may be a clean year and in 2010 there was one exceedance that was not a violation. She noted that there was one exceedance in 2011 that was not a violation, but several exceptional events which ADEQ is documenting.

Ms. Bauer stated that the My Turn article written by Chair Hallman was sent to The Arizona Republic on February 7 and February 16, but has still not been published. She said that the paper said it hopes to give MAG a publication date soon.

Mr. Smith stated that this region will not attain the standard until the EPA exceptional events policy is fixed. He said that putting together all of the documentation that demonstrated what one picture could have shown is a tremendous waste of money and resources that could have been put toward other environmental issues. Mr. Smith stated that MAG worked with its consultants, drafted legislative language, and hoped to find a vehicle in Congress to have a reasonable policy to address environmental issues.

Mr. Smith commented on the cost to produce the 200-page document and noted that the 101 exceedances constituted 21 exceptional events days. Ms. Bauer noted that 12 more documentation packets are needed.

Mayor Scruggs stated that the situation has been misrepresented in spite of MAG's efforts to communicate the facts and there seems to be disinterest by The Arizona Republic in presenting both sides of the story. She suggested producing a video in concert with the cable stations to get the word out on an ongoing basis.

Mr. Smith stated that MAG staff have been in communication with the editorial board and received a very good editorial, the issue was on the reporting side. He noted that MAG Communications Manager Kelly Taft had been in contact with The Arizona Republic continuously, including this morning.

Chair Hallman stated that a package might be the best means to communicate with others, for example, the Congressional Delegation and others in Washington, D. C. He remarked that the photo of the haboob is useful, but the video of the haboob rolling across the Valley is impressive. With agreement noted by the Regional Council, Chair Hallman directed staff to draft a sketch outline of the video for Regional Council review.

8. Greater Phoenix Rising Website

Denise McClafferty, MAG Management Analyst, stated that in an effort to provide regional information to companies that are considering relocating or expanding in the Phoenix metro area, the Greater Phoenix Rising website was officially launched in November 2011. Ms. McClafferty expressed appreciation to the staff of MAG and the Greater Phoenix Economic Council (GPEC) who developed the joint website. She noted that the website was completely developed in-house, and custom tools were built to develop and maintain this site.

Ms. McClafferty demonstrated the new life and safety and key assets sections. She noted how Arizona compares favorably to other states in its weather conditions and low occurrence of natural disasters. Ms. McClafferty stated that the key assets section includes data on the number of college degrees conferred and the locations of daycare centers and hi-tech employers. She stated that a video was produced for the website that profiles companies that have relocated or expanded in the Valley and have been successful. The video was played. Ms. McClafferty stated that a transportation video also has been produced and is available on the website. She stated that the more links there are to a website, the more it will result in a web search and she requested that member agencies link to the Greater Phoenix Rising website.

Chair Hallman thanked Ms. McClafferty for her report and asked members if they had questions.

Mayor Lewis asked the next steps. Ms. McClafferty replied that all components of the website are now active and staff are working on the production of videos for other sections. She added that MAG's data are on the website and are updated regularly.

Mayor Barrett asked if water availability was addressed. He stated that this is one tool that is used against Arizona. Ms. McClafferty replied that she could find that out, and if data were available on a regional level, they could look into making it available on the website.

Chair Hallman stated that water availability would be an element in the key assets section.

Mr. Smith suggested showing the chain of lakes leading from the White Mountains in one of the videos. He encouraged member agencies and other agencies, such as economic development groups, to link to the website to increase the search results.

Chair Hallman stated that government links and Arizona State University links move up a site's standings in the search engines.

9. Arizona Centennial Celebration

The Honorable John Driggs, former mayor of the City of Phoenix and member of the Arizona Historical Advisory Commission, addressed the Regional Council on the project to restore the historic Arizona State Capitol in celebration of the Arizona Centennial. Mayor Driggs stated that he had met with the Management Committee in January. He provided material on the project.

Mayor Driggs stated that he was requesting an email on agency letterhead within ten days that he could take to the Speaker of the House, who is the Chair of the Legislative Council, and the President of the Senate, who is the Alternating Chair, and they control the State Capitol. Mayor Driggs stated that according to Wikipedia, a capitol typically contains the meeting place for its state's legislature and offices for the state's governor, though the Arizona State Capitol is now a museum, and the legislature and the governor's office are in nearby buildings.

Mayor Driggs stated that he was on the first Centennial Commission established by the State Legislature, and later, Governor Napolitano, by Executive Order, established the second Centennial Commission. He advised that the Executive Order said that the signature project would be restoration of the State Capitol. Mayor Driggs remarked that restoring the State Capitol could define the start of the second 100 years of statehood. Mayor Driggs stated that this is the first meeting with Regional Councils in the state.

Chair Hallman thanked Mayor Driggs for his presentation and asked if there were any questions.

Mayor Schoaf asked for clarification of what the contents of the email requested by Mayor Driggs should include. Mayor Driggs replied that he was requesting that the email on letterhead include financial and general support for the project. He stated that in 2008, a letter was sent to every mayor and county supervisor asking for contributions for the centennial. Mayor Driggs stated that agencies with more than 50,000 population were asked to contribute \$5,000; 25,000 to 50,000 population were asked to contribute \$3,000; and less than 25,000 in population were asked to contribute \$2,000. He noted that he had received less than ten percent response. Mayor Driggs stated that if jurisdictions are not able to contribute, they could express their support of the State Capitol project. He remarked that an amount of \$25 million to \$40 million is needed, but the money is hard to raise if no one knows the money is needed.

10. Legislative Update

Nathan Pryor reported on legislative issues of interest. He noted that a legislative summary of bills currently in the House and Senate was at each place, and he added that he would be updating the summary to include House Bill 2469 that Mr. Smith mentioned. Mr. Pryor stated that he would be monitoring the Governor's and Legislative budget for potential impacts to such programs as the Highway Users Revenue Fund and the Emergency Telecommunications Fund.

Mr. Pryor stated that last week he attended the National Association of Regional Councils conference in Washington, D. C., where surface transportation reauthorization was a major topic of discussion. He noted that the House and the Senate each have bills, which are unlikely to pass by the March 31 deadline, and he noted that the funding might be by continuing resolution to 2013.

Mr. Pryor said that the remainder of his report would focus on the Gila River Indian Community referendum on the South Mountain Freeway. Mr. Pryor stated that in 2009, the Gila River Indian Community's then-Lt. Governor Joseph Manuel expressed interest in looking at an on-reservation alignment for the freeway. He stated that the Gila River Indian Community's then-Governor William Rhodes sent a letter to Governor Brewer expressing interest and one month later, she accepted the invitation to look at an on-reservation alignment.

Mr. Pryor stated that since 2010, the Gila River Indian Community, ADOT, and MAG staff have been working on a potential alignment. He said that the Community brought the issue through its process and the Tribal Council decided on having a referendum. Mr. Pryor stated that on February 7, 2012, community members went to the polls and out of 1,481 votes cast, 603 voted to build the freeway on Pecos Road, 158 voted to not build the freeway on community land, and 720 voted for no-build anywhere.

Mr. Pryor stated that the next steps are to complete the environmental impact statement on the Pecos Road alignment, receive a record of decision in 2013, and begin construction in 2015. Mr. Pryor expressed his appreciation to the Gila River Indian Community, especially to Manager David White and his staff, for working with MAG and ADOT staff during this process.

Chair Hallman thanked Mr. Pryor for his report and asked if there were questions.

Mayor Lewis asked if there were challenges ahead for the Pecos Road alignment or was it ready to proceed. Mr. Pryor responded that the South Mountain Freeway is a legacy project from 1985 and \$1.9 billion is budgeted in the Regional Transportation Plan for the facility. He stated that there are a number of issues to be resolved through the environmental impact statement, including the right of way footprint and going through the South Mountain ridge.

Mayor Lewis asked if the facility not being on their land had relieved concerns of the Gila River Indian Community, even though there would be impacts. Mr. Pryor stated that staff attended numerous public events and heard concerns expressed by Community members, such as for air quality. He noted that others expressed interest in development opportunities. Mr. Pryor stated that an on-reservation facility would have gone around the mountain ridges and connected to I-10 in the 51<sup>st</sup> Avenue area just north of the Vee Quiva casino.

Chair Hallman noted that 720 votes were no build, but combining the yes vote and the no on tribal land but build the facility vote totaled 761 votes. He noted that even in the Gila River Indian Community there is support for building the facility, just not on tribal land.

Mayor Stanton stated that the Gila River Indian Community considers South Mountain to be sacred, and this issue will need to be addressed by the environmental impact statement. He added that the Community will need to say whether its religious concerns have been addressed adequately and it might be the focus of future litigation.

Mayor Lewis stated that the Pecos Road route puts religious concerns at the forefront, and he thought people hoped to have the route on Community land to avoid the South Mountain ridge.

Mr. Pryor stated that there are still opportunities for individuals and the Community to weigh in during the public input process of the environmental impact statement.

Mayor Scruggs asked how long this process would continue. She said that many communities lost significant transportation corridors and transit opportunities and service. Mayor Scruggs asked why funding was being held for this project when there was so much opposition. She commented that the Pecos Road alignment did not seem to be embraced by the City of Phoenix and a lot of opponents to the project attended a recent MAG meeting and made known that they would not cease their efforts to stop the freeway from being built. Mayor Scruggs asked if there was a lawsuit, would the \$2 billion remain in an account without the ability to be used by agencies that have lost projects and experienced cutbacks to service. She also asked if the \$2 billion earned interest.

Mr. Smith replied that the funds would earn interest if the funding is at ADOT. He noted that there are funding issues out to 2014 when this facility becomes available in cash flow. Mr. Smith stated that there is a push for this project due to its significance to the Valley and that it would provide an alternative to I-10, Baseline Road and Southern Avenue. He stated that the public hearings will take place in October and we need to get an answer for the people in Ahwatukee and the Gila River Indian Community. Mr. Smith stated that from a modeling perspective, this facility needs to be built.

Mayor Scruggs stated that her question is how long do we wait? She stated that the West Valley is very aware of problems on I-10 and local governments stress their own budgets to relieve I-10. Mayor Scruggs also brought up that the I-10 Reliever was removed from discussion and then I-11 was added to the discussion. She stated that there are two powerful groups – the City of Phoenix and the Gila River Indian Community – who do not agree with where the facility will be built. Mayor Scruggs stated that she worked on the sales tax elections in 1985 and 2004 and she understands that the freeway is needed, but while people lose projects they need, this \$2 billion sits there. She said that this is probably not politically correct but it is time to start discussing it.

Mr. Smith reported that Fredda Bisman, MAG General Counsel, informed that further discussion would require this item to be agendaized.

Chair Hallman stated that this could be an item on a future Regional Council agenda.

Mayor Smith requested that the agenda item specifically address the comment that the people of Ahwatukee deserve an answer. He remarked that this comment confused him because there were only

two options: Pecos Road or the Gila River Indian Community. Mr. Smith replied that he merely meant that the residents of Ahwatukee deserve to know if the facility will be built or not.

Councilman Sellers stated his agreement with Mayor Scruggs that the situation is frustrating, but his frustration is why can't we build the freeway because it is needed.

Chair Hallman asked members for items that they would like to be included in the future agenda presentation.

Mayor Stanton stated that the presentation should go back to the history of the original tax that paid for the freeway so that people know that due to financial shortages, decisions were made by Governor Symington on what the transportation priorities should be. He stated that after the record of decision there could be significant legal issues related to going through a designated mountain preserve which might require an executive session. Mayor Stanton added that the challenges would not be from the City of Phoenix, but perhaps by tribal and environmental organizations. He stated that just as there are mixed feelings among the general population, there are mixed feelings among the Phoenix City Council. Mayor Stanton stated that these are issues he hoped could be addressed in more detail and he wanted the record to accurately reflect the history of the project.

Chair Hallman stated that the history might need to be reintroduced to people new to the Regional Council. He referenced a 2006 editorial letter written by then Mayors Keno Hawker, Boyd Dunn, and Steve Berman, expressing support for the construction of the South Mountain Freeway. Chair Hallman stated that the most recent delay resulted from the hope that two issues would be resolved: that the impact to homes in Ahwatukee would be eliminated and the mountain range would be preserved, but this did not happen. He stated that the majority vote at the Gila River Indian Community supported that a freeway be built, but not on tribal land, and this should be a part of the record and discussion, as well as projections that show why this freeway is necessary or important, historical travel demand studies, the north/south travel, the I-10 corridor between Phoenix and Tucson, trade corridor issues, and the ability to travel east to west across the country bypassing the Phoenix downtown area.

Mayor Scruggs commented that there has been a need for the South Mountain Freeway since 1985 and it is preferable if it had been built before the situation became a crisis, but her question was how much longer these funds will be held hostage when everyone is under financial crisis. Mayor Scruggs suggested that the funds could be replaced later when financial times are better. She stated that another important legal question is whether a sovereign nation could stop the construction of a freeway on land that is not in their nation. Mayor Scruggs stated that another issue is when will the Phoenix City Council make a decision. She stated that everyone is under stress and everyone has transportation needs. Mayor Scruggs stated that her questions are not whether the freeway should be built, but how long do we wait for other entities to make decisions instead of spending the money on other projects and replenishing it later and what are an entity's rights to stop what was voted on by the citizens.

Chair Hallman stated that there are differing views on whether there is \$2 billion in cash sitting in a bank account as opposed to being budgeted for future expenditure. He stated that the question is really when would we have that completed and is that a higher priority than other projects scheduled in the budget.

Chair Hallman stated that there were hard decisions made over the past four years to make cuts to priorities that were of lesser importance. He also stated that rarely has a decision been made by the popular vote of the community in which a freeway was built. If that was the case, for example, US-60 that goes through Tempe would still be a two-lane road in both directions and Mesa, Chandler and Gilbert would have a difficult time moving their traffic. Chair Hallman noted the opposition of the Tempe residents, including himself, to the expansion, but an agreement was reached. He stated that if there is public desire that the freeway moves forward then that same accommodation will need to be reached. Chair Hallman stated that it is this body that decides the priorities and each community needs to understand the implications to its community. He stated that this will be a moment in history that will make a significant difference in what the Valley will look like.

Councilman Sellers stated that the communities represented in the aforementioned 2006 letter have never wavered from the position expressing support for the freeway.

Ms. Bisman expressed concern that the Regional Council was getting into substantive discussion that would need to take place under its own agenda item.

Mayor Stanton stated that he would represent the entire City of Phoenix while at Regional Council meetings, not just his personal opinions. He stated that the City of Phoenix has not impeded the environmental impact statement process and he added that there are many complicated issues with a lot of important interests at stake. Mayor Stanton stated that Mayor Scruggs had raised important questions. He said that he felt it was important to discuss whether the Regional Council wanted to short circuit the process or allow the environmental impact statement and the record of decision to take its course. Mayor Stanton stated that he would state his opinion about continuing with the ongoing process at a later meeting when the item was agendaized. He added that legal issues are almost certainly inevitable with the current alignment, not by the City of Phoenix, but by other organizations.

Chair Hallman directed staff to include in the presentation the history of the project, the options available, and schedule a potential executive session due to potential legal issues. He stated that discussions during executive sessions are not to be discussed outside the session and he urged members to discuss this topic with their individual legal counsels. Chair Hallman requested that staff also provide information on environmental impact statement litigation in the Valley, for example, expansion of airports as well as freeways, and outside of the County, such as Atlanta in the mid-1990s. He stated that he did not want the agenda to include too many other items for discussion, in order to allow for a full and thorough discussion of this issue.

#### 11. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting were requested. No requests for future agenda items were noted.

Chair Hallman requested adding an item on funding mechanisms for the Brookings Institution Metropolitan Business Plan.

12. 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 from the Council were noted.

Adjournment

There being no further business, Mr. Arnett moved and Councilman Esser seconded the motion to adjourn the meeting at 12:55 p.m.

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Chair

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Secretary