

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

October 23, 2013
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

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|---|---|
| # Vice Mayor Alex Finter for Mayor Scott Smith,
Mesa
Mayor Michael LeVault, Youngtown,
Vice Chair | Vice Mayor Andrew Sanchez for Mayor
Rebecca Jimenez, Guadalupe |
| * Vice Mayor Robin Barker, Apache Junction
Mayor Marie Lopez Rogers, Avondale
Mayor Jackie Meck, Buckeye
Councilmember Mike Farrar for Mayor David
Schwan, Carefree
Councilmember Reginald Monachino,
Cave Creek | # Mayor Thomas Schoaf, Litchfield Park
Mayor Christian Price, City of Maricopa
* Supervisor Steve Chucuri, Maricopa County
Councilmember Dan Schweiker for Mayor
Scott LeMarr, Paradise Valley
Councilmember Cathy Carlat, Peoria
Mayor Greg Stanton, Phoenix |
| # Mayor Jay Tibshraeny, Chandler
Mayor Lana Mook, El Mirage
* Mayor Tom Rankin, Florence
* President Ruben Balderas, Fort
McDowell Yavapai Nation
Mayor Linda Kavanagh, Fountain Hills
Mayor Steven Holt, Gila Bend | * Supervisor Todd House, Pinal County
Vice Mayor Dawn Oliphant for Mayor Gail
Barney, Queen Creek
* President Diane Enos, Salt River
Pima-Maricopa Indian Community
Mayor W. J. "Jim" Lane, Scottsdale
Mayor Sharon Wolcott, Surprise |
| * Governor Gregory Mendoza, Gila River Indian
Community
Mayor John Lewis, Gilbert
Mayor Jerry Weiers, Glendale
Mayor Georgia Lord, Goodyear | # Mayor Mark Mitchell, Tempe
* Mayor Adolfo Gamez, Tolleson
* Mayor John Cook, Wickenburg
Victor Flores, State Transportation Board
Joseph La Rue, 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 Acting Chair Michael LeVault at 11:33 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mayor Jay Tibshraeny, Mayor Tom Schoaf, Mayor Mark Mitchell, Vice Mayor Dawn Oliphant as proxy for Mayor Gail Barney, and Vice Mayor Alex Finter as proxy for Mayor Scott Smith, joined the meeting via teleconference.

Acting Chair LeVault introduced Councilmember Reginald Monachino, the new Regional Council member for the Town of Cave Creek, and presented him with his membership certificate.

Acting Chair LeVault welcomed Councilmember Mike Farrar as proxy for Mayor David Schwan, Vice Mayor Andrew Sanchez as proxy for Mayor Rebecca Jimenez, and Councilmember Dan Schweiker as proxy for Mayor Scott LeMarr.

Acting Chair LeVault noted materials at each place: the two addenda to the agenda (items 5G and 15) and material for agenda items 5F, 6, and 7. He reported that on October 16, 2013, the Transportation Policy Committee recommended approval of agenda items 5C, 9 and 10 that were on the Regional Council agenda.

Acting Chair LeVault 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. Transit tickets for those who purchased a transit ticket to attend the meeting and parking validation were available from staff.

3. Call to the Audience

Acting Chair LeVault 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.

Acting Chair LeVault recognized public comment from Dianne Barker, who stated that she took transit to attend a friend's memorial service, which required her to get up quite early. Ms. Barker stated that the route took Bell Road to Surprise and she reported that there are no sidewalks or bicycle paths along this six-lane roadway with traffic whizzing past. She expressed thanks for the transit ticket from MAG staff. Ms. Barker stated that parking validation is offered at public meetings, but people do not think to offer transit ticket reimbursement. She stated that if people are expected to arrive by cars, they will fulfill that expectation. Ms. Barker suggested diversity be integrated with transportation as it is in other aspects. Ms. Barker stated that those who use transit need to get the information in the Public Input Opportunity. Acting Chair LeVault thanked Ms. Barker for her comments.

Acting Chair LeVault recognized public comment from Dr. Marvin Rochelle, who expressed his serious concern regarding ADA accommodations in one of the cities in the MAG region. He said that he was not naming the city until he had verified the facts, but the city he was referencing has more than 100,000 in population and does not have sidewalks on segments of arterial streets. Dr. Rochelle stated that his comments were brought about because the day before the vehicle in which he was riding almost hit a person in a wheelchair because there were no sidewalks. Acting Chair LeVault thanked Dr. Rochelle for his comments.

Acting Chair LeVault recognized public comment from Pat Vint, who congratulated the sound people for making sure people attending the meeting are able to hear, however, this is of no avail if people do not speak into the microphones. Mr. Vint stated that the speaking rules forbid personal attacks. He commented that neither Mayor Stanton nor his representative were at the meeting, but then he noticed that Mayor Stanton was present. Mr. Vint stated that elected officials need to be careful how they run their cities because the newspapers are investigating how cities are operating. He complained that he could not hear the proceedings at Phoenix Council Chambers. Mr. Vint expressed that he should be heard. He also stated that he checks underneath his car because he does not want to be the next Don Bolles. Acting Chair LeVault thanked Mr. Vint for his comments.

Acting Chair LeVault recognized public comment from John Rusinek, who asked if he could record his comments. He said that he has had an ongoing problem with the city of Phoenix for eight years. He recalled a meeting on April 23, 2007, with staff at the city of Phoenix regarding the scam perpetrated by a neighbor for dust-proofing. Instead of using a particular chemical, only water was used. Mr. Rusinek said that staff told him the case had gone to court and said the owner was in compliance, Mr. Rusinek stated that he met with staff in then-Councilmember Stanton's office. He said that he asked for the date of the court hearing, but then he was told by staff that there was no court record on file. Mr. Rusinek stated that he felt they were trying to scam him. He reported that dust proofing has been done three times in eight years, but it is now worse than ever. Mr. Rusinek stated that his problem should have been addressed by the Development Services Department, not the Neighborhood Services Department. Acting Chair LeVault thanked Mr. Rusinek for his comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He reported that as of September 2013, residential foreclosures totaled approximately 4,000 and pending residential foreclosures totaled approximately 6,000. Mr. Smith pointed out the great progress that has been made since March 2010, during the worst period of the foreclosure crisis when distressed residential properties totaled more than 63,000.

Mr. Smith stated that a peer review of the MAG transportation modeling program took place the week before. He noted the importance of the modeling program, which provides data for decision making. Mr. Smith stated that MAG received positive comments after the review, including the observation that this was the only review he knew of in the country where MAG staff, not consultants, represented the model.

Mr. Smith displayed a photograph of MAG Regional Council members (Mayor LeVault, Mayor Rogers, Mayor Schoaf, and Mayor Meck) who traveled to the Arizona Board of Regents meeting in Flagstaff

for the signing of the Memorandum of Understanding (MOU) for Research, Innovation and Entrepreneurial Agreement with Arizona State University, University of Arizona, Northern Arizona University, Thunderbird School of Global Management and Maricopa Community Colleges. Mr. Smith stated that universities and colleges can bring their research projects to the MAG Economic Development Committee to increase support and their chances of winning grants.

Mr. Smith reported that he attended the celebration for the tenth anniversary of the incorporation of Maricopa as a city. He displayed a photograph of the event where the new city hall was dedicated. Mr. Smith noted the interesting history of the city, and it had different names: Maricopa Wells, for example. Acting Chair LeVault thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Acting Chair LeVault noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda.

Acting Chair LeVault asked members if they had questions or requests to hear a Consent Agenda item individually. None were noted. No public comment cards were received.

Acting Chair LeVault called for a motion to approve Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Mayor Lana Mook moved approval of the Consent Agenda. Mayor Marie Lopez Rogers seconded, and the motion passed unanimously.

5A. Approval of the September 25, 2013, Meeting Minutes

The MAG Regional Council, by consent, approved the September 25, 2013, meeting minutes.

5B. Transit Project Changes - Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The MAG Regional Council, by consent, approved the amendments and administrative modifications to the Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program, and as appropriate to the Regional Transportation Plan 2010 Update. The FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified twenty-nine times. Since then, there was a need to modify transit projects in the programs. The proposed project changes include project modifications and new projects. On October 9, 2013, the MAG Management Committee recommended approval. On October 16, 2013, the Transportation Policy Committee recommended approval.

5C. Job Access and Reverse Commute Coordination - Lead Agency Change

The MAG Regional Council, by consent, approved updating Section 703 of the Regional Programming Guidelines for Federal Transit Formula Funds to change the lead agency for the Job Access and Reverse Commute (JARC) evaluation process from the City of Phoenix to MAG. On March 27, 2013, the MAG Regional Council approved the Regional Programming Guidelines for Federal Transit Formula Funds. Under Section 300 of the Guidelines, the programming priorities included allocation for funding for

JARC related activities. Under Section 703 of the Guidelines, it was recommended that the City of Phoenix, the regional designated grant recipient, continue as the lead in the JARC application process, coordinating with MAG Human Services staff and the MAG Ad Hoc Elderly and Persons with Disabilities Transportation Program (EPDT) Committee. The Fiscal Year 2013 application process was completed in July 2013. The MAG EPDT Committee held a debriefing meeting on August 22, 2013. Given the MAG Transit Committee members' backgrounds regarding JARC criteria, it was recommended at the debriefing meeting that MAG staff, working with the MAG Transit Committee, assume the lead for future JARC applications. This item was recommended for approval on September 26, 2013, by the MAG Transportation Review Committee and on October 9, 2013, by the MAG Management Committee.

5D. Northwest Valley Local Transit System Study - Draft Report Final Acceptance

The MAG Regional Council, by consent, accepted the Northwest Valley Local Transit System Study. The Northwest Valley Local Transit System Study draft has been completed by MAG. The purpose of the study was to identify opportunities and strategies to improve the existing transit service in the Northwest Valley, develop a short, mid, and long range local transit plan that effectively provides circulation within the Northwest Valley, and to connect to the regional transit system. The study area includes the communities of El Mirage, Surprise, and Youngtown, and portions of Glendale, Peoria and unincorporated Maricopa County, as well as the unincorporated communities of Sun City, Sun City West and Sun City Festival in the northeastern area of the town of Buckeye. The Study was recommended for acceptance on September 26, 2013, by the MAG Transportation Review Committee and on October 9, 2013, by the MAG Management Committee.

5E. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

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. The amendment and administrative modification involve several projects, including Federal Transit Administration Section 5310 Enhanced Elderly and Persons with Disabilities Transportation, Section 5307 sub-allocation of Job Access and Reverse Commute eligible activities, Section 5307 Urbanized Area Formula Programs, and Section 5307 Avondale-Goodyear Urbanized Area Funds. 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.

5G. ALCP Project Changes - Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The MAG Regional Council, by consent, approved amendments to the FY 2011-2015 MAG Transportation Improvement Program, FY 2014 Arterial Life Cycle Program, and as appropriate, to the Regional Transportation Plan 2010 Update to shift funding within the Black Mountain Boulevard project from the right-of-way phase to the design phase. The fiscal year (FY) 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified 29 times. Since then, there is a need to modify projects in the programs. Proposed project changes in the Arterial Life Cycle Program (ALCP) can be found in Table 1. The project changes will shift funding within the Black Mountain Boulevard project from the right-of-way phase to the design phase; this will allow the project to remain on schedule.

6. State and Regional Planning for a Safer Transportation System

Director Alberto Gutier, of the Arizona Governor's Office of Highway Safety, provided a report on the state's new Strategic Highway Safety Plan (SHSP), a draft of which is planned for release in 2014. Director Gutier stated that the SHSP must comply with MAP-21 criteria, and the increased restrictions placed by the federal government. He said that in order to get funding for the cities and towns in Arizona, additional work was required and their drafts were rejected four or five times.

Director Gutier stated that his biggest effort is DUI enforcement, and in 1997, he coined the phrase, "Drive Hammered, Get Nailed," which is posted from time to time on freeway message boards.

Director Gutier stated that an Executive Team of representatives from the Governor's Office of Highway Safety, the Arizona Department of Transportation, the Department of Public Safety, the Department of Health Services, Federal Highway Administration, the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration began the effort to develop the SHSP about five months ago. He said that they created approximately ten task forces encompassing highway safety issues such as speeding, aggressive and impaired driving, older drivers, bicycle and pedestrian safety, and animal issues.

Director Gutier mentioned that the task force will be attending a summit planned for November 6, 2013. He said that they will be discussing the SHSP and the most important issue will be obtaining funding to pass along to cities and towns. Director Gutier stated that funding originally was approved in a January/February timeframe, but the funds were not received in a timely fashion requiring that contracts be rewritten.

Director Gutier stated that the most important thing from the SHSP is to coincide with the wishes of cities and towns. He indicated that his office will help cities, no matter the size, such as the assistance they provided to the cities of Somerton and San Luis. Director Gutier spoke of an extra \$9 million to \$10 million that could be available through grants.

Director Gutier mentioned the new DUI vans his office has provided: one to the Town of Buckeye and two to the City of Phoenix. Director Gutier stated that over the past six to seven years, DUI arrests have increased from about 300 or 400 arrests per year to about 4,500. He noted that there is a very serious prescription drug epidemic here. Director Gutier stated that law and order are his way.

Acting Chair LeVault thanked Director Gutier for his report and asked if there were questions.

Mayor Stanton thanked Director Gutier for his report. He noted the three-fold increase in DUI arrests, however, alcohol-related fatalities have increased. Mayor Stanton asked if there was anything the cities could do to help.

Director Gutier stated that a DUI arrest is one of the things people do not think will happen to them. He reported that 37 agencies will be participating in Safety Day at the State Fair this upcoming weekend. Director Gutier stated that outreach to children is the goal and those attending the exhibit will get a teddy bear and a photo on a police motorcycle. Director Gutier stated that his goal is to identify more sober designated drivers. He said that the City of Scottsdale has a "Know Your Limit" program where people can get an alcohol level reading after a night out without fear of arrest and then be able to get a ride in waiting taxis if they are over the limit. Director Gutier noted that the program was highlighted at the conference of the National Association of Chiefs of Police. Director Gutier remarked that Arizona has 1,000 officers trained in phlebotomy (taking blood samples). He added that the City of Phoenix Police Department can obtain an electronic warrant for blood in four to five minutes, which is amazingly fast. Director Gutier expressed that he is proud of the collaboration among the officers of the state, DPS, ADOT, and the federal partners. He said that they provide a plan beneficial to all agencies. Director Gutier stated that the SHSP is not just for DUI's, but to increase usage of seat belts and car seats.

Mayor Lane stated that it is important to the City of Scottsdale to tackle the issue of DUI in a unique way. He expressed his appreciation to Director Gutier and his office for the support Scottsdale has received for the Know Your Limits program. Mayor Lane stated that the City of Scottsdale entertains almost nine million visitors annually and they want people to have fun, but to do it safely. Mayor Lane expressed his hope that the Know Your Limits program could be used in other cities. Mayor Lane remarked that the program has changed the environment from a situation that could be confrontational to one that is more favorable.

Director Gutier stated that the bars and restaurants are grateful for the Know Your Limits program because it gives them peace of mind. He added that there are plans to expand the Know Your Limits campaign.

Mayor Kavanagh asked if the enforcement levels were factored into the statistics to see if more people are issued citations due to increased enforcement.

Director Gutier stated that ten percent of the people in the state do not think it is a problem to drive under the influence and think that they will not be stopped. He said that only the numbers reported to their website are included, and he added that a number of agencies do not report their numbers. Director Gutier spoke of people who think it is all right to drive under the influence because they are only going two miles, but they could kill someone in those two miles. He stated that his office is working with the

liquor lobby and restaurant associations to designate more drivers. Director Gutier stated that people can drink all they want, but they need to get a taxi, sleep it off at the side of the road, or call a friend.

Sarath Joshua, MAG staff, provided a report on the effort to update the region's Strategic Transportation Safety Plan (STSP), which will guide systematic road safety improvements regionwide. He noted that the STSP is being developed under the oversight of the Transportation Safety Committee and is being closely coordinated with the SHSP. Mr. Joshua stated that recommendations will be included in the NexGen Regional Transportation Plan.

Mr. Joshua reviewed the accomplishments of the current STSP, which was the first transportation safety plan in the region. He reported that the STSP was developed in 2005 in-house by the MAG Transportation Safety Committee. Mr. Joshua reported that 26 high crash intersections were reviewed for safety in the Road Safety Assessment Program in the STSP and reports were provided to local agencies.

Mr. Joshua said that another accomplishment was the creation and implementation of Road Safety Management System software that analyzes crash data from 1999-2012. He reported that web-based access will soon be available to designated staff at MAG agencies.

Mr. Joshua stated that the Safe Routes to School Program includes the annual school crossing guard training workshops. He said that 465 guards were trained at the 2013 workshops. Mr. Joshua stated that a school crossing guard training video called *Guardians of the Future* was produced by MAG in partnership with Avondale, Glendale, Mesa, Peoria, Phoenix, and Tempe. He noted that it was distributed to all 900 K-8 schools in the region and also throughout the country.

Mr. Joshua stated that key project tasks for the new STSP that have been completed include a review of the state of road safety in the MAG region, a comparison of the MAG region to similar urban regions, and the establishment of the overall vision and goals for transportation safety in the MAG region.

Mr. Joshua displayed graphs of 2008 to 2012 fatal/serious injury data for freeways, arterials, pedestrians, bicyclists, and older drivers. He also displayed comparisons between the MAG planning area and the state and selected urban regions. He noted that the fatal/serious injury crashes on freeways decreased in 2009, but then increased.

Mr. Joshua stated that stakeholders met at a workshop on September 24, 2013, to discuss the vision and goals for road safety. He then played a video on how people feel about road safety and the causes of crashes. The road safety vision for the MAG region is "Zero Deaths - Zero Injuries." Mr. Joshua noted that Margaret Boone, MAG staff, is the project manager.

Acting Chair LeVault asked Mr. Joshua the reason for the increase in crash statistics. Mr. Joshua noted that the increase correlates with the economy, and an increase in economic activity results in more traffic on the roads. He added that more traffic conflicts will occur on arterials than on the freeways. Mr. Joshua also noted that with increased transit, there will be more pedestrians.

Mayor Kavanagh asked if there had been an increase in motorcycle riders due to the economy. Mr. Joshua replied that he had not seen vehicle miles traveled numbers, but it seemed there were more motorcycles on the road.

7. Briefing on EPA Rulemaking for the Navajo Generating Station

Central Arizona Project (CAP) General Manager David Modeer addressed the Regional Council regarding the Environmental Protection Agency (EPA) proposed regional haze rule for the Navajo Generating Station (NGS) located in Page, Arizona. The EPA's proposed rule would require installation of costly controls on each of NGS's three generating units as early as 2018 and it is anticipated that the costs would be passed on to municipal water users that take CAP water.

Mr. Modeer expressed appreciation for the opportunity to solicit support of the Regional Council for CAP efforts. He explained that many articles have appeared over the past 4.5 years regarding the EPA's efforts to impose very strict regulations on the Navajo Generating Station (NGS), which represents 90 percent of the power used to move water down the Colorado to Phoenix and to Tucson. Mr. Modeer stated that this will result in severe impacts to both water rates and economic development.

Mr. Modeer stated that CAP and its partners worked together to craft a proposal that would ensure that the NGS would stay open. He stated that it was clear in the February 2013 proposed rule by the EPA that the NGS was on the path to closure. Mr. Modeer stated that a working group, consisting of the Navajo Nation, the Gila River Indian Community, SRP, CAP, and environmental groups, met for 3.5 months and developed the Technical Working Group Proposal.

Mr. Modeer stated that the Technical Working Group Proposal was filed with the EPA and in August, the EPA notified them it would accept nearly 99 percent of the Technical Working Group Proposal as a reasonable alternative to the EPA proposal issued in February 2013. He said that the Technical Working Group Proposal provides a way for EPA to regulate NGS within terms that are acceptable to the stakeholders and keeps NGS open. Mr. Modeer introduced a video.

After the video played, Mr. Modeer emphasized that if the Technical Working Group Proposal is not accepted in large part by the EPA, it is assured that the NGS will not be operational after 2019. He said that the plant could still close if the uncertainties are not overcome. Mr. Modeer explained that usually, compliance on an EPA rule is required within five years. He said that the owners are not willing to invest money without recovery of their investment and the Technical Working Group Proposal is the last ditch effort to save the NGS. Mr. Modeer stated that consensus agreement by everyone is needed or the plant would close by 2019.

Mr. Modeer stated that the EPA accepted the Technical Working Group Proposal as a viable alternative for compliance with its regulatory process, but the battle is not over. He said there are three alternatives the EPA can consider: the two in the video that were insufficient to resolve uncertainties to the owners. Mr. Modeer stated that the Technical Working Group Proposal is the only way for the NGS to stay open.

Mr. Modeer stated that support for the Technical Working Group Proposal needs to be demonstrated because this issue is too important to not be accepted. Mr. Modeer said that some member agencies

have sent letters of support and he urged everyone who depends on this water supply to send a letter. Mr. Modeer stated that the changes to NGS could have a tremendous impact on the economy of Arizona.

Mr. Modeer stated that the proposal was published in the Federal Register on October 22, 2013, and public hearings for the week of November 12, 2013, have been scheduled in the Page area, Phoenix, and Tucson. Mr. Modeer expressed his hope that cities will attend the public hearings, express support and enter their support letters into the record.

Mr. Modeer stated that he did not expect an answer today, but noted that all of the parties to the agreement have agreed to sign a letter to the editors of the Phoenix, Pinal, Tucson, and Navajo-land newspapers. He said that they feel having people who were not part of the Technical Working Group Proposal be a part of the editorial would indicate broad support for the agreement. Mr. Modeer stated that the Technical Working Group Proposal is the best option. He requested that MAG consider being a party to the editorial letter because they think it is important to convey that unity to the EPA.

Acting Chair LeVault stated that he had sent a letter of support last week and copied the Arizona Congressional delegation. He said that closure of the NGS could deal a crippling blow to the economy. Acting Chair LeVault asked if there was a haze problem because of the plant or is this a solution in search of a problem.

Mr. Modeer replied that there were probably arguments to both sides on that question. He indicated that he thought there were haze problems at times, to the east of the Grand Canyon, but those are non-stationary point sources. Mr. Modeer stated that the bulk of haze issues in the Grand Canyon and other national parks are transient, blown in from other areas, for example the Los Angeles basin, overseas, and forest fires, which cannot be regulated under the Clean Air Act. Mr. Modeer stated that the only stationary point source EPA could regulate is the NGS. He said that the NGS generates eight to ten percent at certain times of the year. Mr. Modeer reported that the plant owners took voluntary steps in 2009, 2010, and 2011 to counteract the haze and realized a 40 percent reduction that EPA recognized in its rulemaking. He stated that he did not think there would be any change to visibility in the 11 national parks with this regulation, but we have to comply with the law.

Mayor Mook asked the timeframe for EPA decision making. Mr. Modeer replied that the original timeframe was to get a final ruling by the end of 2013, however, with the Technical Working Group Proposal, EPA extended the comment period to January 6, 2014. He said that the rulemaking was published in the Federal Register on October 22, 2013, after having been delayed due to the federal shutdown. He said that EPA has indicated the final rule could not be available until mid-summer or fall due to the significant number of comments they anticipate receiving, which will require responses.

Mayor Mook asked who was supporting the closing of the NGS. Mr. Modeer replied that a number of environmental groups, such as the Sierra Club, support the closing. He added that the Sierra Club was a member of the Technical Working Group but walked out of the process before significant progress was made. Mr. Modeer stated that the closure is a part of the national effort to move away from coal-powered or fossil-fueled plants. He said that the environmental groups of years ago thought it was not a good idea to close this plant due to human impacts on the tribe. Mr. Modeer stated that there is still opposition to this agreement. He added that there is still the possibility of legal challenges. Mr. Modeer reported that

there has never been a successful challenge to EPA's rule. He said that the latest challenge by Oklahoma lost in federal court.

Mayor Price expressed his appreciation for the work on the alternatives. He asked what would fill the void in the power supply if the NGS was closed, and if the void is great, would that lead to Alternative A as the only option and the customers would have to pay the cost.

Mr. Modeer replied that closure of NGS would result in a significant impact to power rates. He said there is 47 percent excess power currently in Arizona. Mr. Modeer stated that there are a lot of sources for power, and some are idle or only operate five to ten percent of the time because of the overbuilding of power plants that took place in the 1980s and 1990s. He said that closure could affect rates, but would not result in brownouts. As far as recouping the cost through customers, the owners have known for five years the potential loss of NGS and have some alternatives, for example, SRP bought 50 percent of a gas generating plant. Mr. Modeer stated that no one wants closure of NGS because it is the least expensive alternative for energy, about \$32 per megawatt compared to gas, which is about \$38 per megawatt. Mr. Modeer stated that the plant is paid for. He noted that the issue for the owners is the investment of money and the uncertainty of return. Mr. Modeer stated that there is no guarantee that compliance will be extended beyond 2026 and no certainty of return, and as a result, they would choose to close the plant.

Mayor Meck stated that power costs are rising. If we do not support CAP in this pursuit, he did not think we have any idea what the costs will be. Mayor Meck stated that the other part of this is if the Colorado River water continues to decrease and power costs continue to rise. He stated that support for the CAP request is needed for the sustainability of the state and CAP and the growth of small towns and communities. Mayor Meck stated that this is serious and he urged support.

Mayor Lane expressed his agreement with Mayor Meck that this is a very important matter and he added that the Technical Working Group Proposal is supported by the City of Scottsdale. He said that this is a temporary measure. Mayor Lane stated that if there is certainty, the opposition to the coal-fire industry has resulted in limited investment in coal as a power option. He said that we are fortunate to have a local firm in the energy business that is willing to step up and invest in this. Mayor Lane stated that MAG needs to support this and also take a look at the policy being driven by EPA on its impacts on economic development and transportation. He indicated that he was 100 percent behind supporting this, but had reservations on how successful it will be in the future.

Mayor Lewis asked if the video was available. Mr. Modeer replied that it is available on the CAP website.

Mayor Stanton expressed that he would need to abstain on a vote until the city's subcommittee completed its process on this issue.

Councilmember Carlat stated that CAP has been a diligent leader on this issue for years. She expressed appreciation for the outreach to cities and towns. Councilmember Carlat stated that it is critical for cities and towns to consider how this will affect them. She remarked that water rates will likely double or triple if the \$1 billion in improvements are made. Councilmember Carlat stated that it is important that

citizens are aware that their voices are heard. She added that she was an employee of CAP and would abstain from the vote so as not to present a conflict of interest.

Mayor Kavanagh stated that she had already sent a support letter from Fountain Hills. She indicated that she would be interested in a vote at Regional Council to support the NGS. Mayor Kavanagh spoke of the devastating impacts to the Navajo Nation, which should be a primary concern for Regional Council members because they have no other employment options, and the other things, such as rates, are secondary.

Mr. Modeer stated that CAP's participation in NGS is different than retail electrical providers of power out of the NGS. He said that CAP does not have an energy portfolio and has authority to use only Hoover power or NGS power. Mr. Modeer state that this power provides CAP the ability to make repayment of \$55 million for the CAP construction, and without that energy portfolio the customers will have to make up for the \$55 million payments. He said that they have made that difference known to everyone throughout the process. The impact is greater to CAP than to any of the other retail power providers.

Acting Chair LeVault stated that a number of members had already written letters and he asked the sentiment of the Regional Council to offer support as an association, such as in a letter to the editor. He asked if someone would like to make a motion.

Councilmember Mike Farrar moved, and Mayor Jackie Meck seconded.

Acting Chair LeVault recognized public comment from Mr. Vint, who expressed his belief that citizens have a right to speak. He said he had been in the Valley for 60 years. Mr. Vint stated that every citizen in Arizona and California will be impacted if the NGS is closed. He complained about the microphones not working. Mr. Vint stated that the public comment cards say he will be thrown out if he does not stay within the guidelines for public comment. He added that the public can submit written comments. Mr. Vint stated that he was told to sit down when he did not stay within the topic covered by the agenda item. He expressed his appreciation to Mr. Modeer for the efforts. Acting Chair LeVault thanked Mr. Vint for his comments.

Acting Chair LeVault stated that the motion on the table was for MAG to be party to a letter to the editor regarding the CAP/EPA issue. He asked Mr. Modeer for clarification on the author of the letter. Mr. Modeer replied that it would be authored by SRP and CAP and vetted by those participating in the letter.

Acting Chair LeVault noted that Fredda Bisman, MAG General Counsel, had informed that the two State Transportation Board members would not vote on this item because it was not directly related to transportation. Mr. Arnett noted that he also would not vote on this item because it was not directly related to transportation. The motion passed with Mayor Stanton, Councilmember Carlat, Mayor Wolcott, Mayor Mitchell, Mr. Arnett, Mr. Flores, and Mr. La Rue abstaining from the vote.

8. FY 2014 MAG Mid-Phase Public Input Opportunity

Jason Stephens, MAG staff, reported on the public involvement process MAG conducted on transportation plans and programs for the Mid-phase Public Input Opportunity on the Draft MAG 2035

Regional Transportation Plan (RTP) and Draft FY 2014-2018 MAG Transportation Improvement Program TIP). Mr. Stephens noted that MAG has a four phase public involvement process, and the Mid-Phase input opportunity allows for input on draft programs and plans prior to committees taking action.

Mr. Stephens stated that during the mid phase, MAG received public comment at its policy committees, as well as at small and large group presentations, a public meeting and via web and telephone correspondence. He said that MAG sent approximately 3,000 postcards to solicit input on the updated TIP and RTP. Mr. Stephens stated that advertisements for the public meeting were published in local newspapers.

Mr. Stephens displayed a summary of questions and comments received, most of which centered on transit and economic development. He noted that all of the public input was included in the report contained in the agenda packet.

Acting Chair LeVault asked if there were any questions. None were noted.

9. Approval of the Draft MAG 2035 Regional Transportation Plan for an Air Quality Conformity Analysis

Due to time constraints, no verbal report was provided. No questions from the Council were noted.

The 1990 Federal Clean Air Act Amendments require that regional transportation plans and programs be in conformance with all applicable air quality plans. To comply with this requirement, an air quality conformity analysis of the Draft MAG 2035 Regional Transportation Plan needs to be conducted prior to consideration of the Plan for final approval. The Draft MAG 2035 Regional Transportation Plan extends through FY 2035 and includes regional plans for freeways/highways, arterial streets, public transit, as well as plans for other transportation programs in the region. On September 26, 2013, the MAG Transportation Review Committee recommended approval of the Draft MAG 2035 Regional Transportation Plan for an air quality conformity analysis. On October 9, 2013, the MAG Management Committee recommended approval. On October 16, 2013, the Transportation Policy Committee recommended approval. A full copy of the Draft 2035 RTP may be downloaded from the MAG website at: [http://azmag.gov/Documents/RTP_2013-08-28_Draft-2035-Regional-Transportation-Plan-\(RTP\).pdf](http://azmag.gov/Documents/RTP_2013-08-28_Draft-2035-Regional-Transportation-Plan-(RTP).pdf).

Mayor Tom Schoaf moved approval of the Draft MAG 2035 Regional Transportation Plan for an air quality conformity analysis. Mayor Mark Mitchell seconded, and the motion passed unanimously.

10. Draft FY 2014-2018 MAG Transportation Improvement Program - Listing of Projects for an Air Quality Conformity Analysis

Due to time constraints, no verbal report was provided. No questions from the Council were noted.

The 1990 Federal Clean Air Act Amendments require that regional transportation plans and programs be in conformance with all applicable air quality plans. To comply with this requirement, an air quality conformity analysis of the Draft FY 2014-2018 MAG Transportation Improvement Program (TIP) - Listing of Projects needs to be conducted prior to consideration of the program for final approval. The draft TIP listing contains all regionally significant projects within the planning boundary, regardless of funding source. All MAG member agencies have been consulted regarding projects incorporated into

the draft document, including locally and privately funded projects. A draft listing of the Section 5307 Program of Projects (POP) is also included for review and comment. The draft Section 5307 POP is a subset of the transit project listings within the TIP that also will be undergoing an air quality conformity analysis. On September 26, 2013, the Transportation Review Committee recommended approval of the Draft FY 2014-2018 MAG Transportation Improvement Program - Listing of Projects for an air quality conformity analysis. On October 9, 2013, the MAG Management Committee recommended approval. On October 16, 2013, the Transportation Policy Committee recommended approval.

Mayor Tom Schoaf moved approval of the Draft FY 2014-2018 MAG Transportation Improvement Program - Listing of Projects for an air quality conformity analysis. Mayor Marie Lopez Rogers seconded, and the motion passed unanimously.

Mayor Price expressed his appreciation to the Regional Council and MAG staff for their assistance to the City as a new member during the conformity analysis process.

15. Public Opinion Transportation Survey Development

Eileen Yazzie reported that at the August 14, 2013, Transportation Policy Committee (TPC) meeting, MAG Transportation Director Eric Anderson provided an update on transportation revenue streams. Ms. Yazzie stated that next steps were discussed by the TPC, including conducting a public opinion survey to gauge public views and sentiment regarding transportation needs, transportation revenue sources, and timing. She reported that after a request for qualifications process was conducted, the MAG Regional Council Executive Committee approved WestGroup Research, Inc., as the consultant for MAG public opinion quantitative and qualitative services. Ms. Yazzie noted that she will be the main contact, under Mr. Smith and Mr. Anderson, at the direction of the Transportation Policy Committee and Regional Council.

Kathy DeBoer, WestGroup Research, revealed that the Public Opinion Transportation Survey is on a tight timeframe. She said that the first step is the questionnaire development phase, to be accomplished through comments at the October 23, 2013, MAG Regional Council meeting; online discussion bulletin boards set up for the Transportation Policy Committee and registered voters in early November to get input on the most important transportation issues and perceptions of funding; and at a stakeholder meeting on November 20, 2013, where a draft survey instrument will be discussed.

Ms. DeBoer stated that the next step will be the quantitative data collection/analysis phase, including finalization of the survey by November 22, 2013. She said that data collection will result from the approximately 600 telephone surveys made during the period of November 23, 2013, to December 23, 2013. Ms. DeBoer stated that the results will be available the first week of January 2014 and the full report available in mid-January 2014.

Ms. DeBoer then reviewed the three areas that have been identified.

Ms. DeBoer stated that the first area needing direction is the level of satisfaction with the current regional transportation system.

Mayor Wolcott said that she was curious to know the reliability and satisfaction of West Valley citizens on connections to Sky Harbor Airport. She noted that options for them to access the airport are limited except by automobiles.

Mayor Rogers stated that the word “transportation” is used broadly and she thought questions needed to be more specific in mentioning transit. She added that the survey could be coded to indicate respondents’ residence and work locations.

Ms. DeBoer stated that zip codes will be added.

Mayor Rogers stated that knowing their trip travel directions would be interesting.

Mr. Arnett suggested asking what improvements to transit would be needed to get people out of their cars and use transit. He added that respondents could be asked their satisfaction with sound walls.

Mayor Mook stated that she asks people the questions, “What would it take to get you to give up your car, and what type of transportation would you need?”

Ms. DeBoer noted that historical research conducted by MAG five years ago would be utilized and compared to the responses received in the Public Opinion Transportation Survey.

Mayor Kavanagh described her experiences taking transit at her former urban residence as dependable; if you took transit you knew you could get home. She remarked that taking transit here is the unknown; it leaves people not knowing if they will be able to get a return ride home and the concern that they could be stranded. Mayor Kavanagh stated that people also would want to know the cost to ride transit.

Ms. DeBoer stated that the second area needing direction is awareness/level of understanding regarding the current funding of the transportation system.

Mayor Wolcott stated that this is an opportunity to educate the public about funding for transportation. She remarked that there is no such thing as unsubsidized transportation.

Acting Chair LeVault stated that the history of transportation in the Valley is unknown to many residents because they have moved here recently.

Ms. DeBoer stated that the team will work closely with communications and marketing to explain funding in terms that the public understands.

Ms. DeBoer stated that the third area needing direction is a willingness to consider various revenue options (including increasing taxes or fees).

No comments were received from the Regional Council. Ms. DeBoer asked members to contact any of the team with input.

11. Proposed Policy Guidance on Metropolitan Planning Organization Representation

Mr. Smith noted that this was not an action item and was on the agenda for guidance. He stated that the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) issued a proposed guidance on implementation of provisions of the Moving Ahead for Progress in the 21st Century Act (MAP-21) that require representation by providers of public transportation in each metropolitan planning organization (MPO) that serves a transportation management area (TMA). He said that this change would take effect one year from now.

Mr. Smith noted that letters from the National League of Cities and the U. S. Conference of Mayors were included in the agenda packet. He summarized the letters as saying that in many areas, such as MAG, transit is at the local government level and those local governments already serve on the Regional Council. Mr. Smith stated that a key provision in MAP-21 is that the public transportation representative would need to be a transit operator and a direct recipient of 5307 Transit funds, which applies only to the City of Phoenix. He said that the question is whether the Regional Council wanted to comment or propose guidance on this.

No comments from the Regional Council were noted.

12. Legislative Update

No report.

13. 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 were noted.

14. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

No comments were noted.

Adjournment

There being no further business, the meeting adjourned at 1:45 p.m.

Chair

Secretary