

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
November 14, 2011
MAG Offices, Ironwood Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor, Hugh Hallman, Tempe, Chair	#Mayor Michael LeVault, Youngtown
Mayor, Marie Lopez-Rogers, Avondale, Vice Chair	Vice Mayor Thelda Williams, Phoenix
Mayor Scott Smith, Mesa, Treasurer	#Mayor Thomas L. Schoaf, Litchfield Park, Past Chair
*Mayor Jim Lane, Scottsdale	

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Hallman at 12:01 p.m.

Chair Hallman stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

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

3. Consent Agenda

Chair Hallman noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, committee members may request that an item be removed from the consent agenda.

Chair Hallman requested a motion to approve the consent agenda. Mayor Lopez-Rogers moved to approve items #3A through #3C. Mayor LeVault seconded the motion and the motion carried unanimously.

3A. Approval of the October 17, 2011 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the October 17, 2011 Executive Committee meeting minutes.

3B. Amendment to the Caliper Corporation Contract to Perform Second Phase of the Inner Loop Traffic Operations Model

The Regional Council Executive Committee, by consent, approved amending the Caliper Corporation Contract by \$250,000 to conduct the additional work for the 2010 Inner Loop Traffic Operations Model Development. On May 27, 2009, the MAG Regional Council approved the FY 2010 MAG Unified Planning Work Program and Annual Budget, which included the 2010 Inner Loop Traffic Operations Model Development Phase I for developing a microsimulation for a significant portion of the metropolitan area bounded by Loop 101 on the west, north, and east, and Loop 202 on the south. Following the consultant selection process, the Regional Council Executive Committee on March 22, 2010, approved Caliper Corporation to complete the first phase of the project for \$499,930. The first phase of this project is in the final stages of development and is presently on schedule. On May 26, 2010, the MAG Regional Council approved the FY 2011 MAG Unified Planning Work Program and Annual Budget, which included the 2011 Phase II - Inner Loop Traffic Operations Model project for \$250,000 as the next phase of the traffic operations model development. Building upon the efforts in the first phase of the project, the consultant is ready to proceed into the second phase where the microsimulation effort will be completed with the addition of three-dimensional models to facilitate the model's validation and availability for scenario testing. To conduct this second phase effort, the contract budget with Caliper Corporation will need to be amended to add the funding for the next phase approved by the Regional Council in the MAG FY 2011 Unified Planning Work Program and Annual Budget. MAG federal funds will be used for the second phase of this project.

3C. Amendment to the HDR, Inc. Contract for the Southeast Major Investment Study to Complete Study of Additional Improvement Scenarios

The Regional Council Executive Committee, by consent, approved amending the HDR, Inc. contract by \$88,867 to conduct the additional work for the Southeast Corridor Major Investment Study. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in March 2010 by the MAG Regional Council Executive Committee to include \$300,000 to conduct the Southeast Corridor Major Investment Study. On May 17, 2010, the MAG Regional Council Executive Committee selected HDR, Inc. to conduct the study for an amount not to exceed \$300,000. Since receiving

notice to proceed on the study in June 2010, the consultant has developed, studied, and analyzed three bundles of more than 25 different transportation alternatives to accommodate the travel demand forecasts in the Southeast Corridor area that reaches from Downtown Phoenix to Downtown Chandler. Information generated by this study thus far has significantly benefit not only this Major Investment Study, but has also contributed valuable information to the Environmental Impact Statement (EIS) projects for Interstate 10/Maricopa Freeway and SR-202L/South Mountain Freeway. Upon analysis of these transportation alternative bundles, additional combinations of improvements have been brought forward by the project's Planning Partners, including the Federal Highway Administration, the City of Tempe, and the City of Chandler, as additional items that merit testing and study in the Southeast Corridor. These additional combinations are beyond the scope of the original contract. HDR, Inc. has advised MAG that an additional amount of \$88,867 is needed to effectively study these items.

4. Metropolitan Business Planning Initiative Business Consultant Selection

Amy St. Peter thanked the committee for the opportunity to provide an update on the Metropolitan Business Planning Initiative Business Consultant Selection. She noted in May 2011, the MAG Regional Council approved the submission of a proposal to participate in the Metropolitan Business Planning Initiative. The budget for this proposal included \$166,400 to secure a business consultant to assist with implementation of the project. In July, the Brookings Institution announced that the region had been selected to participate in the initiative. In September, a Request for Proposals was issued to request proposals for the business consultant. On October 7, 2011, two proposals were received, from Elliot D. Pollack and Company and Value Point Solutions. On October 26, 2011, a multi-disciplinary team met to review the proposals. The review team recommended to MAG the selection of Elliot D. Pollack and Company to complete tasks one through four as specified in the Request for Proposals with tasks five and six being awarded separately to support the Metropolitan Business Planning Initiative for a total amount not to exceed \$166,400 for all six tasks. Following the meeting, staff contacted the Elliot D. Pollack Company to determine the cost for tasks one through four. They indicated a cost of \$78,400. Staff also inquired from Value Point Solutions the cost for tasks five and six to develop the business plan and prospectus if they were to be considered for these tasks. They indicated a cost of \$88,000 if they were to be considered for tasks five and six. Ms. St. Peter stated that both business consultants were present to answer any questions.

Chair Hallman asked if there were any questions or comments. Mr. Smith noted the recommendation from the Management Committee is to secure Elliott D. Pollack and Company to complete tasks one through four as specified in the Request for Proposal.

Mayor Schoaf stated he is supportive of approving Elliott D. Pollack and Company to complete tasks one through four and believes they can do a good job. He noted that he would like to make a disclosure and has contacted MAG legal counsel to confirm there is no conflict of interest. Mayor Schoaf noted the reason for making this disclosure is he would like to make a recommendation to approve Value Point Solutions for items five and six. Mayor Schoaf

requested that these tasks be considered separately from tasks one through four. The reason he is making this recommendation is because he has done business with Value Point Solutions and believes that the consultant who is approved to complete tasks five and six has to have a very strong business background and suggested that the members review their resume and ask any questions that they may have. He noted that Value Point Solutions are experienced in management of large business enterprises, has done a lot of business planning and would bring a business man's approach to our region, which would be a benefit.

Chair Hallman requested a motion to approve task items one through four to Elliott D. Pollack and Company. Vice Mayor Williams moved to approve the selection of Elliott D. Pollack and Company to conduct the analytics and activities specified under tasks one through four for an amount not to exceed \$78,400. Mayor Lopez-Rogers seconded the motion and the motion carried out unanimously.

Chair Hallman stated Mayor Schoaf recommends to approve items five and six to Value Point Solutions, given their business expertise. Ms. St. Peter noted at this time there was a lack of consensus from the review team in regards to approving items five and six to either party.

Vice Mayor Williams asked when the Request for Proposal went out was it meant to be broken up in parts or was it envisioned that all items would be completed by one consultant. Ms. St. Peter stated there were not specifics on the RFP stating that bidders had to complete all six tasks or whether they could break tasks up. She noted that they did go back to the consultants and asked them for proposals on items one through four and separate pricing for tasks five and six.

Mayor Smith asked if the Request for Proposal was premature for tasks five and six. Ms. St. Peter noted that some members of the review team thought the timing was not right to approve tasks five and six.

Chair Hallman directed staff to request that the review team make a recommendation on the firm to be selected for tasks five and six and the committee members agreed this issue should be brought up at the next Regional Council meeting in December to see what their recommendation would be in regards to awarding items five and six.

Chair Hallman asked if there were any other comments or questions. There were none.

5. Amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget to Participate in the Regional Interstate Railway Economic Study

Mr. Smith stated The Western High Speed Rail Alliance is proposing to initiate a Regional Interstate Railway Economic Study to study the economic benefits of interstate rail connectivity in the Intermountain West. He noted the total cost of the project will be \$100,000 to \$200,000, with a MAG portion of approximately \$25,000 to \$50,000. He stated MAG staff has contacted the Arizona Department of Transportation to inquire about their interest in participating in

sharing the MAG cost of this study. Mr. Smith stated MAG will only spend these funds if all Western High Speed Rail Alliance members participate.

Mayor Lopez-Rogers moved to approve amending the FY 2012 MAG Unified Planning Work Program and Annual Budget to participate in the Regional Interstate Railway Economic Study through the Western High Speed Rail Alliance for an amount not to exceed \$50,000. Vice Mayor Williams seconded the motion and the motion carried out unanimously.

6. MAG Committee Chair and Vice Chair Appointments ending December 31, 2011

Chair Hallman announced the recommended appointments of Chairs and Vice Chairs of MAG Technical and Policy Committees beginning January 2012. He noted that there remains a vacancy for the Transportation Safety Committee Vice Chair position and recommended staff present this issue at the next Regional Council Committee meeting in December.

Mayor LeVault moved to approve appointments of Chairs and Vice Chairs of MAG Technical and Policy Committees beginning January 2012 and approved staff to present the Transportation Safety Committee Vice Chair vacancy to Regional Council in December. Mayor Smith seconded the motion and the motion carried out 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. Ms. Bauer noted on November 2 and 4, 2011 there were additional exceptional events, which brings the total of exceptional event days to twenty-one. Ms. Bauer stated that these events have generated a great deal of work. San Joaquin Unified Air Pollution Control District has indicated that it takes approximately 453 staff hours to prepare the documentation for one exceptional event and to date these exceptional events total 1,189 staff work days.

Ms. Bauer stated the Arizona Department of Environmental Quality (ADEQ) has submitted the first batch of documentation for July 2, 2011 through July 8, 2011 to the Environmental Protection Agency (EPA) for an informal review and the others still have to be completed. She noted due to the number of exceptional events, the ADEQ has been overwhelmed. Ms. Bauer noted that under the draft exceptional events guidance EPA has approximately 120 days to review each exceptional event and provide initial comments. Once we receive the informal comments from EPA, it will make the next batch easier to prepare. She noted that EPA's has postponed their final guidance until 2012.

Ms. Bauer noted Congress had good intentions when they amended the Clean Air Act in 2005. They recognized there were exceptional events beyond the state's control and Congress envisioned areas not be penalized. Congress also mandated that EPA develop exceptional event rules, which EPA acknowledges are flawed.

Ms. Bauer stated that MAG is working with its Washington, D. C. legal counsel, Crowell and Moring and Patton Boggs, regarding potential legislative remedies on exceptional events. She explained that this work is being done as a result of the extensive work required to document these exceptional events, which then has to be submitted to EPA. Once EPA receives the documentation, it takes a long time to review the documentation and concur or not concur. She noted the main purpose for this draft legislation is to streamline the process and the concept is that states would make the determination of exceptional events after consultation with EPA.

Ms. Bauer stated the exclusions of exceptional events in Section 319 of the Clean Air Act, such as Stagnant Conditions and Lack of Precipitation, are recommended to be eliminated from the Clean Air Act in the draft legislation. She noted that there are other pieces of the legislation that just have definitions rather than definitions and exclusions. In 2009, there was a court ruling that EPA left out of the high winds strategy in the rule and consequently, we tried to define windy conditions in the draft legislation packet. Ms. Bauer stated that the draft legislation has been submitted to ADEQ and Maricopa County Air Quality Department.

Ms. Bauer also noted Representative Reeve has a Five Percent Plan stakeholders group and requested information on how the cities were enforcing their dust control ordinances. Ms. Bauer thanked the twenty-three cities and towns in the non-attainment area for providing the information. She stated that Representative Reeve has asked if anyone has any problems with the ordinances done by the cities or enforcement approach to email her and she will bring the jurisdictions before the stakeholder group.

Chair Hallman asked if there were any questions or comments. Mayor Smith noted that this issue came up in conversation with EPA in October 2011, when he was in Washington, DC. He stated he felt positive that EPA is understanding our concerns and the impact that this has on the region.

Mr. Smith noted that another state that has a common interest is Nevada. He stated staff could contact Tom Skancke, who is with Western High Speed Rail Alliance, and have him talk to Senator Reed and Senator Boxer. Mayor Hallman suggested sending a letter to EPA to address the overwhelming burden EPA has in regulatory revisions.

Chair Hallman asked if there were any other questions or comments. There were none.

8. Annual Performance Review of the MAG Executive Director

Mayor Lopez-Rogers moved that the Executive Committee go into executive session regarding the annual performance review of the MAG Executive Director. Vice Mayor Williams seconded the motion and the motion carried out unanimously.

The Executive Committee reconvened regular session at 1:00 p.m.

9. Request for Future Agenda Items

Chair Hallman asked if there were any requests for future agenda items. There were none.

10. Comments from the Committee

Chair Hallman asked if there were any comments for the committee members. There were no comments.

Adjournment

Vice Mayor Williams moved to adjourn the Executive Committee meeting. Mayor Smith seconded the motion and the motion carried unanimously. There being no further business, the Executive Committee adjourned at 1:02 p.m.

_____ Chair

Secretary