



Minutes Tempe Aviation Commission July 11, 2017

Minutes of the Tempe Aviation Commission meeting held on July 11, 2017, 6:30 p.m., at the Public Works Conference Room, Garden Level, City Hall Complex, 31 E. Fifth Street, Tempe, Arizona.

(MEMBERS) Present:

Lane Carraway (Chair)
Robert Dixon
Shannon Dutton
W. David Doiron
Gordon Gauss (Vice-Chair) (Calling in)
Robert Miller
David Naugle
John Q. Nunes
Tim Teserio

City Staff Present:

Oddvar Tveit, *Environmental Quality Specialist*

Meeting convened at 6:30 p.m.

Chair Lane Carraway called the meeting to order.

Agenda Item 1 – Public Appearances

There were no public appearances.

Agenda Item 2 – Consideration of Meeting Minutes (June 13, 2017 and July 5, 2017)

Chair Lane Carraway asked for comments to the drafted June 13, 2017 commission minutes, and a motion to approve.

Motion: Mr. John Q. Nunes moved to approve the drafted minutes. Mr. Robert Dixon seconded the motion.

Action: The June 13, 2017 commission meeting minutes were approved by a unanimous vote.

Because the subcommittee is sunsetting on July 12, 2017, the Chair Lane Carraway asked for request for changes or a motion to approve the July 5, 2017 subcommittee minutes.

Motion: Ms. Shannon Dutton moved to approve the subcommittee minutes as drafted. Mr. Robert Dixon seconded the motion.

Action: The July 5, 2017 subcommittee meeting minutes were approved with seven members voting to approve the minutes and two members, Mr. John Q. Nunes and Mr. Robert Miller, abstaining.

Agenda Item 3 – Staff Update

Environmental Quality Specialist Oddvar Tveit responded to a request about the continuation of the aviation newsletter after Administrative Assistant Cassandra Mac, who had worked with Communications and Media Relations' Ms. Shannon Reed, to publish the first issue had been diverted to her other duties. He presented a draft for a July newsletter about temporary changes in PHX operations during hours of extreme heat. The city had received a complaint about the uptake in operations when the heat receded. The members suggested that the newsletter include information about complaint options, the link to the commission's web site and an updated meeting

schedule. He encouraged members to come up with suggestions on newsletter topics and review what is posted on www.tempe.gov/tavco.

Agenda Item 4 – Noise Abatement Office (NAO) proposal

At the July 5, 2017 subcommittee meeting the attending members voted to accept the following recommendation:

The Tempe Aviation Commission should recommend to the City Mayor and Council that Tempe's elected officials should take the lead by inviting officials in the cities of Chandler, Mesa, Scottsdale and Phoenix to establish a regional Noise Abatement Office (NAO), through which the cities can establish channels of periodic communication with representatives from;

- a) the Federal Aviation Administration (FAA) who are responsible for the implementation of NextGen in the Western Pacific Region, and air traffic operations in the Western Desert District including the PHX TRACON; and,*
- b) major airlines offering scheduled service to Phoenix Sky Harbor International and Phoenix-Mesa Gateway airports.*

The recommendation included the reasons for the recommendation and the purpose of establishing a regional forum where communities are able to actively engage with the FAA and the airlines about new Performance Based Navigation (PBN) and to make certain that proper procedures are in place to address deviations so unnecessary air traffic noise can be reduced or eliminated.

The recommendation is presented for the commission's approval and if accepted the commission needs to address how to proceed with the newly established subcommittee. The new subcommittee is tasked with developing a framework that the city could present to neighboring cities for discussion if elected officials support the idea of establishing a joint forum.

Discussions:

- The commission has at this time nothing to show to the Mayor and Council about support from the City of Phoenix or any of the other cities mentioned in the recommendation, because it is not in the commission's mandate to go beyond making recommendations to the city and its elected officials.
- The City of Phoenix will consider any initiative that deals with establishing a forum for communication with FAA and airlines at PHX has to with their domain as owner and operator of the airport, and stakeholder in federal actions that affect the operation of the airport and its airspace.
- Noise mitigation for PHX including how PBN procedures impact noise exposure levels in neighboring communities is linked to the PHX programs for mitigation under 14 CFR Federal Aviation Regulation (FAR) Part 150. The City of Phoenix programs have received funding to regulate land uses in downtown Phoenix to acquire land to relocate residents, and to develop airport compatible land uses. The controversial changes in west flow departure headings off the runways that have been challenged by Phoenix in U.S. Court of Appeals, Columbia Circuit, have brought these federally funded investments into the controversy as new neighborhoods in Phoenix close to the airport are currently located under the departure turns off the PHX runways.
- Tempe should not wait to ask communities to come together in a new forum to address the flight path issues until the City of Phoenix petition for review is settled or a final ruling is made. The FAA has argued that the City of Phoenix and the joining neighborhoods did nothing to protest the changes within the 60 days after the FAA published the new departure procedures in September 2015, thinking the FAA still was open to negotiations about amending the procedures. If the commission considers the establishment of a Noise Abatement Office with representation from communities under the PHX flight paths as important, its members should not risk being blamed for taking no action.

- Some cities may not consider themselves much impacted by PHX operations, and Tempe needs to sell the idea about what the future can bring with PBN and increased demand for PHX aircraft routing efficiency.
- The new subcommittee should invite Council Aid Parrish Spisz and one or two Councilmembers to solicit their input on the recommendation.

Motion: Mr. Shannon Dutton moved to accept the recommendation from the Noise Abatement Subcommittee. The motion was seconded by Mr. Robert Miller seconded the motion.

Action: The motion passed by a unanimous vote.

Agenda Item 5 – The City Drone Ordinance Public Hearing

Environmental Quality Specialist Oddvar Tveit informed the members about the action taken by the City Council on June 15, 2017 regarding proposed amendments to the city code regarding recreational use of Unmanned Aerial Vehicles (UAVs). This was the second hearing of an ordinance to:

- a) Include take-offs and landings of UAVs in parks for recreational purposes that already had restrictions on the use of remote controlled aircraft, by changing the wording to "model aircraft" in the parks ordinance, which covers UAVs as a recreational aircraft defined in A.R.S. 13-3729 and the FAA Modernization and Reform Act of 2012 Subtitle B Sec. 336.
- b) Expand the regulated parks area from those located on the south side of the Tempe Town Lake to include Papago Park north of the lake, and the boundaries of a city preserve, (Hayden Butte).

The Councilmembers debated the need for the city to make the amendments under current state and federal regulations, but decided to pass the amendment with a consensus of reviewing the amended after one year.

In the U.S. Senate, a bill called the Drone Federalism Act has been introduced. The bill protects local restrictions on low-altitude UAV flying from federal preemption.

Agenda Item 6 – Commissioners' Business

- Update from the NAO subcommittee.
- Update from the City of Phoenix on noise monitoring program.

Agenda Item 7 – Schedule Next TAVCO Meeting

Action: The next meeting was scheduled for September 12, 2017 at 6:30 p.m.

Agenda Item 8 – Adjournment

Motion: Mr. Robert Dixon moved to adjourn the meeting. Mr. Robert Miller seconded the motion.

Action: The meeting was adjourned at 7:35 p.m. by a unanimous vote.

Prepared by: Oddvar Tveit

Reviewed by Justin Bern