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## COUNCIL OF FRESNO COUNTY GOVERNMENTS EXECUTIVE MINUTES

**Date:** Thursday, February 25, 2010  
**Time:** 5:30 p.m.  
**Place:** COG Sequoia Conference Room  
2035 Tulare St., Suite 201, Fresno, CA

**Members Present:** Mayor Trinidad M. Rodriguez, City of Kerman, Chair  
Mayor Dennis Lujan, City of Selma, Vice Chair  
Mayor Harry Armstrong, City of Clovis  
Mayor Ron Lander, City of Coalinga  
Mayor Javier Marquez, City of Firebaugh  
Councilmember Rico Aguayo, City of Fowler  
Mayor Ashley Swearengin, City of Fresno  
Mayor Bruce Blayney, City of Kingsburg  
Mayor Robert Silva, City of Mendota  
Mayor Victor Lopez, City of Orange Cove  
Mayor Armando Lopez, City of Parlier  
Mayor Amarpreet Dhaliwal, City of San Joaquin  
Mayor Jose R. Villarreal, City of Sanger  
Supervisor Judy Case, County of Fresno  
  
Sharri Ehlert, Caltrans  
Janelle Kelley, Legal Counsel  
Tony Boren, Executive Director

**QUORUM:** At the start of the meeting there were 14 members present representing 96.44% of the population and there was a quorum. (Clovis, Coalinga, Firebaugh, Fowler, Fresno, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Sanger, Selma and Fresno County)

The meeting was called to order by Mayor Trinidad Rodriguez, Chair, at 5:32 p.m. Mayor Rodriguez requested a moment of silence for the fallen Reedley City Police Officer and the Fresno County Sheriff's Deputies that were fatally wounded in the line of duty today.

### I. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons wishing to address the COG on items within its jurisdiction but not on this agenda. **Note: Prior to action by the COG on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

Tom Lang, Director of Aquarius Aquarium Institute, expressed concern about Caltrans not honoring the 99 Beautification Master Plan by mitigating a negative declaration for the widening Highway 99 in the area north of Herndon. Mr. Lang suggested that Caltrans' plan to widen Highway 99 could potentially eliminate the Fresno County Monument on the North Side.

Marcelino Valdez, City of Fresno Citizen, announced his candidacy for the District 7 Fresno City Council position. Mr. Valdez gave a synopsis of what he would like to accomplish if elected to the Council.

### II. PRESENTATIONS

#### A. Cemex – Morrow Mountain – Jolene Polyack

Jolene Polyack gave a presentation on the Jesse Morrow Mountain Mine and Reclamation Project. Ms. Polyack explained why another mine is needed, and debunked certain myths regarding negative impacts that would have happened if the mountain were mined.

Janelle Kelley, Legal Counsel, requested a change in order of the agenda given that Item No. III-D needed to be considered under the guise of the "Fresno County Mayors' Selection Committee". Chairman Rodriguez concurred.

**Member Agencies:** The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

Fresno COG Sitting As the Fresno County Mayors' Selection Committee

**III. D. Measure C Citizen Oversight Committee Member Appointment**

Tony Boren, Executive Director, reported that in September 2009 the Policy Board nominated seven new members to the Measure C Citizen Oversight Committee (COC) to fill positions whose terms had expired, and one position that had been vacated due to conflict of interest. However, although advertised as available with the other positions, one position which should have been vacated and refilled due to lack of member attendance, received no applications. This position is one of the six at-large public members residing in Supervisory District 1, representing an unincorporated rural area West of State Route 99. Therefore, the gentleman who held the position remained a member and was contacted by COG staff and the Citizen Oversight Committee Chair, encouraging him to attend meetings. He was not able to attend the next three consecutive meetings of the Citizen Oversight Committee. The rules established for Oversight Committee Membership clearly state that Members who are not in attendance for two (2) consecutive meetings shall be replaced with a new member selected by the Selection Committee.

At the December 2009 COC Meeting this issue was discussed amongst the members. The COC asked that the Board forgo advertising and outreaching this position again due to the expense and time constraints, and that staff work through the local elected officials to get recommendations of individuals who would be willing to fill the position. Jose Ramos, a retired Fresno County resident currently living in the city of San Joaquin, was recommended and has expressed a desire to fill the vacant position. Mr. Ramos applied for the position in 2007 when the committee was originally formed.

A motion was made by Mayor Dhaliwal (San Joaquin) and seconded by Mayor Lopez (Orange Cove) to appoint Mr. Jose Ramos to the Measure C Citizen Oversight Committee to fill the Supervisory District 1, Public At-Large position representing an unincorporated rural area West of State Route 99. A vote was called for and the motion carried unanimously.

Fresno COG Sitting As the Transportation Policy Committee

**III. TRANSPORTATION CONSENT ITEMS**

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

|                                                                                  |             |
|----------------------------------------------------------------------------------|-------------|
| A. National Parks Study Consultant Selection Update                              | Authorize   |
| B. FY 2008-09 Fresno COG Financial Audit                                         | Accept      |
| C. Annual Transit Productivity Report                                            | Accept      |
| E. Formal Amendment #20 to the 2009 Federal Transportation Improvement Program   | Information |
| F. Initiation of the Unmet Transit Needs Process                                 | Information |
| G. Public Transportation Infrastructure Study Update                             | Information |
| H. TDA Preliminary Estimates                                                     | Information |
| I. Fresno COG Participation in 2010/2011 Caltrans Transportation Planning Grants | Information |
| J. Recommending Greenhouse Gas Emission Reduction Target for Fresno Region       | Information |
| K. West Area Transportation and Circulation Study Update                         | Information |
| L. Blueprint Update                                                              | Information |
| M. 2011 RTP Update                                                               | Information |

For a summary of these items, please see the February 25, 2010 Annotated Agenda.

A motion was made by Mayor Armstrong (Clovis) and seconded by Mayor Blayney (Kingsburg) to approve the Transportation Consent Items. A vote was called for and the motion carried unanimously.

**IV. TRANSPORTATION ACTION / DISCUSSION ITEMS**

**A. Golden State Corridor Economic Development/Infrastructure Improvements Study – Update [DAWSON]**

Lauren Dawson (COG) provided a verbal update on the process for selecting the consulting team for the Golden State Corridor Economic Development / Infrastructure Improvements Study. Ten proposals were received on December 16, 2009. The proposals were reviewed and scored by the Consultant Selection Committee. On the Committee were representatives of the cities of Fowler, Selma, Kingsburg, the County of Fresno, Caltrans, the city of Fresno and Fresno COG. Five proposals were selected to proceed to the oral interview/presentation process held on February 1, 2010. The Interview Panel selected the Quad Knopf Team as the preferred firm to execute the work of

this contract. Quad Knopf received high ratings on their written proposal, oral interview and presentation. Policy Board Members were presented with the overview of the project, description of Quad Knopf's approach, and the sub-contractors who will be participating with the Quad Knopf Team.

A motion was made by Mayor Lujan (Selma) and seconded by Councilmember Aguayo (Fowler) to approve the selection of the Quad Knopf Team and authorize the Executive Director to enter into a contract for the Golden State Corridor Economic Development / Infrastructure Improvements Study, not to exceed \$515,000. A vote was called for and the motion carried unanimously.

**B. California Transportation Commission 2009 Annual Report to the California Legislature [FAWCETT/BOREN]**

Laural Fawcett (COG) reported that The California Transportation Commission (Commission) shifted from programming to implementation mode for the nine Proposition 1B programs before the close of fiscal year 2008-09. The Commission programmed all Proposition 1B dollars within its purview with the exception of the remaining cycles of the State-Local Partnership Program (SLPP). The Commission has also worked with statewide transportation stakeholders to deliver other programs within its purview, allocating over \$7.6 billion in state and federal transportation funding in the 2008-09 fiscal year, helping the state to achieve transportation construction activity in excess of \$9.0 billion in state construction contracts alone. This outcome, considering the ongoing budget uncertainties, highlights the strong and dedicated commitment of all those involved.

Ms. Fawcett then reported on six issues that will capture the transportation community's attention in 2010:

- The state's ongoing budget deficit and its impact on available transportation resources.
- Programming and funding the 2010 State Transportation Improvement Program (STIP).
- Incorporating greenhouse gas (GHG) reduction measures into the planning, programming and implementation of transportation projects.
- Preservation of the state's transportation system, and how the needs continue to grow beyond available resources.
- Federal Transportation Bill re-authorization and how it may impact California's leveraging ability.
- Continuing pursuit of reliable funding to address the state's transportation system needs.

This was an information item and required no further action by the Board.

**C. The Jobs for Main Street Act of 2010, H.R. [BESHEARS/GARZA]**

Les Beshears (COG) reported that in December 2009, the House introduced an anticipated "jobs package", Jobs for Main Street Act of 2010, that will provide states with sizeable infrastructure and potential job-saving initiatives to help weather the current economic lull. Jobs for Main Street Act of 2010 redirects \$75 billion in Troubled Asset Relief Program (TARP) savings from Wall Street to Main Street to fund infrastructure and job investments to further stabilize jobs and provide additional emergency funding to help families who are suffering. It is emphasized that the companion bill that is still in the Senate is roughly half the house bill, and there is no guarantee on passage. Due to the strict delivery requirements in the House bill, FHWA has gotten out in front of the legislative process and recommended that the State assume Stim 2 funds of \$2.57 billion. Caltrans has provided each MPO with preliminary estimates of Stim 2 funds for their region. This package is aimed at funding "shovel ready" projects; however, there is a 90 day contract delivery timeline requirement for 50% of all Stim 2 projects. In order for the state to meet the 90 days contract delivery timeline, amendments to add the Stim 2 preliminary estimates should be completed and federally approved by March 1, 2010. The estimated gross amount available for this region is \$33,245,046.

On February 11, 2010, Fresno COG released an amendment to the FTIP using the FTIP federal review and approval process that includes eligible Stim 2 projects for Inter Agency Consultation. These projects were included in the FTIP Amendment # 20. Fresno COG anticipated State and Federal approval by March 1, 2010, but that due date has been slightly relaxed. COG staff has been actively participating in dialogue at both a State and national level, tracking policy recommendations and evaluating the needs of our region.

This was an information item and required no further action by the Board.

**QUORUM:** Mayor Swearengin (Fresno) left at 6:17 p.m. making 13 members present representing 43.81% of the population.

**D. Caltrans Report [CALTRANS]**

Sharri Ehlert (Caltrans) reported that there was nothing new to report in regards to existing construction. Ms. Ehlert reported on new advertised projects that will soon be moving to construction. Those projects include the State Route 41 Northbound ramp metering at 4 locations between Ashlan and Bullard, and a Northbound Auxiliary lane project at the Herndon Ave off ramp. Ms. Ehlert reported on a new project Caltrans is overseeing. An Interregional Blueprint for the entire state is a statewide effort to reach out and work with all the COGs and modeling staff and incorporate the blueprints from around the state into a statewide document. This effort will eventually lead to the creation of a California Transportation Plan which is required under recent law.

This was an information item and required no further action by the Board.

Fresno COG Sitting As the Council of Fresno County Governments Policy Board

**V. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE**

A motion was made by Mayor Armstrong (Clovis) and seconded by Supervisor Case (Fresno County) to reaffirm all actions taken while sitting as the Transportation Policy Committee. A vote was called for and the motion carried unanimously.

**VI. ADMINISTRATIVE CONSENT ITEMS**

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

|                                                         |                                 |
|---------------------------------------------------------|---------------------------------|
| A. Executive Minutes of January 28, 2010                | Approve                         |
| B. Monthly Legislative Update                           | Information                     |
| C. Regional Clearinghouse                               | Approve                         |
| Project                                                 | Applicant                       |
| 1. US Department of Agriculture Rural Development Grant | Parlier Unified School District |

For a summary of these items, please see the February 25, 2010 Annotated Agenda.

A motion was made by Mayor Lopez (Orange Cove) and seconded by Mayor Lopez (Parlier) to approve the Administrative Consent Items as presented. A vote was called for and the motion carried unanimously.

**VII. ADMINISTRATIVE ACTION / DISCUSSION ITEMS**

**A. Senator Feinstein Water Delivery Amendment to upcoming Senate Jobs Legislation [BOREN]**

Tony Boren, Executive Director, reported that Supervisor Case (Fresno County) requested that Staff place an item on the agenda asking for Board support for California Senator Diane Feinstein's Emergency Temporary Water Supply Amendment as proposed to lessen the devastating effect of water supply curtailment to the agriculture industry in Central California. This amendment does not suspend the Endangered Species Act, but provides temporary relief to a long suffering region while long-term solutions to California's broken water system are being worked out. Specifically, Supervisor Case requested that the Board consider joining Senator Feinstein as a co-sponsor of the bill that would put thousands of people back to work.

Supervisor Case (Fresno County) gave a status report on this issue. Ms. Case stated that the Fresno County Board of Supervisors approved a resolution in support of this amendment introduced by Senator Feinstein. Unfortunately, the Jobs Bill was passed without any amendments. Ms. Case urged City and County officials to be vigilant in their efforts to keep the crisis on the County's Westside in the limelight so that something can be done.

This was an information item and required no further action by the Board.

**B. 2010-11 Overall Work Program Draft [BOREN]**

Tony Boren, Executive Director, gave a brief overview of the content of the 2010-2011 Overall Work Program, reporting on 6 major issues that the COG will be focusing on in the next coming year.

A motion was made by Mayor Lopez (Parlier) and seconded by Mayor Lopez (Orange Cove) to initiate the 45-day review process for the 2010-11 Overall Work Program. A vote was called for and the motion carried unanimously.

**C. Fresno COG's 2010 Legislative Platform [FAWCETT]**

Laural Fawcett (COG) reported that Staff and legislative consultant Steve Samuelian have completed the 2010 DRAFT Legislative Platform. This document will serve as the official guidance for the Executive Director and staff in representing issues important to Fresno County, and to secure support for these issues from the legislature. Ms. Fawcett gave an overview of the topics that were included in the platform.

A motion was made by Mayor Lander (Coalinga) and seconded by Councilmember Aguayo (Fowler) to approve the Fresno COG's 2010 Legislative Platform as the official positions on transportation and other associated legislative policies. A vote was called for and the motion carried unanimously.

**D. Fresno COG's 2010 Sacramento "One Voice" Trip [FAWCETT]**

Laural Fawcett (COG) reported that final preparations for Fresno COG's annual trip to the state legislature are underway. The 2010 Sacramento "One Voice" trip dates of March 9<sup>th</sup> and 10<sup>th</sup> have been confirmed. The final draft of the regional issues that will be discussed, as well as the scheduled meetings with state representatives have been included in your package. Ms. Fawcett briefly reviewed the final draft of issues that will be presented to legislators at the conference.

A motion was made by Mayor Lopez (Orange Cove) and seconded by Councilmember Aguayo (Fowler) to authorize the Fresno COG's 2010 Regional Issues Priority List to be carried forth to the state legislature for discussion at the 2010 "One Voice" meetings scheduled with state representatives. A vote was called for and the motion carried unanimously.

**E. Valley Regional Planning Agencies 2010 "Valley Voice" trips [FAWCETT/BOREN]**

Tony Boren, Executive Director, reported that The Regional Policy Council, which is made up of members from the 8 Valley Regional Planning Agencies, has developed a legislative platform, and authorized The San Joaquin Valley Legislative Affairs Committee (VLAC) to announce its 2010 "Valley Voice" Sacramento Trip. The trip took place on Wednesday and Thursday, February 3-4, 2010. Fresno County representatives included: City of San Joaquin Mayor Amarpreet Dhaliwal, Fresno County Supervisor Judy Case and Fresno COG Executive Director, Tony Boren. Mr. Boren, Mayor Dhaliwal, and Supervisor Case each reported their thoughts regarding the outcome of the trip.

This was an information item and required no further action by the Board.

**F. Washington DC "One Voice" Update [STECK]**

Barbara Steck (COG) reported that what would have been Fresno COG's eighth annual advocacy trip to Washington D.C. (February 6-11<sup>th</sup>) was cancelled because of blizzard conditions along the eastern seaboard. Staff considered alternatives, including a rescheduling of the trip in early or late spring. However, due to schedule conflicts on the part of both the elected officials from Fresno County, as well as officials in Washington D.C., staff decided to cancel the trip altogether. As an alternative, staff will be mailing the information packages to all officials that the delegation was scheduled to meet with.

This was an information item and required no further action by the Board.

**G. Monthly Report – California Consulting LLC [SAMUELIAN]**

Steve Samuelian (California Consulting, LLC) reported that the current budget proposal released by the Governor included a severe hit to Transit. The proposal that California Senate Democrats put forth would repeal the sales tax on gas and replace it with an excise tax and dedicates a portion of it to offset general fund support. There would be a new transit oriented gas fee that would be up to the individual COGs to initiate. In summary, the Senate Democrat's proposal would not be as big of a hit to transit as would the Governor's proposal. The Councils of Governments in Sacramento, Los Angeles, and the San Francisco Bay Area have all sent tepid letters of support for the Senate Democrat's bill. The Councils of Governments in Orange County, San Bernardino, Riverside, and Santa Barbara, as well as CalCOG have taken neutral positions regarding the Senate Democrat's bill. No letters of opposition have been received to date.

This was an information item and required no further action by the Board.

**VIII. OTHER BUSINESS**

**A. Items from Staff**

Tony Boren, Executive Director, stated that staff still had the Washington DC One Voice Pens available if anyone wanted one and did not receive one yet. Mr. Boren also reported that the Form 700's are due on April 1, 2010.

**B. Items from Members**

Mayor Blayney (Kingsburg) had concerns about high speed rail. He sighted some negatively impacted numbers recently released about employment and environment. Tony Boren, Executive Director, stated that a meeting would be scheduled with Mayor Blayney so that he can be brought up to speed on the High Speed Rail issue.

Mayor Lujan (Selma) expressed concern with a Caltrans employee that created difficulty and controversy with the City of Selma's plans for freeway construction. Mr. Lujan requested that a meeting take place with Sherri Ehlert (Caltrans) to discuss this issue.

There being no further business, the meeting was adjourned at 6:17 p.m.

Respectfully Submitted,



TONY BOREN, Executive Director  
Council of Fresno County Governments

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Attachment A  
Observers and Non-Members  
COG Board Meeting  
February 25, 2010

Gerald Coburn, Cemex  
Paul A. Dictos, CPA  
Lynn Gorman, Fresno County  
Gary Joseph, FCEOC  
Mike Knopf, Quad Knopf  
Tom Lang, Aquarius Aquarium Institute  
Jolene Polyack, Cemex  
Steve Samuelian, California Consulting  
Marcelino Valdez, City Council Candidate  
Jeffrey Webster, FCRTA  
Richard Welton, Consultant  
Ron Wilson, Cemex  
Ros Woolcoy, City of Clovis  
Lydia Zabrycki, Quad Knopf  
Les Beshears, Fresno COG  
Mike Bitner, Fresno COG  
Lauren Dawson, Fresno COG  
John Down, Fresno COG / FAX  
Laural Fawcett, Fresno COG  
Jeff Long, Fresno COG / FAX  
Stephanie Maxwell, Fresno COG  
Suzanne Martinez, Fresno COG  
Barbara Steck, Fresno COG  
Clark Thompson, Fresno COG  
Tom Webster, Fresno COG