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### Executive Minutes

#### TRANSPORTATION TECHNICAL COMMITTEE

Date: Friday, September 10, 2010  
Time: 8:30 a.m.

#### POLICY ADVISORY COMMITTEE

Date: Friday, September 10, 2010  
Time: 10:00 a.m.

#### Place:

COG Sequoia Conference Room  
2035 Tulare St., Suite 201, Fresno, CA

### Transportation Technical Committee

#### Members attending:

John Donaldson, League of Women Voters  
Nicholas Don Paladino, Fresno Cycling  
D. Siemer, Fresno County  
Darrell Unruh, City of Fresno  
Jeffrey D. Webster, Fresno County Rural  
Transportation Agency  
Greg Eisner, FAX  
Noe Martinez, City of Reedley

Jack Cantu, City of Huron  
Dennis Manning, CFLC  
Chip Ashley, Sierra Club  
Renee Mathis, City of Clovis  
Gary Joseph, EOC  
Scott Mozier, City of Fresno  
Ron Peterson, Fresno County Transportation Authority  
Will Washburn, Buildings Industry Association

#### Others Attending:

Dwight Kroll, City of Clovis  
Lydia Zabrycki, Quad Knopf  
Rick Darnley, Harris & Associates  
Tony Boren, Fresno COG  
Barbara Steck, Fresno COG  
Melissa Garza, Fresno COG  
Les Beshears, Fresno COG  
Todd Sobrado, Fresno COG

Kristine Cai, Fresno COG  
Brenda Veenendaal, Fresno COG  
Kathy Chung, Fresno COG  
Clark Thompson, Fresno COG  
Lauren Dawson, Fresno COG  
Kai Han, Fresno COG  
Maria Day, Fresno COG

### Transportation Technical Committee

The Transportation Technical Committee (TTC) will consider Items I – IV prior to the Policy Advisory Committee (PAC) Meeting. This portion of the meeting is scheduled to begin at 8:30 a.m.

The meeting was called to order by Scott Mozier, Chair.

#### I. 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 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. TTC/PAC Executive Minutes of July 9, 2010                                                                                                                             | Approve     |
| B. FY 2010-11 Transportation Funding Claims – [FAWCETT]                                                                                                                  | Approve     |
| C. FY 2009/10 CTAF Apportionments – Fresno COG Resolution 2010-30 and FCRTA Resolution 2010- 07[BESHEARS]                                                                | Approve     |
| D. FY 2009-10 4 <sup>th</sup> Quarter Report – [BESHEARS]                                                                                                                | Accept      |
| E. Annual Transportation Development Act (TDA) Allocations [FAWCETT]                                                                                                     | Information |
| F. Measure C Amendment # 1- PUBLIC HEARING SEPTEMBER 30, 2010 [VEENENDAAL]                                                                                               | Information |
| G. Call for projects FTA Sections 5316 Jobs Access Reverse Commute Program, Small Urban Areas and Section 5317 New Freedom Grant Programs for FY 2009 and 2010 [SOBRADO] | Information |
| H. San Joaquin Valley 511 Oversight Committee and <a href="http://www.511sjv.org">http://www.511sjv.org</a>                                                              | Information |

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

- |    |                                                                                                                                                                  |             |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
|    | Update [SOBRADO]                                                                                                                                                 |             |
| I. | 2009 Federal Transportation Improvement Program (FTIP) Amendment                                                                                                 | Information |
|    | Update [GARZA]                                                                                                                                                   |             |
| J. | Airport Land Use Commission Update – Draft Fresno County Airport Land Use Compatibility Plan for Fresno-Yosemite International Airport - 45 day review [FAWCETT] | Information |
| K. | High-Speed Rail Update [THOMPSON]                                                                                                                                |             |
|    | 1. Key Findings from Recent Research on High-Speed Rail in California                                                                                            | Information |
|    | 2. Letter Supporting Early Construction of the Fresno to Bakersfield Segment of the High-Speed Train System                                                      | Information |
| L. | Caltrans Report [CALTRANS]                                                                                                                                       | Information |

For a complete summary of these items, please see the September 10, 2010 Annotated Agenda.

John Donaldson (LWV) asked that Items H and J be pulled for discussion. A motion was made by Jeffrey Webster (FCRTA) and seconded by Dennis Manning (CFLC) to approve the Transportation Consent Items with the exception of Items H and J. A vote was called for and the motion carried.

#### **H. San Joaquin Valley 511 Oversight Committee and <http://www.511sjv.org> Update [SOBRADO]**

Mr. Donaldson asked for explanation of the 511 System. Todd Sobrado explained that On August 5, 2010, San Joaquin Valley Regional Planning Agencies Directors signed a memorandum of understanding creating the San Joaquin Valley 511 (SJV511) Oversight Committee. The SJV 511 Oversight Committee, designated with providing guidance pertaining to the traveler information system or 511 system and pursuing funding opportunities for expansion consists of appointed representatives from Fresno COG, Kings County Association of Governments, Madera County Transportation Commission, Merced County Association of Governments, Stanislaus Council of Governments, and Tulare County Association of Governments. Non-voting signers to the SJV 511 MOU includes Caltrans District 6, the City of Fresno, Kern Council of Governments, and the San Joaquin Council of Governments.

Fresno COG and the seven other Valley MPOs signed an MOU with the Sacramento Council of Governments (SACOG) to provide wireless access to 511 information for the San Joaquin Valley through the SACOG 511. SACOG is still working with a few wireless providers such as AT&T to switch service on in the San Joaquin Valley. Fresno COG will assist SACOG in working with remaining wireless providers in completing the switch process for 511 access to the SACOG system within the San Joaquin Valley.

Almost two years ago, Caltrans District 6 identified funding to help build a 511 system for the San Joaquin Valley. Initially, starting with close to \$1,000,000, the amount available for the San Joaquin Valley decreased to a little over \$300,000. Using these funds, Caltrans District 6 with the help of a consultant built out a 511 website that provides traveler information for the San Joaquin Valley. Mr. Sobrado explained that the website was completed in the middle of July, [www.511sjv.org](http://www.511sjv.org) provides users with basic traveler information for the San Joaquin Valley. Participating agencies have received training in the use of the system and will be meeting in the very near future to develop a strategy to update the site with content. The City of Fresno is providing hosting on servers purchased with funds provided by Caltrans District 6 through June 30, 2013.

This was an information/discussion item and required no further action by the Committee.

#### **J. Airport Land Use Commission Update – Draft Fresno County Airport Land Use Compatibility Plan for Fresno-Yosemite International Airport - 45 day review [FAWCETT]**

Mr. Donaldson asked for a brief summary of changes from the current Plan. Laural Fawcett (COG) briefly explained that the public review and comment of the draft Fresno County Airport Land Use Compatibility Plan (CLUP) for Fresno Yosemite International (FYI) Airport continues until September 17. Ms. Fawcett mentioned that one of the main changes is to the maps addressing growth in the area. NAS Lemoore reviewed the document and is planning to utilize it as a model for a similar land use compatibility report to be developed by NAS Lemoore.

Ms. Fawcett also mentioned that the next scheduled meeting of the ALUC to discuss this item will be Monday, October 4, 2010, at which time the Fresno County Airport Land Use Commission will formally adopt a resolution to finalize the 2010 Fresno County CLUP for FYI Airport. Ms. Fawcett suggested that the Committee review this draft document which can be viewed in its entirety on the Fresno COG website: <http://www.fresnocog.org/document.php?pid=353>. For additional information please contact Laural Fawcett, 559-233-4148 Ext. 223, [lfawcett@fresnocog.org](mailto:lfawcett@fresnocog.org).

This was an information/discussion item and required no further action by the Committee.

## **II. TRANSPORTATION ACTION / DISCUSSION ITEMS**

### **A. Amendment #1 to FY 2010-11 Overall Work Program, Work Element 150 [THOMPSON]**

Clark Thompson (COG) referred to the County of Fresno letter that was included in the meeting package requesting Fresno COG funding of a study of 26 miles of San Joaquin Valley Railroad corridor from the Tulare County line to Fresno within Fresno County. Mr. Thompson explained that the information developed from this study will complement similar information being developed for the San Joaquin Valley Railroad corridor in Tulare County. The information developed will help Fresno County understand the usefulness, and therefore importance, of the corridor and may inform potential future policy decisions regarding the corridor, not only in Fresno County but in all counties in which the San Joaquin Valley Railroad operates. Specific study tasks include the following:

- Physical inspection of the rail line to determine condition, value and problem areas.
- Interviews of the eight existing customers to verify traffic amount, what service is needed, and estimate projected traffic.
- Determine Net Liquidation Value (NLV) of the line as well as an annual maintenance budget for operations of the line based on existing condition.
- Develop an operating plan for the corridor and determine the economic feasibility for the operations.
- Develop all findings into an illustrated comprehensive report including all research, interview and inspection results, valuations and economics, analysis, recommendations and next steps.
- Develop the formal report into presentations to be given to the TTC/PAC and Board.

Amendment #1 provides the funding for the study. It increases the budget in the FY 2010-11 Overall Work Program, Work Element 150, by \$30,000. Of this amount, \$26,559.00 are federal FHWA PL funds and \$3,441.00 are local match funds.

Mr. Thompson further recommended the retention of Railroad Industries Incorporated (Reno, Nevada) to perform the study. Mr. Thompson explained that they are currently performing a similar study for the portion of the San Joaquin Valley Railroad corridor in Tulare County so they bring an immediate familiarity with the issues facing the corridor. Also, they would be able to begin the study immediately, such that the study results and recommendations can be presented to COG Committees and Policy Board during the month of October, an extremely important consideration given the need to move quickly on a potential regional response to the impending abandonment of the corridor in Tulare County and its potential abandonment in Fresno County and elsewhere.

After a brief discussion, a motion was made by Nicholas Paladino (Fresno Cycling) and seconded by Dennis Manning (CFLC), to recommend approval of FY 2010-11 OWP Amendment #1 increasing the budget in Work Element 150 by \$30,000.00 for the San Joaquin Valley Railroad Study and to recommend the retention of Railroad Industries Incorporated to conduct the Study. A vote was called for and the motion carried.

### **B. Blueprint Update**

#### **1. Blueprint Related Funding - Prop. 84 – Resolution 2010-29 [TWEBSTER]**

Barbara Steck (COG) presented this item. Ms. Steck explained that the Council of Fresno County Governments on behalf of eight San Joaquin Valley Metropolitan Planning Organizations (SJV-MPOs) and the San Joaquin Valley Regional Policy Council submitted a grant application to the Strategic Growth Council for \$2,500,000 of Proposition 84 funds to support the ongoing, unfunded portion of the

SJV Regional Blueprint, the development of Sustainable Community Strategy (SCS) and the implementation of SB 375. The focus of this work will bring resources directly to the smaller cities and communities throughout the SJV.

Ms. Steck went on to explain that as with the model improvement program application, and as the lead applicant for this effort, the Council of Fresno County Governments Policy Board must pass a resolution in accordance with the requirements of the Proposition 84 Planning Grant Program.

A motion was made by Jeffrey Webster (FCRTA) and seconded by John Donaldson (LWV) to recommend approval of Resolution 2010-29. A vote was called for and the motion carried.

## **2. Valleywide Blueprint Contract Extension with Great Valley Center [STECK]**

Ms. Steck also presented this item. Since the Valley MPOs first initiated the Blueprint program, Fresno COG has worked in one capacity or another with the Great Valley Center. This past year Fresno COG (as the lead agency on the Blueprint) has managed the contract with GVC for facilitating the Blueprint Executive Forum and for updating and hosting the Valleywide Blueprint website at [www.valleyblueprint.org](http://www.valleyblueprint.org). The Valley Regional Planning Agencies Directors recently approved extending that contract for an additional 6 months, specifically for hosting and building a Toolkit component for the website. The cost of these tasks is estimated to be \$17,897. The money to fund the extension is available from the reserves in the Blueprint's 4<sup>th</sup> year grant.

A motion was made by John Donaldson (LWV) and seconded by Renee Mathis (Clovis) to recommend approval of the contract extension, on behalf of the Valley MPOs, to continue work with the Great Valley Center on developing the Valley Blueprint website. The funding for this extension is not to exceed \$18,000. A vote was called for and the motion carried.

## **3. San Joaquin Valley Blueprint Awards [STECK]**

Mr. Steck reported that the purpose of the San Joaquin Valley Blueprint Awards Program is to encourage quality in planning and development and to increase the public's awareness of the SJV Blueprint by recognizing outstanding achievements and practices in the built environment. This awards program is intended to recognize and celebrate projects that reflect the Blueprint Smart Growth Principles. In doing so, we hope to provide visual examples of attractive, functional and environmentally friendly projects that could have relevance throughout the Valley.

This year, we have also created the Darrel Hildebrandt Leadership Award. This award is in memory of the former Blueprint project manager from Kern COG who was thoroughly engaged in the planning process. The fruits of his labor are still with us today as we move the Blueprint from the planning to the implementation phase. Darrel will be remembered for his attention to detail and his insistence that it was the planning principles that are the centerpiece of the SJV Blueprint Planning Process.

The awards judges met to make their selections on September 8<sup>th</sup>. Recipients will be announced the following week in a press release. Awards will be presented by the Regional Policy Council at the Fall Policy Conference luncheon on October 7, 2010 in Modesto.

This was an information/discussion item and required no further action by the Committee.

## **C. SB 83 (Hancock) Update [GARZA]**

Melissa Garza (COG) gave this update. Senate Bill 83 authored by Senator Loni Hancock (D-Oakland) was signed into law by Governor Schwarzenegger in October of 2009. It allows countywide transportation planning agencies to place a measure before county voters to authorize a vehicle registration fee (up to \$10). The bill authorizes a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for transportation related programs and projects. The bill requires voter approval of the measure. The bill also requires that the department, if requested, collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and limits the agency's administrative costs to not more than 5% of the distributed fees. The bill requires that the fees collected be used only to pay for programs and projects

bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and requires the agency's board to make a specified finding of fact in that regard. The bill requires the governing board of the countywide transportation planning agency to adopt a specified expenditure plan on how proposed projects will specifically benefit the local voters who will pay the additional fee. The expenditure plan should include, but is not limited to such programs that improve air quality, ease traffic congestion in their area, intelligent transportation strategies' such as coordinating signal lights, monitoring real-time traffic conditions in order to make rapid traffic light adjustments, and providing drivers with the latest traffic information on freeway message signs. Other options for use of the funds include, but are not limited to construction and operation of HOV and HOT lanes, construction and operation of Bus Rapid Transit systems, bicycle and pedestrian projects, local streets & road rehabilitation projects, storm water runoff projects, and highway improvements such as auxiliary lanes & interchange improvements. Any fees approved by voters must be used exclusively in that county.

The bill defines a countywide transportation planning agency as: "(e) For purposes of this section, "countywide transportation planning agency" means the congestion management agency created pursuant to Chapter 2.6 (commencing with Section 65088) or the agency designated pursuant to Section 66531 to submit the county transportation plan."

There was a brief discussion regarding the bill and the differences between a fee and a tax. Mr. Donaldson asked for the voting requirements on Proposition 26 that is on the current ballot. Ms. Garza responded that the requirement, if Proposition 26 passes, would be a super majority. Staff will watch this bill and report back to the Committee.

This was an information/discussion item and required no further action by the Committee.

#### **D. Measure C Update**

##### **1. Regional Transportation Mitigation Fee Administrative Report [FAWCETT/SOBRADO]**

Todd Sobrado (COG) reported that the Regional Transportation Mitigation Fee (RTMF) update covers the time period from January 19 to July 8, 2010. During this time period there were 228 permits subject to the RTMF, resulting in the collection of \$282,099.68. There were also 281 Subdivision Map Act vested permits on which no RTMF fees were collected. Of these, 83% were issued prior to January 1, 2010 and per the RTMF statutes are exempt from the RTMF.

Of the 228 permits on which the RTMF was collected, 216 were single family residential homes, one was a multi family use, and 11 were various non-residential uses. In summary, 82% of the single family home permit activity occurred in the Fresno-Clovis Metropolitan Area; with 97 permits pulled in Fresno, and 80 permits pulled in Clovis.

In general, collection and administration of the fee has gone relatively smoothly. This is because a RTMF informational summary form is provided to building permit applicants at the cities and county planning departments to help answer questions in advance of the applicant arriving at COG to pay the fee.

##### **For More Information Please Contact:**

Todd Sobrado, Associate Regional Planner  
[todds@fresnocog.org](mailto:todds@fresnocog.org)  
233-4148 Ext 207

Laural Fawcett, Assistant Regional Planner  
[lfawcett@fresnocog.org](mailto:lfawcett@fresnocog.org)  
233-4148 Ext 223

This was an information/discussion item and required no further action by the Committee.

##### **2. Regional Transportation Mitigation Fee Appeals Process Information Update [BESHEARS]**

Les Beshears (COG) referred to the memorandum that was included in the meeting package.

Resolution 2009-01 Adopting the RTMF Fee provides;

*Section D. Appeals - Appeals shall be filed with FCTA in accordance with the administrative procedures established by FCTA. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, and application of exemption. Appeals may also be made that the fee level for development of unique types of land uses be evaluated on an individual basis. Such unique projects and specific evaluation shall be paid for by the project applicant and performed by Fresno COG or its designee.*

Section D was drafted under the assumption that since FCTA (Authority) administers the fee per the ballot measure and indemnifies the RTMF Board for imposing and collecting the fee, the final decision on appeals vest with the Authority.

Subsequently, PB Americas developed a process for evaluating Special Studies and Appeals which was introduced to the RTMF subcommittee and the RTMF Board in June. During the subcommittee discussions it was determined that it would be logical for the Authority to transfer the Appeal process to the RTMF Policy Board. It was initially reported to this board that the Authority would take action to transfer the appeal process in August and the policy would come back for the RTMF board for adoption in September. However, the Authority raised an issue with the Appeal Process and it is now anticipated that the Authority will act at their October 20 meeting, therefore the earliest the board can adopt the Appeal process would be at the October 28, 2010 meeting, pursuant to Authority Board action.

The issue raised at the August Authority Board meeting regarded the requirement that the fee must be paid prior to the appeal being filed. The Mayor of Fresno requested staff explore ways to allow a Charitable Non Profit to appeal without paying the fee. Section 66020 of the California Mitigation Fee Act requires payment of the fee in full or making some other arrangement, satisfactory to the entity imposing the fee, ensuring payment of the fee. Although the staff recommendation remains unchanged, there are a number of ways the Board could accomplish this if they so desired. The Board could simply write into the policy that Charitable Non Profits do not need to pay the fee prior to the decision on the appeal. There are a number of problems with this methodology as discussed in some detail below, however the most obvious one is if the appeal is lost and the entity received the certificate of occupancy while the appeal was pending, then we've lost the central motivation to compel the entity to pay the fee and it is possible we would be in the position of having to pursue legal action to collect it. Alternatively, the Board could adopt a policy that required the fee placed in an escrow account, but as the cash would still be tied up, this does not accomplish much from the Appellants point of view. Another option would be to stipulate checks paid under protest in which an appeal is filed would be held uncashed until the appeal is decided, however this is not only bad from a cash management point of view, the check could be lost or stolen, but if the appeal was lost and the check bounced we would still be forced to attempt to collect it after the certificate of occupancy had been issued.

It appears the first appeal could very possibly be from a Charitable Non Profit – Terry's House, who is building a facility at Community Medical Center to provide temporary housing for out of town people attending sick loved ones. This sensitive issue has political support and was discussed in some depth at the June 9 subcommittee meeting. The subcommittee discussed whether a special category should be created to exempt Charitable Non Profits and considered;

The California Revenue & Tax Code list 26 different categories of Non Profits.

Terry's House advises it is a Category 23701h corporation, which is a broad non specific category covering a large variety of organizations.

The State Attorney General maintains a Registry of Charitable Trust which could be used to limit the definition to Charities as opposed to other types of non- profit organizations. There are around 150,000 charities registered in California.

Other cities have similar humanitarian projects coming on line. It has been the practice of the City of Clovis to not waive fees for these type of projects and in some instances the city has paid development fees for worthy projects.

The ballot measure was not silent on the topic of exemptions. It specifically granted exemptions to "Essential Government Services", and made an allowance to give Low Income Housing a reduced fee. The requested exemption for "Charitable Non Profits" was not spelled out in the ballot measure.

PB America pointed out the calculation supporting the RTMF Nexus is by necessity a generalization. The legal basis for the Nexus requires similar treatment for broad categories of similar development. Fine tuning to make the fee more specific for one group as opposed to another similar group could result in legal challenges that could ultimately destroy the Nexus.

In a recent court case a local city was successfully sued by a homeowners association for not collecting a traffic impact fee.

The subcommittee determined it would be exceedingly difficult to attempt to develop an exemption for Terry's House that would exclude other charitable Trusts, including churches. It may be possible to develop a narrowly worded exemption that included phrases such as Children's Health, Charitable Donations, or Humanitarian Purposes, but it is impossible to know how many other worthy cause organizations would fall under the narrowed exemption. The committee felt it could open a Pandora's box of appeals and lawsuits from similar interest, and weaken the legal Nexus that created the fee. Ultimately the subcommittee felt the issue should be left to the Board's discretion.

The subcommittee also discussed the issue of how broad the Board's discretion on appeals may be. One view held that the Board had ultimate authority to grant appeals as they wished. Another point of view expressed the discretion of the Board to grant appeals was limited by the ballot measure. A third view held the Board most certainly could grant appeals as they saw fit, but should be apprised of the liability associated with such a decision. County Counsel has been requested to comment.

This was an information/discussion item and required no further action by the Committee.

#### **E. SB 375 Update [Cai]**

Kristine Cai (COG) reported that in May 2010, Fresno COG submitted suggested greenhouse reduction targets for the Fresno County region to the California Air Resources Board (CARB). Through an intensive regional consensus-building process, the Fresno County SB375 Task Force developed ambitious and achievable targets for the Fresno County region: 6% per capita greenhouse gas emission reduction for 2020, and 4% of reduction for 2035. The recommended targets were approved by the TTC, PAC and the Policy Board.

In early August, the CARB released staff recommendation for each of the 18 MPOs in the State. The proposed targets for each of the MPOs in the San Joaquin Valley are 5% reduction for 2020 and 10% of reduction for 2035.

Fresno COG held an SB 375 special meeting to discuss the proposed targets with the stakeholders in the region. The general feedback is that while 5% of reduction is doable for 2020, it will take the Fresno region much longer than 2035 to achieve the 10% reduction. Constraints to achieving 10% reduction in 2035 include family-dominant demographic characteristics, existing automobile-oriented infrastructure layout, housing market (cheaper single family homes than quality high-density housing), etc.

In the CARB staff report, it was proposed that the 5% and 10% reductions are set as placeholders for the San Joaquin Valley MPOs. In 2012, the eight Valley MPOs are expected to submit recommendations for provisional targets, and the targets will be finalized in 2014.

The Directors of the 8 Valley MPOs are in the process of negotiating with the CARB about the proposed targets. The CARB is required to release final targets by September 30, 2010.

Due to the intervention of the Attorney General's office in the 2011 RTP adoption process, the Fresno COG Policy Board has agreed to a 2014 Sustainable Community Strategy (SCS)/RTP, a year ahead of schedule. The 2012 provisional targets will be used in developing the first SCS in the Fresno region. Ms. Cai will keep the Committee updated of the progress.

This was an information/discussion item and required no further action by the Committee.

#### F. Fresno COG 2011 One Voice – Call for Projects [STECK]

Ms. Steck pointed out that it is again time to begin the process of planning for Fresno COG's annual One Voice trip back to Washington DC where the group will present a list of priorities for the region. Fresno COG's trips over the past several years have been quite fruitful as noted in the Fresno COG website [www.fresnocog.org](http://www.fresnocog.org) under the "One Voice" tab.

The 2011 One Voice trip will take place February 26 - March 3, 2011. In preparation, staff has been in communication with Fresno COG's D.C. lobbyist, Simon & Company, to discuss their recommendations. As noted in their memo dated May 5, 2010:

*Thank you again for the opportunity to work with the 2010 Fresno COG One Voice delegation. I feel compelled to invoke Dickens by saying "It was the best of times, it was the worst of times". In other words, I thought our run-up to the "One Voice" from the fall planning period right up until the days before was the best of the efforts we've undertaken over the years, while the cancellation because of Washington's record-breaking week long snow emergency made it the worst, because it really was a great agenda!*

Ms. Steck stated that staff will continue to solicit information on policy issues that our member agencies and community partners may be concerned with so that we can raise those issues with our Washington delegation and their staff. The timeline for the 2011 project selection process has been updated based on requests that were received at the recent One Voice Kick Off meeting:

- Kick-off Meeting – Wednesday, September 8, 2010 @ 3:00 PM
- Mail/Email Call for Projects – Wednesday, September 15, 2010
- Meeting with Legislative Staff – Wednesday, November 17, 2010 at 3 pm
- Deadline for project submittal – Friday, November 19, 2010
- Project Selection Committee Meeting – Wednesday, December 1, 2010 @ 1:30 pm
- Policy Issues Meeting – Wednesday, December 8, 2010 @ 3 pm
- COG Policy Board Approval of Project List – Thursday, January 27, 2011

This was an information/discussion item and required no further action by the Committee.

### III. OTHER BUSINESS

#### A. Items from Staff

None

#### B. Items from Members

None

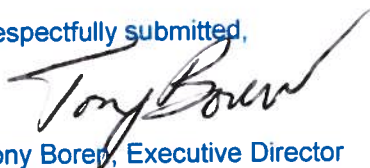
### IV. PUBLIC PRESENTATIONS

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

There were no public presentations.

There being no further business the meeting was adjourned.

Respectfully submitted,



Tony Boren, Executive Director

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## **JOINT Transportation Technical Committee / Policy Advisory Committee**

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The TTC and the PAC will meet as a joint Committee to consider scheduled public presentations brought before the Committees. This portion of the meeting is scheduled to begin at 10:00 a.m.

### **V. PRESENTATIONS**

#### **EOC Recycling Program – Debra McKenzie, Fresno County and Marcelino Salazar, Economic Opportunities Commission**

Fresno County Economics Opportunities Commission Local Conservation Corp (LCC) Bottle Recycling program provides bottle recycling to a large number of special events and businesses throughout Fresno, Clovis, and Madera. They would like to expand service to all cities within Fresno County.

In servicing businesses (restaurants, bars, gyms, etc.) they will provide bins where recyclables can be placed into and a weekly collection service. They understand the concern with each city contracting out to haulers, but we are still able to provide service to interested businesses by placing containers inside the business and staying away from the waste stream of where haulers are collecting from.

Along with bottle recycling, LCC is a certified e-waste collector and can pick up unwanted electronic items such as TV or computer monitors, free of charge. This may help the push in keeping us on businesses minds (resource list). Information was distributed to the Committee members and they were asked to contact LCC if interested in the service.

This was an information/discussion item and required no further action by the Committee.

### **Policy Advisory Committee**

#### **Members attending:**

Don Pauley, City of Kingsburg  
Bryce Atkins, City of Mendota  
Jack Castro, City of Huron  
Alan Bengyel, City of Orange Cove  
Shun Patlan, City of Parlier  
Kathy Millison, City of Clovis

Bruce Rudd, City of Fresno  
Lynn Gorman, Fresno County  
Jose Ramirez, City of Firebaugh  
Dan Spears, City of Sanger  
Ron Manfredi, City of Kerman

#### **Others Attending:**

Jill Gromley, TPG Consulting  
Elizabeth Jonasson, Coalition for Clean Air  
Jeanette Ishii, Fresno County  
Lydia Zabrycki, Quad Knopf  
Ron Peterson, FCTA  
Dr. G. Gary Manross, Strategy Research Institute  
Jeffrey D. Webster, FCRTA  
Tony Boren, Fresno COG  
Barbara Steck, Fresno COG

Melissa Garza, Fresno COG  
Les Beshears, Fresno COG  
Todd Sobrado, Fresno COG  
Kristine Cai, Fresno COG  
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Clark Thompson, Fresno COG  
Lauren Dawson, Fresno COG  
Kai Han, Fresno COG  
Marla Day, Fresno COG

### **Policy Advisory Committee**

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The Policy Advisory Committee will consider all Transportation and Administrative Items on the Agenda

The meeting was called to order by Don Pauley, City of Kingsburg, Vice Chair.

### **VI. 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 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. | TTC/PAC Executive Minutes of July 9, 2010                                                                                                                             | Approve     |
| B. | FY 2010-11 Transportation Funding Claims – [FAWCETT]                                                                                                                  | Approve     |
| C. | FY 2009/10 CTAF Apportionments – Fresno COG Resolution 2010-30 and FCRTA Resolution 2010-07 [BESHEARS]                                                                | Approve     |
| D. | FY 2009-10 4 <sup>th</sup> Quarter Report – [BESHEARS]                                                                                                                | Accept      |
| E. | Annual Transportation Development Act (TDA) Allocations [FAWCETT]                                                                                                     | Information |
| F. | Measure C Amendment # 1- PUBLIC HEARING SEPTEMBER 30, 2010 [VEENENDAAL]                                                                                               | Information |
| G. | Call for projects FTA Sections 5316 Jobs Access Reverse Commute Program, Small Urban Areas and Section 5317 New Freedom Grant Programs for FY 2009 and 2010 [SOBRADO] | Information |
| H. | San Joaquin Valley 511 Oversight Committee and <a href="http://www.511sjv.org">http://www.511sjv.org</a> Update [SOBRADO]                                             | Information |
| I. | 2009 Federal Transportation Improvement Program (FTIP) Amendment Update [GARZA]                                                                                       | Information |
| J. | Airport Land Use Commission Update – Draft Fresno County Airport Land Use Compatibility Plan for Fresno-Yosemite International Airport - 45 day review [FAWCETT]      | Information |
| K. | High-Speed Rail Update [THOMPSON]                                                                                                                                     |             |
|    | 1. Key Findings from Recent Research on High-Speed Rail in California                                                                                                 | Information |
|    | 2. Letter Supporting Early Construction of the Fresno to Bakersfield Segment of the High-Speed Train System                                                           | Information |
| L. | Caltrans Report [CALTRANS]                                                                                                                                            | Information |

For a complete summary of these items, please see the September 10, 2010 Annotated Agenda.

A motion was made by Jose Ramirez (Firebaugh) and seconded by Lynn Gorman (County) to approve the Transportation Consent items as presented. A vote was called for and the motion carried.

## VII. TRANSPORTATION ACTION / DISCUSSION ITEMS

### A. Amendment #1 to FY 2010-11 Overall Work Program, Work Element 150 [THOMPSON]

Clark Thompson (COG) referred to the County of Fresno letter that was included in the meeting package requesting Fresno COG funding of a study of 26 miles of San Joaquin Valley Railroad corridor from the Tulare County line to Fresno within Fresno County. Mr. Thompson explained that the information developed from this study will complement similar information being developed for the San Joaquin Valley Railroad corridor in Tulare County. The information developed will help Fresno County understand the usefulness, and therefore importance, of the corridor and may inform potential future policy decisions regarding the corridor, not only in Fresno County but in all counties in which the San Joaquin Valley Railroad operates. Specific study tasks include the following:

- Physical inspection of the rail line to determine condition, value and problem areas.
- Interviews of the eight existing customers to verify traffic amount, what service is needed, and estimate projected traffic.
- Determine Net Liquidation Value (NLV) of the line as well as an annual maintenance budget for operations of the line based on existing condition.
- Develop an operating plan for the corridor and determine the economic feasibility for the operations.
- Develop all findings into an illustrated comprehensive report including all research, interview and inspection results, valuations and economics, analysis, recommendations and next steps.
- Develop the formal report into presentations to be given to the TTC/PAC and Board.

Amendment #1 provides the funding for the study. It increases the budget in the FY 2010-11 Overall Work Program, Work Element 150, by \$30,000. Of this amount, \$26,559.00 are federal FHWA PL funds and \$3,441.00 are local match funds.

Mr. Thompson further recommended the retention of Railroad Industries Incorporated (Reno, Nevada) to perform the study. Mr. Thompson explained that they are currently performing a similar study for the

portion of the San Joaquin Valley Railroad corridor in Tulare County so they bring an immediate familiarity with the issues facing the corridor. Also, they would be able to begin the study immediately, such that the study results and recommendations can be presented to COG Committees and Policy Board during the month of October, an extremely important consideration given the need to move quickly on a potential regional response to the impending abandonment of the corridor in Tulare County and its potential abandonment in Fresno County and elsewhere.

A motion was made by Bruce Rudd (Fresno) and seconded by Dan Spears (Sanger) to recommend approval of FY 2010-11 OWP Amendment #1 increasing the budget in Work Element 150 by \$30,000.00 for the San Joaquin Valley Railroad Study and to further recommend the retention of Railroad Industries Incorporated to conduct the Study. A vote was called for and the motion carried.

## **B. Blueprint Update**

### **1. Blueprint Related Funding - Prop. 84 – Resolution 2010-29 [TWEBSTER]**

Barbara Steck (COG) presented this item. Ms. Steck explained that the Council of Fresno County Governments on behalf of eight San Joaquin Valley Metropolitan Planning Organizations (SJV-MPOs) and the San Joaquin Valley Regional Policy Council submitted a grant application to the Strategic Growth Council for \$2,500,000 of Proposition 84 funds to support the ongoing, unfunded portion of the SJV Regional Blueprint, the development of Sustainable Community Strategy (SCS) and the implementation of SB 375. The focus of this work will bring resources directly to the smaller cities and communities throughout the SJV.

Ms. Steck went on to explain that as with the model improvement program application, and as the lead applicant for this effort, the Council of Fresno County Governments Policy Board must pass a resolution in accordance with the requirements of the Proposition 84 Planning Grant Program.

A motion was made by Jose Ramirez (Firebaugh) and seconded by Lynn Gorman (County) to recommend approval of Resolution 2010-29. A vote was called for and the motion carried.

### **2. Valleywide Blueprint Contract Extension with Great Valley Center [STECK]**

Ms. Steck also presented this item. Since the Valley MPOs first initiated the Blueprint program, Fresno COG has worked in one capacity or another with the Great Valley Center. This past year Fresno COG (as the lead agency on the Blueprint) has managed the contract with GVC for facilitating the Blueprint Executive Forum and for updating and hosting the Valleywide Blueprint website at [www.valleyblueprint.org](http://www.valleyblueprint.org). The Valley Regional Planning Agencies Directors recently approved extending that contract for an additional 6 months, specifically for hosting and building a Toolkit component for the website. The cost of these tasks is estimated to be \$17,897. The money to fund the extension is available from the reserves in the Blueprint's 4<sup>th</sup> year grant.

A motion was made by Alan Bengyel (Orange Cove) and seconded by Kathy Millison (Clovis) to recommend approval of the contract extension, on behalf of the Valley MPOs, to continue work with the Great Valley Center on developing the Valley Blueprint website. The funding for this extension is not to exceed \$18,000. A vote was called for and the motion carried.

### **3. San Joaquin Valley Blueprint Awards [STECK]**

Mr. Steck reported that the purpose of the San Joaquin Valley Blueprint Awards Program is to encourage quality in planning and development and to increase the public's awareness of the SJV Blueprint by recognizing outstanding achievements and practices in the built environment. This awards program is intended to recognize and celebrate projects that reflect the Blueprint Smart Growth Principles. In doing so, we hope to provide visual examples of attractive, functional and environmentally friendly projects that could have relevance throughout the Valley.

This year, we have also created the Darrel Hildebrandt Leadership Award. This award is in memory of the former Blueprint project manager from Kern COG who was thoroughly engaged in the planning process. The fruits of his labor are still with us today as we move the Blueprint from the planning to the implementation phase. Darrel will be remembered for his attention to detail and his insistence that it was the planning principles that are the centerpiece of the SJV Blueprint Planning Process.

The awards judges met to make their selections on September 8<sup>th</sup>. Recipients will be announced the following week in a press release. Awards will be presented by the Regional Policy Council at the Fall Policy Conference luncheon on October 7, 2010 in Modesto.

This was an information/discussion item and required no further action by the Committee.

**C. SB 83 (Hancock) Update [GARZA]**

Melissa Garza (COG) gave this update. Senate Bill 83 authored by Senator Loni Hancock (D-Oakland) was signed into law by Governor Schwarzenegger in October of 2009. It allows countywide transportation planning agencies to place a measure before county voters to authorize a vehicle registration fee (up to \$10). The bill authorizes a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for transportation related programs and projects. The bill requires voter approval of the measure. The bill also requires that the department, if requested, collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and limits the agency's administrative costs to not more than 5% of the distributed fees. The bill requires that the fees collected be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and requires the agency's board to make a specified finding of fact in that regard. The bill requires the governing board of the countywide transportation planning agency to adopt a specified expenditure plan on how proposed projects will specifically benefit the local voters who will pay the additional fee. The expenditure plan should include, but is not limited to such programs that improve air quality, ease traffic congestion in their area, intelligent transportation strategies such as coordinating signal lights, monitoring real-time traffic conditions in order to make rapid traffic light adjustments, and providing drivers with the latest traffic information on freeway message signs. Other options for use of the funds include, but are not limited to construction and operation of HOV and HOT lanes, construction and operation of Bus Rapid Transit systems, bicycle and pedestrian projects, local streets & road rehabilitation projects, storm water runoff projects, and highway improvements such as auxiliary lanes & interchange improvements. Any fees approved by voters must be used exclusively in that county.

The bill defines a countywide transportation planning agency as: "(e) For purposes of this section, 'countywide transportation planning agency' means the congestion management agency created pursuant to Chapter 2.6 (commencing with Section 65088) or the agency designated pursuant to Section 66531 to submit the county transportation plan."

There was a brief discussion regarding the bill and the differences between a fee and a tax. During the TTC meeting, Mr. Donaldson asked for the voting requirements on Proposition 26 that is on the current ballot. Ms. Garza responded that the requirement, if Proposition 26 passes, would be a super majority. Staff will watch this bill and report back to the Committee.

This was an information/discussion item and required no further action by the Committee.

**D. Measure C Update**

**1. Regional Transportation Mitigation Fee Administrative Report [FAWCETT/SOBRADO]**

Todd Sobrado (COG) reported that the Regional Transportation Mitigation Fee (RTMF) update covers the time period from January 19 to July 8, 2010. During this time period there were 228 permits subject to the RTMF, resulting in the collection of \$282,099.68. There were also 281 Subdivision Map Act vested permits on which no RTMF fees were collected. Of these, 83% were issued prior to January 1, 2010 and per the RTMF statutes are exempt from the RTMF.

Of the 228 permits on which the RTMF was collected, 216 were single family residential homes, one was a multi family use, and 11 were various non-residential uses. In summary, 82% of the single family home permit activity occurred in the Fresno-Clovis Metropolitan Area; with 97 permits pulled in Fresno, and 80 permits pulled in Clovis.

In general, collection and administration of the fee has gone relatively smoothly. This is because a RTMF informational summary form is provided to building permit applicants at the cities and county planning departments to help answer questions in advance of the applicant arriving at COG to pay the fee.

**For More Information Please Contact:**

Todd Sobrado, Associate Regional Planner  
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Laural Fawcett, Assistant Regional Planner  
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This was an information/discussion item and required no further action by the Committee.

**2. Regional Transportation Mitigation Fee Appeals Process Information Update [BESHEARS]**

Les Beshears (COG) referred to the memorandum that was included in the meeting package.

Resolution 2009-01 Adopting the RTMF Fee provides;

*Section D. Appeals - Appeals shall be filed with FCTA in accordance with the administrative procedures established by FCTA. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, and application of exemption. Appeals may also be made that the fee level for development of unique types of land uses be evaluated on an individual basis. Such unique projects and specific evaluation shall be paid for by the project applicant and performed by Fresno COG or its designee.*

Section D was drafted under the assumption that since FCTA (Authority) administers the fee per the ballot measure and indemnifies the RTMF Board for imposing and collecting the fee, the final decision on appeals vest with the Authority.

Subsequently, PB Americas developed a process for evaluating Special Studies and Appeals which was introduced to the RTMF subcommittee and the RTMF Board in June. During the subcommittee discussions it was determined that it would be logical for the Authority to transfer the Appeal process to the RTMF Policy Board. It was initially reported to this board that the Authority would take action to transfer the appeal process in August and the policy would come back for the RTMF board for adoption in September. However, the Authority raised an issue with the Appeal Process and it is now anticipated that the Authority will act at their October 20 meeting, therefore the earliest the board can adopt the Appeal process would be at the October 28, 2010 meeting, pursuant to Authority Board action.

The issue raised at the August Authority Board meeting regarded the requirement that the fee must be paid prior to the appeal being filed. The Mayor of Fresno requested staff explore ways to allow a Charitable Non Profit to appeal without paying the fee. Section 66020 of the California Mitigation Fee Act requires payment of the fee in full or making some other arrangement, satisfactory to the entity imposing the fee, ensuring payment of the fee. Although the staff recommendation remains unchanged, there are a number of ways the Board could accomplish this if they so desired. The Board could simply write into the policy that Charitable Non Profits do not need to pay the fee prior to the decision on the appeal. There are a number of problems with this methodology as discussed in some detail below, however the most obvious one is if the appeal is lost and the entity received the certificate of occupancy while the appeal was pending, then we've lost the central motivation to compel the entity to pay the fee and it is possible we would be in the position of having to pursue legal action to collect it. Alternatively, the Board could adopt a policy that required the fee placed in an escrow account, but as the cash would still be tied up, this does not accomplish much from the Appellants point of view. Another option would be to stipulate checks paid under protest in which an appeal is filed would be held uncashed until the appeal is decided, however this is not only bad from a cash management point of view, the check could be lost or stolen, but if the appeal was lost and the check bounced we would still be forced to attempt to collect it after the certificate of occupancy had been issued.

It appears the first appeal could very possibly be from a Charitable Non Profit – Terry's House, who is building a facility at Community Medical Center to provide temporary housing for out of town people attending sick loved ones. This sensitive issue has political support and was discussed in some depth

at the June 9 subcommittee meeting. The subcommittee discussed whether a special category should be created to exempt Charitable Non Profits and considered;

The California Revenue & Tax Code list 26 different categories of Non Profits.

Terry's House advises it is a Category 23701h corporation, which is a broad non specific category covering a large variety of organizations.

The State Attorney General maintains a Registry of Charitable Trust which could be used to limit the definition to Charities as opposed to other types of non- profit organizations. There are around 150,000 charities registered in California.

Other cities have similar humanitarian projects coming on line. It has been the practice of the City of Clovis to not waive fees for these type of projects and in some instances the city has paid development fees for worthy projects.

The ballot measure was not silent on the topic of exemptions. It specifically granted exemptions to "Essential Government Services", and made an allowance to give Low Income Housing a reduced fee. The requested exemption for "Charitable Non Profits" was not spelled out in the ballot measure.

PB America pointed out the calculation supporting the RTMF Nexus is by necessity a generalization. The legal basis for the Nexus requires similar treatment for broad categories of similar development. Fine tuning to make the fee more specific for one group as opposed to another similar group could result in legal challenges that could ultimately destroy the Nexus.

In a recent court case a local city was successfully sued by a homeowners association for not collecting a traffic impact fee.

The subcommittee determined it would be exceedingly difficult to attempt to develop an exemption for Terry's House that would exclude other charitable Trusts, including churches. It may be possible to develop a narrowly worded exemption that included phrases such as Children's Health, Charitable Donations, or Humanitarian Purposes, but it is impossible to know how many other worthy cause organizations would fall under the narrowed exemption. The committee felt it could open a Pandora's box of appeals and lawsuits from similar interest, and weaken the legal Nexus that created the fee. Ultimately the subcommittee felt the issue should be left to the Board's discretion.

The subcommittee also discussed the issue of how broad the Board's discretion on appeals may be. One view held that the Board had ultimate authority to grant appeals as they wished. Another point of view expressed the discretion of the Board to grant appeals was limited by the ballot measure. A third view held the Board most certainly could grant appeals as they saw fit, but should be apprised of the liability associated with such a decision. County Counsel has been requested to comment.

Bruce Rudd (Fresno) voiced his concerns regarding the delay in addressing the process. A letter was submitted in April asking for review of the Terry's House project. There was a brief discussion. Staff will report back to the Committee following action by the RTMF Board.

This was an information/discussion item and required no further action by the Committee.

#### **E. SB 375 Update [CAI]**

Kristine Cai (COG) reported that in May 2010, Fresno COG submitted suggested greenhouse reduction targets for the Fresno County region to the California Air Resources Board (CARB). Through an intensive regional consensus-building process, the Fresno County SB375 Task Force developed ambitious and achievable targets for the Fresno County region: 6% per capita greenhouse gas emission reduction for 2020, and 4% of reduction for 2035. The recommended targets were approved by the TTC, PAC and the Policy Board.

In early August, the CARB released staff recommendation for each of the 18 MPOs in the State. The proposed targets for each of the MPOs in the San Joaquin Valley are 5% reduction for 2020 and 10% of reduction for 2035.

Fresno COG held an SB 375 special meeting to discuss the proposed targets with the stakeholders in the region. The general feedback is that while 5% of reduction is doable for 2020, it will take the Fresno region much longer than 2035 to achieve the 10% reduction. Constraints to achieving 10% reduction in 2035 include family-dominant demographic characteristics, existing automobile-oriented infrastructure layout, housing market (cheaper single family homes than quality high-density housing), etc.

In the CARB staff report, it was proposed that the 5% and 10% reductions are set as placeholders for the San Joaquin Valley MPOs. In 2012, the eight Valley MPOs are expected to submit recommendations for provisional targets, and the targets will be finalized in 2014.

The Directors of the 8 Valley MPOs are in the process of negotiating with the CARB about the proposed targets. The CARB is required to release final targets by September 30, 2010.

Due to the intervention of the Attorney General's office in the 2011 RTP adoption process, the Fresno COG Policy Board has agreed to a 2014 Sustainable Community Strategy (SCS)/RTP, a year ahead of schedule. The 2012 provisional targets will be used in developing the first SCS in the Fresno region.

There was a brief discussion. Ms. Millison pointed out that the "one size fits all" TOD is dated. Ms. Millison felt that there were several issues that have not been addressed to her satisfaction.

This was an information/discussion item and required no further action by the Committee.

#### **F. Fresno COG 2011 One Voice – Call for Projects [STECK]**

Ms. Steck stated that it is again time to begin the process of planning for Fresno COG's annual One Voice trip back to Washington DC where the group will present a list of priorities for the region. Fresno COG's trips over the past several years have been quite fruitful as noted in the Fresno COG website [www.fresnocog.org](http://www.fresnocog.org) under the "One Voice" tab.

The 2011 One Voice trip will take place February 26 - March 3, 2011. In preparation, we have been in communication with our D.C. lobbyist, Simon & Company, to discuss their recommendations. As noted in their memo dated May 5, 2010:

*Thank you again for the opportunity to work with the 2010 Fresno COG One Voice delegation. I feel compelled to invoke Dickens by saying "It was the best of times, it was the worst of times". In other words, I thought our run-up to the "One Voice" from the fall planning period right up until the days before was the best of the efforts we've undertaken over the years, while the cancellation because of Washington's record-breaking week long snow emergency made it the worst, because it really was a great agenda!*

Ms. Steck stated that staff will continue to solicit information on policy issues that our member agencies and community partners may be concerned with so that we can raise those issues with our Washington delegation and their staff. The timeline for the 2011 project selection process has been updated based on requests at the recent One Voice Kick Off meeting:

- Kick-off Meeting – Wednesday, September 8, 2010 @ 3:00 PM at COG
- Mail/Email Call for Projects – Wednesday, September 15, 2010
- Meeting with Legislative Staff – Wednesday, November 17, 2010 at 3 pm
- Deadline for project submittal – Friday, November 19, 2010
- Project Selection Committee Meeting – Wednesday, December 1, 2010 @ 1:30 pm
- Policy Issues Meeting – Wednesday, December 8, 2010 at 3 pm
- COG Policy Board Approval of Project List – Thursday, January 27, 2011

This was an information/discussion item and required no further action by the Committee.

#### **VIII. 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. Monthly Legislative Update [GARZA]         | Yes | Information |
| B. California Consulting LLC Report [BOREN]   | Yes | Information |
| C. SJV Regional Policy Council Report [STECK] | Yes | Information |
| D. Change to Employee Healthcare Plan [BOREN] | No  | Information |
| E. Regional Clearinghouse [SOBRADO]           | Yes | Approve     |

|    | Project                                                                                        | Applicant                                       |
|----|------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 1. | American Recovery and Reinvestment Act (ARRA) Early Head Start Expansion Refunding Application | Fresno County Economic Opportunities Commission |
| 2. | RHS 514 Loan                                                                                   | Corporation for Better Living                   |
| 3. | USDA Rural Development, Wastewater Program                                                     | City of Orange Cove                             |
| 4. | USDA Rural Development, Drinking Water Program                                                 | City of Orange Cove                             |
| 5. | USDA-RD-HCFP-HPG-2010 Housing Preservation Grant                                               | Self-Help Enterprises                           |

For a complete summary of these items, please see the September 10, 2010 Annotated Agenda.

A revised memo regarding the Regional Clearinghouse was handed out. Project Number 5 was added to the list for approval.

A motion was made by Jose Ramirez (Firebaugh) and seconded by Bruce Rudd (Fresno) to approve the Administrative Consent Items as presented. A vote was called for and the motion carried.

## IX. ADMINISTRATIVE ACTION / DISCUSSION ITEMS

### A. Partnership for the San Joaquin Valley – Partnership Board Member Nomination [BOREN]

Tony Boren (COG) presented this item. The California Partnership for the San Joaquin Valley (Partnership) is a public-private initiative created by Governor Schwarzenegger in 2005, and most recently renewed in 2010, to focus on improving the San Joaquin Valley region's economic vitality and quality of life. The Partnership does this by addressing ten initiatives through the collaboration of state and local leaders and regional experts from the eight county region. Its six work groups (land use, agriculture and housing; transportation; economic development; water quality; energy; air quality) have made measurable progress in meeting the goals enumerated in its *Strategic Action Plan*.

The Board composition includes eight local elected officials, designated to each represent one county in the San Joaquin Valley. The Fresno COG has been asked to recommend to the Partnership Executive Committee three nominees for Board membership to fill the seat that has been held by Mayor Ashley Swearengin. Preferably these individuals would share the aspirations of the Partnership. We have also been asked to submit the nominations in rank order with contact information for our first choice.

Mr. Boren asked the Advisory Committee to inform their Mayor's of any recommendation that they might have for nominations. The Policy Board will make three nominations in rank order for consideration to fill Mayor Ashley Swearengin's seat.

### B. California Partnership for the San Joaquin Valley Funding Request [BOREN]

Mr. Boren went on to explain that The California Partnership for the San Joaquin Valley is in the fourth year of its Strategic Action Plan (see item "A" above) with still much work to be accomplished. While the Governor extended his Executive Order on the Partnership indefinitely, state funding is not assured. Last year, the Partnership approached the Valley MPOs to assist with the \$142,000 shortfall in funding by contributing a pro rata share based on population. The Fresno COG did respond by contributing \$33,500 out of last year's budget. The Partnership is requesting a similar amount this year.

If the Policy Board votes to provide funding to the Partnership, an Overall Work Program (OWP) budget amendment will be required, as no funding for this purpose was identified in the FY2010/11 OWP adopted by the Policy Board in May 2010.

A motion was made by Bruce Rudd (Fresno) and seconded by Ron Manfredi (Kerman) to table this item for 30 days. A vote was called for and the motion carried.

**C. Interagency Council for Children and Families Appointment [BOREN]**

Mr. Boren reported that Fresno COG's current representation is listed as Gabriel Gonzalez, Former Mendota City Manager and alternate is Cruz Ramos, San Joaquin City Manager. Since Gabriel Gonzalez has left Mendota a new representative needs to be appointed.

A motion was made by Ron Manfredi (Kerman) and seconded by Jose Ramirez (Firebaugh) to appoint Cruz Ramos (San Joaquin) as new Fresno COG representative and Krystal Chonjacki (Mendota) as the alternate on the Interagency Council for Children and Families. A vote was called for and the motion carried.

**D. Amendment to Fresno COG's Joint Powers Agreement [VEENENDAAL]**

Barbara Steck reported on this item. Fresno COG staff forwarded JPA Amendment #6 (previously reviewed and approved by COG's committees and Policy Board in July) to each of COG's member agencies with a request to place it on their council or board meeting for review and approval during the month of September. Should each of the agencies approve the amendment prior to Fresno COG's Policy Board meeting September 30<sup>th</sup> the Board will be asked to give final approval to the amendment.

This was an information/discussion item and required no further action by the Committee.

**E. Follow Up from Board Development Workshop [BOREN/STECK]**

Tony Boren gave a review of the August Policy Board Development Workshop held in lieu of its regularly scheduled meeting. Members of the Policy Advisory Committee were invited as well. The workshop provided an opportunity for Board Members to discuss several issues ranging from the Joint Powers Agreement to the Legislative Platform. The discussion helped to clarify the Board's position on several issues. The minutes from this special meeting were enclosed in the meeting package. There was a brief discussion and Mr. Boren briefly commented on the changes to the agenda format that came from the meeting.

This was an information/discussion item and required no further action by the Committee.

**F. Strategy Research Institute Report [MANROSS]**

Dr. G. Gary Manross, Strategy Research Institute gave an update on the projects he is involved with for Fresno COG. A written report was included in the meeting package and will be forwarded to the Policy Board. Dr. Manross will report back to the Committees once findings are completed.

This was an information/discussion item and required no further action by the Committee.

**G. 2011 Legislative Platform [GARZA]**

Ms. Garza reported that in August, a presentation on the 2011 Legislative Platform was given at the Board Development Workshop. Members of the Policy Advisory Committee suggested that staff provide the PAC with information on the development of the legislative platform and allow the opportunity to discuss options for its content. After receiving input from the Policy Advisory Committee and the Policy Board, staff will update the list of issues, research other legislative platforms for common issues, and return with a draft document in October 2010. Approval of the 2011 Legislative Platform is expected in November 2010. Ms. Garza asked that the Committee members contact her if they have any suggestions for the Platform.

This was an information/discussion item and required no further action by the Committee.

**H. AVA FY 2009-10 Third Quarter Summary Status Report [THOMPSON]**

Clark Thompson (COG) stated that status reports are typically submitted quarterly to ensure proper distribution of funding to the member agencies. This status report contains the following information:

- The gross amount of money received by the Authority from the Abandoned Vehicle Trust Fund during the quarter.
- An itemized statement of the Abandoned Vehicle Trust Fund monies expended by the Authority during the quarter.
- An accounting of money expended for major purchases, if any.
- An accounting of unexpended revenues from the Abandoned Vehicle Trust Fund.
- An accounting of the total number of vehicles and parts thereof abated by the Authority during the quarter.

The enclosure for this item indicates the level of activity and distribution of funding to the member agencies. During the quarter, member agencies expended \$151,796.90 conducting AVA activities and Fresno COG claimed \$9,000.00 for program administration (for the full fiscal year). Revenues for the entire fiscal year were \$702,477.45 while expenses for the first three quarters of the fiscal year were \$548,710.23. While expenses exceeded revenues by \$153,767.22, once fourth quarter expenses are calculated, it can be expected that revenues and expenses for the full fiscal year will be comparable. A total of 843 vehicles were abated this quarter, compared to 865 vehicles abated during the same quarter of the previous fiscal year, an insignificant reduction of just 2.5%.

A motion was made by Ron Manfredi (Kerman) and seconded by Bruce Rudd (Fresno) to recommend acceptance of the Abandoned Vehicle Abatement FY 2009-10 Third Quarter Summary Status Report as presented. A vote was called for and the motion carried.

## **X. OTHER BUSINESS**

### **A. Items from Staff**

1. Presentation from Rob Poythress – October luncheon meeting.  
Committee members did not feel that a presentation was warranted.

### **B. Items from Members**

Don Pauley led the group in thanking Kathy Millison for her years of service as a member of the Policy Advisory Committee. Ms. Millison will be taking the City Manager position in Santa Rosa. Members offered her congratulations and best wishes.

Ron Manfredi commented on two topics that were not Policy Advisory Committee items.

## **XII. PUBLIC PRESENTATIONS**

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

**\*Items listed as information still leave the option for guidance/direction actions by the Committee.**

Elizabeth Jonasson from the Coalition for Clean Air addressed the Committee regarding AB1405. Information was distributed. Ms. Jonasson asked for letters of support from the cities.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Tony Boren, Executive Director  
vmd