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**FRESNO COUNCIL OF GOVERNMENTS POLICY BOARD
EXECUTIVE MINUTES**

Date: Thursday, July 28, 2011
Time: 5:30 p.m.
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Members Attending: Mayor Jose Flores, City of Clovis
Mayor Ron Lander, City of Coalinga
Mayor David Cardenas, City of Fowler
Mayor Ashley Swearengin, City of Fresno
Sylvia Chavez, City of Huron
Mayor Gary Yep, City of Kerman
Councilmember David Karstetter, City of Kingsburg
Mayor Robert Silva, City of Mendota
Mayor Gabriel Jimenez, City of Orange Cove
Mayor Armando Lopez, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Amarpreet Dhaliwal, City of San Joaquin
Mayor Joshua Mitchell, City of Sanger
Supervisor Judy Case, Fresno County

Neil Bretz, Caltrans
Zachary Redmond, Legal Counsel
Tony Boren, Executive Director

The meeting was called to order by Mayor Dhaliwal (San Joaquin), Chair.

QUORUM: At the start of the meeting there were 14 members present representing 96.7014% of the population and there was a quorum. (Clovis, Coalinga, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger and Fresno County).

Fresno COG Sitting As the Transportation Policy Committee

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.

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|--|-------------|
| A. 2011/12 Measure "C" Claims [BESHEARS] | Approve |
| B. MPO Delegation Request for Revised Administrative Modification Procedures – Resolution 2011-25 [GARZA] | Approve |
| C. Fresno Clovis Metropolitan Area (FCMA) Multi-Modal Corridor Land Use Integration Project Update [SOBRADO] | Information |
| D. State and Local Partnership Competitive Grant Opportunity-Due August 15th [GARZA] | Information |
| E. Statewide Status on Delivery of Safety Projects in the 2010/11 Federal Fiscal Year [GARZA] | Information |
| F. Use of Toll Credits [GARZA] | Information |

- G. Air Quality Updates [DAWSON]
- H. 2011 TIGER Grant Availability [MONGE/GARZA]

Information
Information

For a complete summary of these items, please see the July 28, 2011 Annotated Agenda.

Item F. Use of Toll Credit – pulled by Les Beshears (Fresno COG) for discussion.

A motion was made by Mayor Cardenas (Fowler) and seconded by Mayor Yep (Kerman) to approve the Transportation Consent Items with the exception of Item F. A vote was called for and the motion carried.

Item F. Use of Toll Credit. Les Beshears (Fresno COG) explained the new concept regarding local match and the additional \$4 million in funding. All member agencies were contacted. Following Mr. Beshears explanation, a motion was made by Mayor Lopez (Parlier) and seconded by Mayor Jimenez (Orange Cove) to accept this information. A vote was called for and the motion carried.

II. TRANSPORTATION ACTION / DISCUSSION ITEMS

A. Request to Initiate a Measure “C” Expenditure Plan Amendment [BOREN]

Tony Boren, Executive Director presented this item. Fresno COG received a letter from the “Fresno Works” High Speed Rail Committee requesting that the COG and the Fresno County Transportation Authority initiate a Measure “C” Plan Amendment to set aside \$1.5 million of Measure “C” funding to purchase real estate “options” on the property that has been identified as the most appropriate Fresno County location for the future High Speed Rail Heavy Maintenance Facility. Mr. Boren referred to a map that was included in the meeting package. The source of the funding would come from the \$25 million that was previously set aside by the COG/FCTA via Measure “C” Amendment # 1. The funding set aside in Amendment # 1 is limited to issues (land acquisition, infrastructure, planning, design and engineering activities, etc) associated with development of the High Speed Rail Heavy Maintenance Yard.

Mr. Boren pointed out that utilization of the \$25 million was “conditioned” upon Fresno being awarded the Heavy Maintenance Facility, however over the course of the last year, consensus has emerged from the Fresno Works Committee that in order to be truly competitive with the other San Joaquin Valley communities that are also seeking the Heavy Maintenance Facility, it is imperative that we have the real estate for the Heavy Maintenance Facility under our control “prior” to the California High Speed Rail Authority making its decision on the location of the Heavy Maintenance Facility. Specific to that point, the California High Speed Rail Authority is currently on record as stating that they anticipate making the decision on the location of the Heavy Maintenance Facility in early 2012.

Transportation Technical Committee Discussion: Initial questions were centered on whether there were any known prospects of developers building on the subject property prior to the decision by the Rail Authority. Staff responded that it was unknown at this time regarding developer interest in the property. Mr. Prandini (BIA) asked for clarification on who would determine the location of the facility. Staff responded that ultimately it would be the California High Speed Rail Authority.

Given that understanding, Mr. Prandini (BIA) voiced his concerns about the amount of uncertainty and risk involved with purchasing the options, given that the Fresno Works Committee had identified which of the 700 acres they deemed suitable for the Maintenance Facility rather than the California High Speed Rail Authority. Others felt that purchasing the real estate options made the area more attractive for the Maintenance Facility. Mr. Mozier (Fresno) stated that there is known interest in the land close to where the proposed facility is located.

Following the discussion, a motion was made by Ken Hamm (Fresno) and seconded by Janet Dailey (Fresno County) to recommend that the Policy Board authorize setting aside \$1.5 million of Measure “C” funding to purchase real estate “options” on the property identified. A vote was called for and the motion carried with a “no” vote by Mr. Prandini (BIA).

Policy Advisory Committee Discussion: There was general discussion regarding the amendment request and the risks involved. It was pointed out that sometimes risks need to be taken for the good of the region. Other questions regarding the construction funding for the Maintenance Facility were raised, as well as questions as to what other areas are still in the running for the Maintenance Facility.

Rob Woolley (Clovis) stated that while he is in full support of the Maintenance Facility, he felt that he could not support jeopardizing taxpayer money by purchasing the real estate options. Others felt that it was an opportunity that should not be passed up. Ron Manfredi (Kerman) pointed to the UC Merced campus as a project where the Fresno community was passed by because of not being prepared.

Following the discussion, a motion was made by Ron Manfredi (Kerman) to recommend that the Policy Board authorize setting aside \$1.5 million of the Measure "C" funding to purchase real estate "options" on the property that has been identified. The motion was seconded by Jose Ramirez (Firebaugh). A vote was called for and the motion carried with eight members in favor, a "no" vote by Clovis and abstention by Kingsburg.

Policy Board Discussion: Mr. Boren explained the process involved. Questions were raised about the risks involved in purchasing the options. If the options are exercised and the property is not purchased the money will be lost. If the property is purchased, the option will be applied to the purchase price. Questions were also raised about timing of the decision by the High Speed Rail Authority for the Maintenance Facility. The other prospective locations were discussed. Some land in other county proposed locations is already owned or has been donated. Supervisor Case voiced her concerns in risking Measure C money. Questions were also raised about other possible funding options available. Several members felt the action being requested of them, that the proposal be taken to the public for their input, should move forward. The item would have to come back through the Fresno COG process, after receiving input from the public, for final approval.

John Stewart, Pearson Realty addressed the Board regarding the value of the real estate and the terms of the options.

Mayor Yep (Kerman) voiced his concerns with a one-year option and would be more comfortable with a longer (5 year) option.

Mayor Swearengen (Fresno) provided information based on meetings with the Rail Authority. Mayor Swearengen stated that she was also concerned about the short term option.

Following the discussion, a motion was made by Mayor Swearengen suggesting a compromise asking for better information on the timing of the selection of the site for the Maintenance Facility and more real estate information. Mayor Swearengen made a motion that the amendment request be tabled until the High-Speed Rail Authority released their new Business Plan in October 2011. The motion was seconded by Mayor Lander (Coalinga). A vote was called for and the motion carried to table the item.

B. High Speed Rail Update [BOREN]

Mr. Boren handed out information regarding the alignment for the High Speed Rail project. The Environmental Impact Report is due to be released in August. Mr. Boren also notified the Board that a workshop has been scheduled for September 8 at Fresno State. Information will be forwarded to the Board. Mayor Swearengen briefly commented on the new management of the High Speed Rail Authority.

C. Caltrans Report [CALTRANS]

Neil Bretz (Caltrans) provided an update. A copy of the Quarterly Caltrans Update was included in the meeting package. Mr. Bretz commented on several projects including the roundabout in Kerman and the 180 Braided Ramp project. Mr. Bretz also reminded the Board about the new Move Over, Slow Down signs posted in work areas. Mr. Bretz will contact Mayor Yep (Kerman) to discuss the roundabout demonstration project.

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

Fresno COG Sitting As the Fresno Council of Governments Policy Board

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

A motion was made by Mayor Lopez (Parlier) and seconded by Mayor Chavez (Huron) to reaffirm all action taken while sitting as the Transportation Policy Committee. A vote was called for and the motion carried.

IV. 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.

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|---------------------------------------|-------------|
| A. June 30, 2011 Executive Minutes | Approve |
| B. Monthly Legislative Update [GARZA] | Information |
| C. Legislative Platform [GARZA] | Information |

For a complete summary of these items, please see the July 28, 2011 Annotated Agenda.

Following an expressed opportunity for public comment, a motion was made by Mayor Yep (Kerman) and seconded by Mayor Lopez (Parlier) to approve the Administrative Consent Items as presented. A vote was called for and the motion carried.

V. ADMINISTRATIVE ACTION / DISCUSSION ITEMS

A. SB 325-Request for Letter of Sponsorship [GARZA]

Melissa Garza (Fresno COG) presented this item. SB 325, originally supported by Fresno COG in March 2011, was introduced by Senator Rubio (D-Kern) to provide for the formation and development of an administrative structure, the Central California Rail Authority (Authority), whose primary focus would be identification and protection of short-haul rail lines in the Counties of Kern, Kings, Tulare, Fresno and Merced from abandonment. The bill states that the Authority will be governed by a Board of Directors consisting of elected officials as appointed by each participating Councils of Governments. The Authority would be utilized as an administrative entity to discourage or prevent the abandonment, discontinuance of service, sale, or bankruptcy of short-line railroads in the respective counties. Practically speaking, from a transportation perspective, once the rail line has been abandoned, it becomes very difficult, if not impossible, for a public entity to go back and reclaim the corridor. This is due primarily to the reversion of land ownership rights, and the necessary environmental review processes that are required.

When it is possible, the Authority intends to use local funding sources to purchase short haul lines before further abandonments can occur and then lease the line to operators who have an interest in maintaining the track for profit. The Authority will be administered through a joint powers agreement among Fresno, Tulare, Kings and the Kern Councils of Government, with the option for the Counties of Madera, Stanislaus, and San Joaquin to elect to join the authority. Kern Council of Governments and Tulare County have worked closely with Senator Rubio's office in developing SB 325.

The California Department of Finance has specifically requested that each COG named in the bill submit a letter of sponsorship which would then take the fiscal requirements off of the state for any incidental costs incurred by the Central California Railroad Authority. The bill is currently identified as a "state mandated local program" and the sponsorship letter will help eliminate the concerns that the Department of Finance has in regards to its potential fiscal impact when providing the fiscal analysis to the Legislature. SB 325 is out of Assembly Appropriations and is headed to the Assembly floor, which will then be taken up for a floor vote after the Summer Recess, expected after August 15, 2011.

Following an expressed opportunity for public comment, a motion was made by Supervisor Case (County) and seconded by Mayor Fast (Reedley) to authorize the Executive Director to send a letter on behalf of the Policy Board formally sponsoring SB 325. A vote was called for and the motion carried.

B. Request for Letter of Support – Central Valley Transportation Center [MARK GARZA]

Councilmember Steve Rapada (Reedley) presented a short video regarding this request. Kings Canyon Unified School District, requested a letter from the Policy Board in support of the development & construction of The City of Reedley and Kings Canyon Unified School Districts Central Valley Transportation Center (CVTC). This innovative state-of-the-art project is a multi agency partnership with a consolidation of services within our region; the project is located on approximately 40 acres that has been purchased in southeast Reedley adjacent to the City of Reedley's Industrial park & the newly constructed Sports Park. Both the CEQA and NEPA review processes have been completed and the Joint Powers Authority/CVTC is in the process of finalizing plans to start phase I with grants already secured for the alternative fueling infrastructure.

Among other things, this project will incorporate career technical opportunities, workforce training center, photovoltaic training and internships in the clean air vehicle technology and fuel arena for students and adults in one of the most impoverished regions in the nation. Reedley College one of the JPA partners has committed to provide the educational training at this facility when constructed. This Regional Transportation Center will help build a stable workforce in a region devastated with high unemployment rates and will combine dwindling and limited resources while expanding full time employment opportunities in the region devastated by these high unemployment rates.

This project was presented to the Latino Mayors Coalition and they voted unanimously to support the project. Mr. Rapada also asked that Fresno COG consider this important regional project for the "One Voice" priority project list. The link to a video describing the project is:

<http://www.kcusd.com/190310122217550710/podcasts/browse.asp?A=399&BMDRN=2000&BCOB=0&C=55172>

Following an expressed opportunity for public comment, a motion was made by Supervisor Case (County) and seconded by Councilmember Karstetter (Kingsburg) to approve the requested letter of support. A vote was called for and the motion carried.

C. California Consulting LLC Report [SAMUELIAN]

Liz Gomez, California Consulting, LLC provided a verbal report at the Policy Board meeting. A written report for July was handed out at the meeting. Ms. Gomez referred to the handout, highlighting items of interest to the Board.

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

VI. OTHER BUSINESS

A. Items from Staff

1. No August meetings
2. Annual Parking Permits were distributed at the meeting

Mr. Boren also directed attention to the flyers handed out regarding the October 19th Fresno COG Transportation Forum and the San Joaquin Valley Clean Cities Coalition Stakeholder meeting on August 30th.

B. Items from Members

None.

VII. CLOSED SESSION

- A. Public Employee Performance Evaluation – Executive Director
- B. Possible Conference with Labor Negotiator (Government Code Section 54957.6)
Agency Negotiator (Board Member, to be chosen by COG Policy Board);
Unrepresented Employee: Executive Director

VIII. OPEN SESSION

Mayor Dhaliwal, Chair reopened the meeting. A motion was made by Mayor Silva (Mendota) and seconded by Mayor Lopez (Parlier) to approve the Executive Director Employment Contract as presented. A vote was called for and the motion carried.

QUORUM: City of Fresno left the meeting. There were 13 members present representing 43.5095% of the population and there was a quorum.

IX. PRESENTATIONS**A. 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.**

Randall Cooper, Black Stallion Enterprises, handed out information regarding the upcoming Tour de Fresno on September 17 at Courthouse Park. Member agencies were asked to contact him if interested in participating in the event.

Fresno COG Sitting As the Abandoned Vehicle Abatement Authority

X. ABANDONED VEHICLE ABATEMENT**A. Abandoned Vehicle Abatement – FY 2010/11 Second Quarter Summary Status Report [THOMPSON]**

Mike Bitner (Fresno COG) reported on this item. 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 \$176,420.77 conducting AVA activities. A total of 936 vehicles were abated this quarter, compared to 983 vehicles abated during the same quarter of the previous fiscal year.

Following an expressed opportunity for public comment, a motion was made by Mayor Lopez (Parlier) and seconded by Mayor Fast (Reedley) to accept the Abandoned Vehicle Abatement FY 2010/11 Second Quarter Summary Status Report. A vote was called for and the motion carried.

There being no further business, the meeting was adjourned at 8 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tony Boren", written in a cursive style.

Tony Boren, Executive Director

****All enclosures are available on our website at www.fresnocog.org – Committees and Agendas**

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Others Attending:

John Stewart, Pearson Realty
Steve Rapada, City of Reedley
William Broomfield, Tour de Fresno
Randall Cooper, Tour de Fresno
Jeffrey Webster, Fresno County Rural Transit Agency
Liz Gomez, California Consulting
Russ Robertson, City of Reedley
John D. Clements, King Canyon Unified School District
Lynn Gorman, Fresno County Public Works
Ron Peterson, Fresno County Transportation Authority
Larry Perez, Black Stallion Enterprises
Jaroujau Der Simonian, Tour de Fresno
Kirk Yergut, Citizen
Kenneth Schmall, Citizen
Barbara Steck, Fresno COG
Mike Bitner, Fresno COG
Les Beshears, Fresno COG
Melissa Garza, Fresno COG
Kai Han, Fresno COG
Todd Sobrado, Fresno COG
Brenda Veenendaal, Fresno COG
Marla Day, Fresno COG