

## Measure C Citizen Oversight Committee Meeting

### Executive Minutes

**Date: Thursday, September 10, 2015**

**Time: 5:00 PM**

**Place: COG Ash Conference Room  
2035 Tulare St., Suite 201, Fresno, CA**

#### **Members**

Lee Delap

Joe Denham

Stephenie Frederick

Barry Mast

Sal Petrucelli

Antonio Gastelum

David VanPelt

Murray McManus

Samuel Molina

Robert Allen

Murita Darlene Prettyman

#### **Staff Present:**

Les Beshears

Brenda Veenendaal

Rose Willems

Rob Terry

#### **Members Absent:**

Kevin Hamilton

Mike Schwan

The meeting was called to order by Mr. Van Pelt, Chair at 5:01 p.m.

#### **I [Presentations](#)**

##### **[About Presentations:](#)**

This portion of the meeting is reserved for persons wishing to address the Committee on items within its jurisdiction but not on this agenda.

No public presentations.

#### **II. [Minutes of August 13, 2015 Meeting of the Measure C Citizen Oversight Committee \(David VanPelt\) Action Item](#)**

A motion was made by Mr. Delap and seconded by Mr. Allen to approve the August 13, 2015 Executive Minutes as presented. A vote was called for and the motion carried.

### **III. Oversight Committee Chair Meeting emphasis discussion (David Van Pelt) Information Item**

Mr. Van Pelt briefly addressed the committee regarding meeting conduct, subcommittee formation and work, etc.

Sign in sheets will be passed around during the meeting. Please initial next to your name.

Mr. Van Pelt thanked all of the members for being a part of the committee and stressed the importance of attendance.

Mr. Van Pelt discussed role of the committee encouraging everyone to read through the binder. The Implementation Plan is being updated right now, so it is a good time to bring up questions about it. Mr. Van Pelt gave examples of questions he had regarding wording.

Mr. Van Pelt commented on meeting protocol in the interest of getting out on time.

Subcommittees—Annual Report subcommittee uses annual reports from minutes to develop their annual report to the public.

Mr. Van Pelt referred to the Measure C Expenditure Plan Appendix G, pointing out the 5 bullets of COC responsibility.

### **IV. Presentation from the FCTA Advocate Office on Measure C's community benefits (Rose Willems) Information Item**

Rose Willems from the Fresno County Transportation Authority's Office of the Advocate gave a presentation to the COC on what Measure C is accomplishing in our local communities.

Ms. Willems covered her professional background and how the office of the advocate was developed. Ms. Willems listed what her office can do now.

Regional projects-referred them to the annual report page 12, addressed Measure C's Regional Program. Ms. Frederick asked if the regional projects listed were in the Measure? Ms. Willems responded "yes".

Mr. Van Plelt asked if this what is designated as Tier One projects. Ms. Willems explained what the Tier One and Tier Two projects are and how the list was developed.

Ms. Veenendaal also explained the short-term and long-term Regional funding programs.

Mr. Petrucelli asked who receives the Annual Report. Ms. Willems replied that is sent to partnering agencies, and distributed in the newspaper to the general public. Also available at outreach roadshows.

Ms. Frederick asked about the list of short-term projects in the implementation plan. Mr. Beshears answered her question with an explanation of the short term implementation development.

Ms. Willems discussed FCTA's outreach program, shared materials with them and showed a Measure C video that was developed for school aged children on construction safety.

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

**V. Measure C Amendment #3 - Allow for Allocating \$750,000 to Purchase Land Options on the Proposed Fresno County Heavy Maintenance Facility Site (Les Beshears) Action Item**

Mr. Beshears presented this item noting that included as an attachment in the agenda materials was a letter received from the "Fresno Works" High Speed Rail Committee requesting an amendment to our existing Measure "C" Expenditure Plan. Amendment #3 would make available (if needed) an amount not to exceed \$750,000 to reimburse a local developer (Tim Jones) who is willing to use his "own funding" to open real estate escrows with security deposits on the land that has been identified as the most suitable in Fresno County for the location of the future High Speed Rail Heavy Maintenance Facility (HMF). The funding would come from the \$25 million previously set aside by Measure "C" Amendment # 1. Approved by the Policy Board in 2010, Amendment #1 established a new Measure "C" High Speed Rail Facilities Program. Funding available from this program is to be used to provide capital for a variety of uses associated with development of the High Speed Rail Heavy Maintenance Facility. Conditions in Amendment #1 state that funding can only be accessed "after" the California High Speed Rail Authority awards Fresno the HMF site. Amendment #3 would make \$750,000 available for use "before" the California High Speed Rail Authority select the HMF site

The land acquisition process would work as follows: The developer will work at "his cost", making offers to willing sellers to purchase the subject parcels by opening escrows with security deposits to ultimately buy the parcels. The initial term of the escrows will be one year. At the end of the initial term of the escrow, if the developer has been unable to package the HMF parcels, the developer may choose to close the escrow accounts and withdraw his security deposits. In the event a decision is made to extend the escrow beyond the initial year, a forfeiture of the initial security deposits occurs, and new escrows would have to be established to continue to hold the properties. It is the "extension of the escrows" where the developer would be getting reimbursed for his initial security deposits. There are three potential scenarios:

**Scenario #1-Fresno is awarded the facility.**

The \$750,000 is not in play. The developer will negotiate an agreement with the California High Speed Rail Authority to acquire the parcels and pass title.

**Scenario #2-Fresno is not awarded the facility.**

The \$750,000 is not in play. The escrows will be structured to allow the escrow to be closed and the security deposit money withdrawn. The developer will close out the escrows and withdraw the security deposits at his cost.

**Scenario #3-No decision is made by the CHSRA on the HMF site during the initial one year term of the escrows.**

A decision would have to be made by the COG and FCTA Boards to extend the escrows beyond the initial one year term, the developer would then be reimbursed for his initial security deposits, not to exceed \$750,000.

A public meeting is being held on September 16 at Fresno COG to give members of the public an opportunity to comment on the proposed amendment.

Les Beshears, Finance Director for Fresno COG gave an overview of the Fresno Works process for the High Speed Rail Heavy Maintenance Facility.

It came about because Kern County who is also hoping to receive the Heavy Maintenance Facility, has all their land for it under one title. So the Fresno Works group felt that in order to compete with Kern County we needed to do the same.

The item went to COG Board in July and FCTA Board in August. Mr. Beshears shared a bit of the discussion at those meetings and he shared that Tony Boren met with Pearson Realty and the developer afterwards and expanded the Amendment to the form before COG. Mr. Beshears reviewed the scenarios.

Mr. Van Pelt asked the following: Would 17 different escrows open at once? Would they be opened for the one year period at once or one at a time? Do each have a different one year period? Each escrow starts for one year?

Mr. Beshears replied that was something to be worked out.

Mr. McManus asked how long has the HSR authority been trying to make a decision on the HSR maintenance site? Mr. Beshears and Ms. Willems commented 5 years at least. Mr. McManus voiced his concern about them taking a long time to make a decision.

There were several questions regarding the particulars of the escrows and questions regarding the Realtor and contract. Mr. Beshears responded.

Mr. Van Pelt asked, If Amendment 3 passes, who would negotiate the contract? Mr. Beshears responded that the contract would be through FCTA.

Ms. Veenendaal showed the HMF video and Mr. Terry answered questions about the location and facility.

There were questions regarding what the incentive might be for the land owners.

Amending the plan puts money on the table but it doesn't encumber the money until FCTA takes an additional Board action.

There was additional discussion regarding the pricing for the land.

Mr. Terry noted that there are 252 acres of land for the facility on 17 parcels of land.

Following the discussion a vote was called with 9 in favor of supporting the Amendment, 2 opposed.

#### **VI. 2015-2016 Local Agency Budget Forms Explanation and Review (Beshears and Veenendaal) Information Item.**

Ms. Veenendaal introduced the item and explained that the Local Agency Program funds will be reported back to the COC on the Local Agency Budget Forms. She asked Les Beshears, Fresno COG's Finance Director, to explain how the local funds are allocated to the local agencies.

Each fiscal year the Oversight Committee asks each local entity who receives Measure C Local Transportation Funds to complete a reporting of how they plan to spend that year's Measure C Local Program allocations. The request goes out the local agencies via a form they have instructed staff to develop and revise. Sample 2015-2016 Local Agency Budget Forms for the City of Fresno and Fresno Council of Governments were reviewed.

Mr. Beshears explained to the committee how the local allocations are calculated and what expenditures are allowed for each category of the program. Local agencies may spend this local money on Street Maintenance, ADA improvements, Bicycle or Trail infrastructure, Transit and what is called Flexible Funding. A description of each funding category and what the local agency funds may be spent on within those categories were included in the Measure C Extension Strategic Implementation Plan binder they received, starting on page 28.

Mr. Beshears also explained and reviewed the Table 1 handout and the local calculations on table 3, and the resulting amounts on Table 2. Local agencies encumber the funds, then submit a claim, and submit reports on how previous year funds were spent. Then those expenditures are annually audited.

Mr. Van Pelt asked for an explanation of Flexible funding. Mr. Beshears explained.

Denise DiBenedetto explained the claim process FCTA implements for Local Funds. Mr. Beshears further explained the process fielding questions from various COC members.

**See notes on Local Agency Budget Sheets, and on City of Clovis issue.**

#### **VII. Items from Members**

**None**

**VIII. Items from Staff**

**A. COC future Meeting dates to calendar:**

- October 8, 2015
- November 12, 2015
- December 10, 2015

There being no further business, the meeting was adjourned.