

**POLICY ADVISORY COMMITTEE**

**Executive Minutes**

Friday, April 15, 2016

10:00 AM

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

Members Present:

Rob Woolley, City of Clovis  
Ben Gallegos, City of Firebaugh  
David Elias, City of Fowler  
Bruce Rudd, City of Fresno  
Jack Castro, City of Huron

Vince DiMaggio, City of Mendota  
Nicole Zieba, City of Reedley  
Ken Grey, City of Selma  
Steven Son, Fresno County

Meeting was called to order by Ms. Zieba (Reedley), Chair at 10:31am.

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

The TTC and the PAC 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 or thereafter.

**PRESENTATIONS**

**A. Caltrans Report [CALTRANS]**

Mr. Navarro (Caltrans) provided an update on the State's Bicycle and Pedestrian Plan, eight forums will be held throughout the state with one in Fresno on April 22<sup>nd</sup>. The State's rail plan is also underway and will be completed by 2018.

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

**I. TRANSPORTATION CONSENT ITEMS**

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

- A. Executive Minutes of March 11, 2016 [APPROVE]
- B. Proposition 84 Update (Rob Terry) [INFORMATION]
- C. Fresno/Madera Study Update (Rob Terry) [INFORMATION/DIRECTION]
- D. I-5/SR-99 Goods Movement Study Update (Rob Terry) [INFORMATION/DIRECTION]
- E. SJV Goods Movement Sustainable Implementation Plan Update (Rob Terry) [INFORMATION/DIRECTION]
- F. Circuit Planner and Circuit Engineer Report (Rob Terry) [INFORMATION/DIRECTION]
- G. Fresno COG Title VI Program Update (Peggy Arnest) [APPROVE]
- H. Measure C New Technology Reserve Fund Multidisciplinary Advisory Group Membership (Peggy Arnest) [APPROVE]

- I. Caltrans Division of Aeronautics Grant Application (Brenda Veenendaal) [APPROVE]
- J. Active Transportation Program (Chelsea Gonzales) [INFORMATION/DIRECTION]
- K. FASTLANE Grant Application Submittal (Rob Terry) [INFORMATION]
- L. Surplus Property/Equipment Notification (Rob Terry) [INFORMATION]
- M. California State Bike & Pedestrian Plan Regional Forums (Kristine Cai) [INFORMATION]
- N. Cap and Trade Update (Rob Terry) [INFORMATION/DIRECTION]
- O. Monthly Grant/Call for Projects/Request for Proposals (Chelsea Gonzales) [INFORMATION/DIRECTION]

Following an expressed opportunity for public comment, a motion was made by Mr. Elias (Fowler) and seconded by Mr. DiMaggio (Mendota) to recommend approval of the Transportation Consent Items as presented. A vote was called for and the motion carried.

## II. TRANSPORTATION ACTION / DISCUSSION ITEMS

### A. Measure C TOD Program Cycle V Funding Applications (Kristine Cai) [APPROVE]

Ms. Cai reported that the Measure C TOD program is now in the 5<sup>th</sup> funding cycle, there is \$851,794 available. However, City of Fresno has requested to relinquish \$510,715 in unutilized TOD fund approved in the previous cycles, and return \$510,715 back to the TOD program. City of Fresno's request is pending approval from the Fresno County Transportation Authority (FCTA), and is expected to be processed at the next FCTA Board meeting in May 2016. If approved by the FCTA Board, there could be a total of \$1,362,509 available for programming for the 5th funding cycle.

The Call for Projects for the 5th funding cycle was issued in January 2016, and four applications were received:

Fulton Mall Reconstruction Project Match, LEDE/Former Met Block Development Project, South Stadium Project, and Clovis Civic Center North.

The TOD Scoring Committee met on March 10th and made recommendations on two levels of funding scenarios depending upon the FCTA Board's action on the City of Fresno's request to relinquish \$510,715 back to the TOD program:

Option A with \$851,794: The Scoring Committee recommended funding the Fulton Mall Reconstruction Match project with \$425,897 and the South Stadium project with the remaining \$425,897.

Option B with \$1,362,509: The Scoring Committee recommended funding the Fulton Mall Reconstruction Match project with \$425,897, the South Stadium project with \$711,085, and the LEDE project with \$225,527. Staff recommended the TTC approve the TOD scoring committee's recommendation for the 5<sup>th</sup> funding cycle.

The TTC recommended to approve the TOD Scoring Committee's funding recommendations for the fifth funding cycle, with the caveat that the TOD Technical Advisory Committee work towards opening up the TOD program to the entire region starting from funding Cycle VI by revising the languages and the scoring criteria in the existing guidelines.

There was discussion related to the opening of the funding to the entire region. Ms. Cai (FCOG) stated that the TOD guidelines stipulates that after the 5<sup>th</sup> funding cycle, the program should be opened to the projects outside of the 3 designated priority areas that was recommended by the Fresno County Public Transportation Infrastructure Study (PTIS). So even though the funding is opened up to areas outside the priority areas, if the scoring criteria remains unchanged, it may not allow those projects outside of the priority areas to be competitive. The City of Fresno has proposed that the PTIS be updated before any the guidelines are changed.

Mr. Roberts (Granville Homes) spoke in support of LEDE/Former Met Block Development Project.

Following an expressed opportunity for public comment, a motion to approve the TOD Scoring Committee's funding recommendations for the fifth funding cycle and direct staff to review the scoring criteria in the existing guidelines to

open up the TOD program to the entire region starting from funding cycle VI was made by Mr. Wooley (Clovis), seconded by Mr. DiMaggio (Mendota). A vote was called for and the motion carried.

B. Consideration of Using Measure "C" Rail Consolidation Program Funding to Loan to the Local Transportation Trails Program (Les Beshears) [ADVISE]

Mr. Beshears (FCOG) reported that The Measure "C" Expenditure Plan approved by the voters in 2006 states that "the Rail Consolidation fund will revert to Grade Separation projects if Rail Consolidation does not occur within 15 years and it directs Fresno COG to conduct a review of the program after 10 years" (by year 2017). The FCTA has the final authority over this issue and has requested that the FCOG provide comments in an advisory capacity. The City of Fresno has indicated that the project can be phased on a "pay as you go" approach; however, Fresno wishes to construct the entire project as soon as possible to take advantage of inflationary savings and provide the trail's amenities to the community as soon as possible. Unfortunately, Fresno does not have enough cash flow in their annual allocation of Measure "C" Local Transportation Trails funding to construct the entire \$9.5 million trail. With this in mind, Fresno put together a request to Fresno COG that would allow them to borrow "their own" future trail formula allocations in an amount totaling \$7.3 million. The program is projected to generate \$89M, \$45M was reserved for the high speed station, leave a balance of 40M for grade separation projects; however, the evaluation of the program has not been done yet so the impacts are unknown.

At the March 2016 FCTA meeting, the Fresno County Auditor-Controller's staff advised against the loan concept because sales tax receipts are subject to volatility. He pointed out that there is no guarantee the loans will be paid back on schedule. Should every city choose to advance their program allocation, there would be a shortfall of funds available.

Mr. Mozier (Fresno City) presented the Fresno Metro Trail project (see the annotated agenda online for full presentation). Mr. Mozier highlighted elements of the proposal such as the vision of the project, the location and feasibility studies that have been completed, funding proposal and cash flow.

Mr. Wooley (Clovis) expressed support for this loan request as the project supports the intent of the measure.

Mr. DiMaggio (Mendota) asked if there is language in the measure that grants the authority for the creation of a loan program. Mr. Beshears (FCOG) responded that the FCTA adopts an administrative code that guides the implementation of the measure; this action would require a change in the administrative code. County Counsel has opined that the action is not illegal and that they had the authority to do so; however, the implications of the program should be considered.

Ms. Zieba (Reedley) spoke in support of the project.

Mr. Rudd (Fresno City) thanked everyone for their involvement and spoke in support of the project.

Mr. Boren (FCOG) commented that the word "dangerous" stated in the annotated agenda should be restated to better reflect that this action could have the potential for some unintended consequences.

Mr. Mark Keppler (Public Member) spoke in support of the trails project and stated that this project is in line with the intent of the measure and implements what was promised to the voters. Trails are not recreational but create a transportation alternative for travel.

Mr. John Wright (Public Member) spoke in support of the loan programs and stated that creative methods of funding would help to develop a trail project that is needed.

Following an expressed opportunity for public comment, Mr. Wooley (Clovis) made a motion to;

- Support the expansion of the City of Fresno trail system
- Support loan with full repayment including interest by 2022
- COG to complete the required 2017 assessment of the rail consolidation program with potential reversion of the grade separation crossings.
- Recommend establishing guidelines for eligible grade separation projects, which benefit not only core Fresno-Clovis metropolitan area other communities alike should other communities request funding.
- Eligible projects can begin it to be funded as soon as 2017 following the approval of guidelines, within available funding.
- Grade separation eligibility to include trails, when safety is a paramount consideration.
- The approval of this loan is not considered precedent setting.

Motion was seconded by Mr. Rudd (Fresno). A vote was called for and the motion carried unanimously.

C. Obligational Authority (Chelsea Gonzales) [INFORMATION/DIRECTION]

Ms. Gonzales (FCOG) reported that on April 1, 2016, Fresno COG submitted the Federal Fiscal Year (FFY) 2015/16 Obligation Plan to Caltrans Local Assistance. This plan documents Fresno COG's estimated schedule for project and fund delivery for FFY 2015/16 (October 1, 2015 through September 30, 2016).

As of February 29, 2016, \$1,522,274 of CMAQ and RSTP has been obligated, which reduced our 2015/16 Obligational Authority (OA) Target balance to \$21,449,096. Our region should deliver a total of \$22,971,370 of OA to comply with the "Use It or Lose It" provisions of AB 1012 enacted in October 1999. The obligation plan submitted by the local agencies outlines the delivery of \$14,010,345 in combined CMAQ and RSTP, which is \$7,438,751 below our Target OA.

Fresno COG will continue working with each member agencies to see if there are additional project funds that can be obligated before the end of the FFY 15/16 to reduce this \$7.4MM gap in meeting our OA target.

Ms. Garza (FCOG) commented that FCOG has a circuit planner/circuit engineer available to help assist agencies if needed.

This was an informational item, no future action was required.

D. Prop 84 Task 1 - Greenprint (Clark Thompson) [ACTION]

Mr. Thompson (FCOG) reported that the overall goal of the Greenprint project is to provide local and other governmental agencies, private organizations, and the public with improved planning information to better address the current and future economic and environmental needs of the San Joaquin Valley's eight counties. The RFP for Greenprint Demonstration Projects was released March 2 with a deadline for proposal submittal on April 29. Demonstration Projects are intended to illustrate the real-world utility and value of the spatial data compiled in Phase I of the Greenprint project.

Fresno COG is now seeking a scope and budget amendment to better utilize the remaining grant dollars and deliver a more impactful and meaningful long-term product. Amendment No. 1 to the Fresno COG Agreement for Contractor Services with Mintier Harnish dated December 17, 2014 will reduce the basic fee from \$189,983 to \$159,628. This will provide for funding in the amount of \$15,000 to contract with Conservation Biology Institute (CBI) to host Greenprint geospatial information on the Data Basin\* platform, provide access to the information for local agencies and other entities, and provide training. The contract with CBI will be "sole sourced" on the basis that only they provide the Data Basin platform. The remaining additional \$15,355 from the Mintier Harnish contract reduction will be available for the Demonstration Projects, bringing that total amount to \$194,457.

Following an expressed opportunity for public comment, a motion was made by Mr. Rudd (Fresno City), seconded by Mr. Castro (Huron) to recommend to the Policy Board to authorize the Executive Director to execute Amendment No. 1 to the Agreement for Contractor Services with Mintier Harnish dated December 17, 2014 reducing the contract by

\$30,355 to \$159,628. And, recommend the Policy Board authorize the Fresno COG Executive Director to enter into a contract with Conservation Biology Institute for the amount not to exceed \$15,000.

#### E. FHWA Earmark Repurposing (Melissa Garza) [INFORMATION/DISCUSSION]

Ms. Garza (FCOG) reported that the Federal Highway Administration (FHWA) issued a key set of documents on March 8, 2016 that instructs state departments of transportation on how to redirect about \$3 billion in old, unused congressional earmark funds and sets up a process for them to possibly tap into more. In the Fresno area, there are close to 3M dollars that may be available for repurposing. That is, any earmark that was designated on or before September 30, 2005, and is less than 10% obligated or closed. If more than 10% of the funds have been obligated the project must be fully completed and closed out. State agencies may obligate the money to other projects within 50 miles of the original earmarked project. Staff is working closely with Caltrans and an earmark repurpose workgroup met in Sacramento on April 14, 2016 to discuss the process that will be developed for California.

This was an informational item, no future action was required.

### III. ADMINISTRATIVE CONSENT ITEMS

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A. AB 1815 (Alejo) Support Letter (Melissa Garza) [APPROVE]

B. Legislative Update (Melissa Garza) [INFORMATION]

Following an expressed opportunity for public comment, a motion was made by Mr. Wooley (Clovis) and seconded by Mr. Rudd (Fresno City) to recommend approval of the Administrative Consent Items as presented. A vote was called for and the motion carried.

### IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

#### V. OTHER BUSINESS

##### A. Items from Staff

- Mr. Boren (FCOG) announced the installation of a new phone system and carpet for the FCOG office. He also, announced the retirement of John Downs at the end of April.
- STIP Update (Melissa Garza)  
Ms. Garza reported that CTC staff will release their official STIP recommendation on April 22<sup>nd</sup> for adoption at the May 18/19 CTC meeting; however, on April 13<sup>th</sup> staff received unofficial notification that the CTC has reviewed and considered FCOG's revised RTIP submittal and will likely recommend that the Construction phase of the SR 180 East project not be deleted from the 2016 STIP but rather be programmed in FY 18/19. The right-of-way phase for the SR 180 West Landscape project will likely be delayed to FY 19/20 and construction to FY 20/21.

##### B. Items from Members

Mr. Gallegos (Firebaugh) announced he will be the member representing the City of Firebaugh until the City Manager position has been filled.

Mr. Rudd (Fresno City) announced that the State has allocated \$11M tax credit for the Nordstrom fulfillment center.

## VI. PUBLIC 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. Note: Prior to action by the Committee on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.

Mr. Dave Fey(Fresno Local Agency Formation Commission (LafCo)) made a presentation regarding the Cities' representation on the Commission, the fee calculations and the upcoming budget for consideration. A copy of the full presentation can be found on the annotated agenda.

Tristan Shamp(California Consulting) spoke regarding the services they provide related to statewide grants.

Meeting adjourn

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive style and is positioned to the right of a faint circular stamp.

Tony Boren, Executive Director

### COG Staff:

Peggy Arnest  
Les Beshears  
Kristine Cai  
Melissa Garza  
Chelsea Gonzales  
Kai Han  
Trai Her  
Jeff Long  
Rob Terry  
Clark Thompson  
Muyi Zhou

### Members of the Public

Jeff Roberts, Granville Homes  
Tristen Shamp, California Consulting  
Shelby McNab, Fresno City  
John Wright, Public Member  
Darrell Unruh, Public Member  
Mark Keppler, Public Member  
Scott Mozier, Fresno City  
Lydia Zabrycki, Precision Civil Engineering  
Diana Sedigh-Darbandi, FCTA