



# CITIZEN OVERSIGHT COMMITTEE

## Measure C Citizen Oversight Committee Meeting

### Executive Minutes

**Date: Monday, September 8, 2016**

**Time: 5:00 PM**

**Place: COG Ash Conference Room**

**2035 Tulare St., Suite 201, Fresno, CA**

### Members Present:

Barry Mast, FCMA – District 3

Bob Allen, Selma District Chamber of Commerce

Lee Delap, Unincorporated Rural County East of 99

Sam Molina, FCMA District 1

Sal Petrucelli, FCMA District 2

Antonio Gastelum, American Labor Alliance

David Van Pelt, Unincorporated Rural Area West of 9

Joe Denham, Greater Fresno Area Chamber of Commerce

Destiny Rodriguez, Public at Large

Stephenie Frederick, League of Women Voters

### Absent:

Mike Schwan, Central CA Builders Exchange

Kevin Hamilton, Central California Asthma Coalition

### Others Attending:

Brenda Veenendaal, Fresno COG

Denise DiBenedetto, Fresno County Transportation Authority

Stephanie Maxwell, Fresno COG

**David Van Pelt, Chair, called the meeting to order at 5:06 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.

There were no public presentations.

### II. Minutes of August 11, 2016 Meeting of the Measure C Citizen Oversight Committee

A motion was made by Bob Allen and seconded by Lee Delap to approve the August 11, 2016 Oversight Committee minutes with edits. A vote was called for and the motion carried.

### III. Measure C New Technology Multidisciplinary Advisory Group Funding Recommendations

Peggy Arnest reported on this item. The Measure "C" New Tech Steering Committee met for the first time in January of 2015 to begin discussion of this new Measure C Program. From this first committee meeting, a subcommittee was formed that met approximately ten times over the course of a year to develop:

- Program goals
- Program scope
- Criteria for solicitation
- Timeline for the distribution of funds
- Project selection process

During this process, FCOG staff and the subcommittee developed a grant application for the New Technology Program, which was then presented to the entire Steering Committee for review, revision, and recommendation. The final draft of this grant application and scoring criteria was approved by the Fresno COG Policy Board in December 2015 and the FCTA Board in March 2016. The COG Policy Board also gave direction to staff to develop a Multidisciplinary Advisory Group (MAG) to include 12 positions whose purpose was to review, evaluate, and recommending applications for funding. A Transportation Technical Committee subcommittee reviewed the submitted applications for the MAG and recommended the following membership:

Position	Name		Position	Name
City of Fresno	Jill Gormley		Education	Jesus Larralde
City of Clovis	Tim Barker		Transit	Moses Stites
East-side City	Mary Fast		FCTA	Diana Sedigh-Darbandi
West-side City	Gilbert Coelho		Measure COC	Barry Mast
County of Fresno	Mohammad Khorsand		Public	Stephenie Fredrick
Business	Al Smith		Public	John Downs

FCOG received six New Technology Funding applications (A sample application was attached) asking for a total of \$19,334,581 with \$10,000,000 in funding available. On July 21<sup>st</sup>, 2016 the MAG met to interview the applicants and discuss their grant applications. See the attached list of the MAG recommendations for funding.

Stephenie Frederick asked about the Fresno State Transportation Institute fund. Peggy Arnest replied that they are planning to hire new faculty that has special knowledge on the High Speed Rail project and that they will fund scholarships and the course development.

A motion was made by Sal Petrucelli and seconded by Lee Delap that the Measure C Citizen Oversight Committee recommend the Fresno COG Policy Board approve the New Technology MAG recommendations for funding. A vote was called for and the motion carried.

**IV. Request by City of Fresno to amend the Measure C Amendment #1 to allocate \$600,000 to fund a two-year purchase option contracts on approximately 190 acres of the proposed California High Speed Rail Heavy Maintenance Facility (HMF) site.**

Bruce Rudd, City of Fresno reported on this item. The City of Fresno had officially requested (was attached) that Fresno COG initiate a Measure "C" Plan Amendment to allocate \$450,000 to be used to purchase two-year purchase option contracts needed to secure and control approximately 190 acres at the proposed Heavy Maintenance Facility (HMF) site as identified by the Fresno Works

group (exhibit was attached). In addition to the \$450,000 needed to purchase option contracts, an additional \$150,000 in funding is being requested to be used to conduct environmental, historical, and geo-technical studies on the properties should they be necessary that will ensure that the site is ready in advance of construction. The two combined components would total \$600,000. The two-year land sale options will allow for the control of the site, allow for any unforeseen potential delays on the exercise of the options, and are assignable to the California High Speed Rail Authority (CHSRA) or whatever entity the CHSRA designates to build the HMF.

In terms of process, in order for Measure "C" to be amended, it requires approval by both the Fresno Council of Governments Policy Board and the Fresno County Transportation Authority (FCTA) Board. This Measure "C" Amendment request hereafter known as Amendment #3 will technically be an amendment to Measure "C" Amendment #1 (attached) which originally set aside the \$25 million for the High Speed Rail Heavy Maintenance Facility. The need for an amendment to Amendment #1 is because Amendment #1 states specifically that no Measure "C" funding can be expended "*prior*" to Fresno County being awarded the HSR Heavy Maintenance Facility. That being the case, in order for Fresno to access those funds "*before*" the CHSRA makes its decision on the Heavy Maintenance Facility, a new amendment is required.

As stated in the City of Fresno's letter, several months ago they hired Continental Field Services (CFS), the right-of-way land acquisition specialists used by the CHSRA to acquire right-of-way and to negotiate land purchases and option contracts. The proposed site under consideration contains a total of twelve (12) privately owned parcels that are held by nine (9) different owners. Fresno states that CFS has met with all of the property owners and is finalizing the price for two-year purchase option contracts for all of the properties. Fresno anticipates that the total cost for land sale options on the entire site is estimated to be no more than \$450,000 and would position the Fresno region to be highly competitive when compared to other sites under consideration.

As addressed in Fresno's request letter to Fresno COG, of the sites competing for the HMF, it appears that six (6) sites are owned by a single property owner or developer and of those six (6) sites at least four (4) have indicated that the owner would donate the site or have the capacity to give the CHSRA the total property in an effort to bring the HMF to their location. From a competitive standpoint, single property ownership and/or the potential for the land to be donated give those sites a great advantage in terms of the CHSRA HMF selection process. Fresno's letter also cites earlier discussions with CHSRA representatives and open discussion with the CHSRA Board of Directors where gaining control of the site was deemed imperative in terms of Fresno ultimately being chosen for the HMF.

Pursuant to its role under Measure "C", Fresno COG staff is in the process of scheduling public meetings to gain public input on the proposed amendment as well.

Mr. Rudd then gave a presentation on the request by City of Fresno to amend the Measure C Amendment #1 to allocate \$600,000 to fund a two-year purchase option contracts on approximately 190 acres of the proposed California High Speed Rail Heavy Maintenance Facility (HMF) site.

Lee Delap asked how the two-year window came up and would there be any issues with the High Speed Rail Authority verses the legislature oversight. Mr. Rudd explained that they should know more in the next couple of months with the Cap and Trade. The two-year window was established based on input that they had received from the High Speed Rail as well as some other people. If a decision is made sooner, then someone could exercise that option sooner. The cost of securing a one-year to a two-year is not that much of a difference.

A motion was made by Bob Allen and seconded by Joe Denham to approve support of the Citizen Oversight Committee on the proposed amendment. Policy Board approval of Measure "C" Amendment #3 will require the approval of Resolution 2016-34. A vote was called for and the motion carried.

**V. Measure C Regional Transportation Projects and funding shortfalls/solutions**

The Oversight Committee requested that Fresno COG staff give an overview of the funding and timeline issues currently surrounding the Measure C Regional Program's Tier One and Tier Two Projects. Fresno COG's Finance Director, Les Beshears, reported to the Committee as requested.

This was an Information Item with no action taken.

**VI. 2015-2016 Measure C Citizen Oversight Committee Draft Annual Report**

Brenda Veenendaal reported on this item. The Measure C Citizen Oversight Committee is in charge of annually developing a report to the public. Attached was the draft COC 2015-16 report, finalized September 2, 2016 by subcommittee members David Van Pelt, Kevin Hamilton, Sam Molina, and Stephenie Frederick. It was reviewed by Fresno COG staff member Brenda Veenendaal and edited for consistency. The Committee reviewed the attached report and discussed its contents.

A motion was made by Sal Petrucelli and seconded by Sam Molina to approve the COC Annual Report to the Public with edited. A vote was called for and the motion carried.

**VII. FCTA Measure C Annual Audit Reports**

Denise DiBenedetto reported on this item. M. Green and Company LLP, the Certified Public Accounting firm retained by the Authority to perform their fiscal year 2014-2015 audit of finances, has recently completed their analysis and submitted the final report, which was included in the agenda package. In the summary, the firm found no material weakness concerning internal control over financial reporting and no instances of noncompliance with laws, regulations, contracts or grant agreements. Also included in the agenda package were the financial restatements for fiscal years 2012-2013 and 2013-2014. These financial restatements are due to the action taken by the Authority Board at their December 2014 meeting to adopt the update to the Measure C Extension Regional Transportation Mitigation Fee (RTMF) Nexus Study.

Denise gave a brief explanation on the re-stated audits.

David Van Pelt suggested that the audit report be taken home so the committee can review and have it added to the next agenda.

A motion was made by Bob Allen and seconded by Lee Delap to bring this item back at the next meeting. A vote was called for and the motion carried.

**VIII. Measure C Citizen Oversight Committee informed involvement**

Stephenie Frederick reported on this item. Oversight Committee member Stephenie Frederick requested that an agenda item be added for a discussion of where or how the COC may become more informed about current matters that affect Measure C funding.

Ms. Frederick talked about having some of the COC members sit in on other committee meetings to keep up with all the discussions and decisions being made on Measure C, then report back to the committee.

A motion was made by Sal Petrucelli and seconded by Stephenie Frederick to approve Joe Denham to represent the Measure C Citizen Oversight Committee at the RTP meetings. A vote was taken and the motion carried.

**XI. Items from Members**

Stephenie Frederick commented with regard to the TTC, she would be speaking at the meeting in support of the New Tech MAG recommendations.

**XII. Items from Staff**

**A. Future tentative COC meeting dates to calendar:**

- October 13, 2016
- November 10, 2016
- December 8, 2016

**B. Items for next agenda**

**C. Upcoming Meetings of other related Boards/Committees:**

- Fresno COG Transportation Technical Committee - Friday, September 9 at 8:30 am
- Fresno COG Policy Advisory Committee - Friday, September 9 at 10:00 am
- Fresno County Transportation Authority - Wednesday, September 21 at 9:00 am
- Fresno COG Policy Board - Thursday, September 29 at 5:30 pm

Chair adjourned the meeting at 6:45 p.m.

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