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**FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)
MEETING AGENDA**

DATE: Thursday, September 29, 2022
TIME: 5:30pm, **AFTER** the Fresno Council of Governments (FCOG) Meeting
PLACE: FCOG / FCRTA Offices and Zoom Webinar
Sequoia Conference Room
2035 Tulare Street, Suite 201
Fresno, CA 93721
(Corner of Tulare and Van Ness Ave. - above Club One
Park in Underground Garage - Entrance off Tulare & Van Ness Ave.
Exit Elevator on Tulare St., Turn Left, Enter Lobby Door,
Up Elevator to Second Floor, Left to Sequoia Conference Room)

Americans with Disabilities Act (ADA) Accommodation

The Fresno COG / FCRTA offices and restrooms are ADA accessible. Individuals with disabilities may call (559-233-4148) / FCRTA (559-233-6789) at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG / FCRTA are unable to accommodate an auxiliary aid or translation request for a public hearing after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

AB 23 Requirement: In accordance with the Brown Act and AB23 the amount of stipend paid to members of the Board of Directors for attending this meeting of the Fresno County Rural Transit Agency, is \$50.00.

THE FRESNO COUNCIL OF GOVERNMENTS AND FRESNO COUNTY RURAL TRANSIT AGENCY BOARD MEETINGS WILL TAKE PLACE IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.

TO JOIN THE ZOOM WEBINAR: https://us06web.zoom.us/webinar/register/WN_Q3edIM2RTXiCDRUpiKdFvg

JOIN BY PHONE: (669) 900-6833

MEETING ID: 893 9203 3082

If you wish to join by phone, please enter the meeting ID followed by the # sign. No Passcode is needed.

If you wish to address the Board during the public comment portion of the agenda, click on the "Reactions" Button at the bottom center of your computer screen. Select the Hand icon, click the icon to "Raise Hand". Your digital hand will now be raised and fresno cog staff will prompt you to unmute.

When on the phone, if you wish to address the policy board during the public comment portion of the agenda, Press *9 to "Raise Hand" and we will select you from the meeting cue and prompt you to unmute.

If joining by phone use *6 to unmute and mute yourself. When joining the meeting all participants are automatically muted. Do NOT use the mute function on your landline phone or cell phone.

Those addressing the BOARD must state their first and last name and ANY AFFILIATED agency for the record.

To facilitate electronic access, no person shall speak until recognized by the Chair.

A JOINT POWERS AGENCY TO PROVIDE A COORDINATED TRANSIT SYSTEM FOR RURAL FRESNO COUNTY

The Cities of: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, San Joaquin, Selma & Fresno County

1. ROLL CALL

Public Presentations - This portion of the meeting is reserved for persons wishing to address the FCRTA Board on items within its jurisdiction but not on this Agenda.

NOTE: The public may also comment on any Agenda item, as they are presented, prior to action by the FCRTA Board.

2. CONSENT ITEMS

- A. **Approve Minutes of July 28, 2022 Meeting [ATTACHMENT]**
- B. **Approve Minutes of August 25, 2022 Special Meeting [ATTACHMENT]**
- C. **Approve Minutes of September 1, 2022 Special Meeting [ATTACHMENT]**
- D. **Grant Agreement Conflict Waiver for Representation of FCRTA and FCOG [APPROVE]**

Summary: FCRTA was awarded a grant through the FCOG Transportation Network Company Access for All (AFA) Grant Program. FCRTA was awarded \$189,072 in AFA funds to purchase three, ramp-equipped WAVs to support the Rural Transit Dial-a-Ride expansion. One of the three vehicles would be used as a substitute to the other two vehicles operating in the unincorporated areas in Fresno County -- one on the west side and the other on the east side. As part of the grant procedures, FCRTA will enter into an agreement with FCOG as the administer of the grant funding. The Office of Fresno County Counsel provides legal services to FCRTA, and also represents FCOG with regard to the drafting and review of the agreement. One of the office's deputy county counsels already provides legal representation to the FCRTA in all matters, pursuant to a legal services agreement between the FCRTA and the County of Fresno, and would provide representation in this agreement negotiation as well. Another deputy county counsel provides legal services to FCOG, and will assist FCOG in the drafting and review of the agreement. The Office of Fresno County Counsel will provide "dual representation" in this particular instance, and attached is the Conflict Waiver for your review (ATTACHMENT).

Action: Staff recommends Board Approval of the Conflict Waiver for representation of the FCRTA and FCOG regarding conflict for administration of grant funding.

E. **Transportation Network Company Access for All Grant Agreement**

Summary: FCRTA was awarded \$189,072 in funds through the FCOG Transportation Network Company Access for All (AFA) Grant Program. The project includes the purchase of three, ramp-equipped WAVs to support the Rural Transit Dial-a-Ride expansion. One of the three vehicles would be used as a substitute to the other two vehicles operating in the unincorporated areas in Fresno County -- one on the west side and the other on the east side. As part of the grant procedures, FCRTA will enter into an agreement with FCOG as the administer of the grant funding. The agreement is attached for your review (ATTACHMENT).

Action: Staff recommends Board approval of the agreement with FCOG for the Transportation Network Company Access for All Program in the amount of \$189,072.

F. **Amendment IV to the Temporary Maintenance Facility Lease Agreement [APPROVE]**

Summary: The Board approved in June 2022, the one (1) year lease agreement extension (8/15/2022-8/15/2023) for a temporary maintenance facility while the permanent maintenance facility is being built. The temporary site in Selma is located at 1870 Dockery Ave in the City of Selma across from the City yard and around the corner from the new maintenance facility site. FCRTA maintenance services will remain at this location and renew the lease for an additional year while the new maintenance facility is

being constructed. The property owner has increased the rent of the facility in the amount of \$750 per month for a monthly rental amount of \$5,750. FCRTA is requesting to extend the lease to 12/31/2023 when the new maintenance facility site is scheduled to be completed. Attached is the Amendment IV for your review (ATTACHMENT).

Action: Staff recommends Board approval of Amendment IV to the Temporary Maintenance Facility Lease Agreement.

G. Request for Qualifications Construction Management Services [INFORMATION]

Summary: FCRTA released a Request for Qualifications (RFQ) on August 15, 2022 for on-call construction management services for the FCRTA maintenance facility project. Proposals were due on September 15, 2022 and staff received 6 proposals from Kleinfelder, Ghirardelli, SJ, Mathieson, Precision and Kitchell. Interviews will be held the week of the 26th and firms will be rated by a scoring committee with staff from FCRTA, Clovis Transit and FAX. Staff will return to the Board in October with a recommendation and proposed agreement. The RFQ is available at www.ruraltransit.org

Action: Information only. The Board may provide direction at its discretion.

H. Caltrans Sustainable Planning Grant [APPROVE]

Summary: In October 2021, the Board approved the FCRTA grant application for \$274,299 in funding through the Caltrans Sustainable Communities Transportation Planning Grant Program. The project includes a transit feasibility study along Golden State Boulevard. The project includes an evaluation of the physical/financial feasibility of developing a light rail, bus rapid transit (BRT), or monorail that utilizes existing medians/shoulders along Golden State Boulevard to connect Southern Fresno County with the cities of Malaga, Fowler, Selma, and Kingsburg, with extensions to Southwest and downtown Fresno, Sanger, Parlier, Reedley and Orange Cove. The study would evaluate multiple alternatives, including light rail, bus rapid transit (BRT), and monorail, to determine which alternative would best serve the corridor. On April 4th, FCRTA was notified by Caltrans that the grant was awarded.

Action: Staff recommends adoption of Board Resolution No. 2022-15.

I. Partnership with League of Women Voters [INFORMATION]

Summary: FCRTA will be deploying a new microtransit route in the community of Biola using a Chevy Bolt electric vehicle. FCRTA has been working with the subcontractor MV Transportation to hire local drivers for this pilot project. This microtransit route is tentatively scheduled to kick-off on October 3rd. FCRTA provided a presentation on the microtransit program to the Board of Directors of the League of Women Voters and they generously donated \$12,000 to be used as a 50% subsidy for fares for passengers. This partnership with the League of Women Voters is providing an excellent opportunity to make this pilot project successful by providing a discounted fare for these passengers. The letter from the League of Women Voters is attached for your information.

Action: Information only. The Board may provide additional direction at its discretion.

J. Transit and Intercity Rail Capital Program Award [APPROVE]

Summary: FCRTA was notified on July 7, 2022 of award of the TIRCP grant application. This project includes a resiliency hub, which will include electric vehicle charging infrastructure. The resiliency hub will include four (4) inductive charging stations to allow FCRTA to quickly charge their electric bus fleet during layovers to advance the agencies transition to an EV/ZEV fleet. The resiliency hub will also include a solar carport and EV Charging System for FCRTA's small electric vehicle (EV) fleet (comprised of Chevy Bolts) with sixteen (16) EV charging stations to permit new transit service. The resiliency hub will be constructed at a currently vacant property located in West Fresno at 1535 Kern Street, Fresno, CA, owned by a local business (Central Fish Company) and or City of Fresno owned parking lot. The

properties are located in a disadvantaged community across the street from the future high speed rail Station in Fresno. FCRTA applied for the TIRCP grant to fund the construction of the resiliency hub, and conversion of FCRTA's electric bus fleet to be compatible with the inductive charging units. The total project cost is \$6,862,025, and FCRTA is requesting \$6,175,822 in TIRCP funds and a match of \$686,202 in local Measure C funds.

Summary: Staff recommends adoption of Board Resolution No. 2022-14.

K. AB 361- Board Meeting Format [ACTION]

Summary: On Sept. 15, 2021, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agency councils, boards and committees to continue conducting public meetings remotely during a state of emergency after Oct. 1, 2021, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, the Policy Board, FCRTA Board, TTC and PAC and other Fresno COG committees are considered "legislative bodies," according to the Fresno County Counsel's office. Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

- There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.

AB 361 defines a "state of emergency" as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic. To continue to rely on the relaxed video/teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, **every 30 days**:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

The recommended finding under this option would be that "The Board, meeting during a proclaimed state of emergency, has determined by majority vote, pursuant to AB 361 subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees."

While the Board has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff.

Action: Staff recommends two actions:

1) That the Board issue the following findings: (a) The Board has reconsidered the circumstances of the state of emergency; and (b) As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

2) Reaffirm Resolution 2022-01 from Jan. 6, authorize the Board and subordinate legislative bodies to conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e) through Oct. 28, and direct staff to continue providing video/teleconferencing provisions for all FCRTA Board meetings through Oct. 28.

3. OTHER BUSINESS

A. Items from staff.

B. Items from members.

4. ADJOURNMENT