

SAN JOAQUIN COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
SJCOG Conference Room
555 E. Weber Avenue
Stockton, CA 95202

March 23, 2017

REGULAR BOARD MEETING AT 5:00 P.M.

MINUTES

1. The Board meeting was called to order at 5:05 p.m. by Chair DeBrum.

Roll Call:

Board Members Present:

Mayor DeBrum, Manteca; Vice Mayor Dresser, Lathrop, Vice Mayor Holman, Stockton; Mayor Laugero, Escalon; Councilmember Lofthus, Stockton; Mayor Kuehne, Lodi; Supervisor Miller, SJC; Mayor Tubbs, Stockton; Supervisor Winn, SJC; Mayor Rickman, Tracy; Councilman Zuber, Ripon.

Ex-Officio Members Present:

Ken Baxter, Caltrans; Gary Giovanetti, SJRTD; Victor Mow, Port of Stockton.

Board Members Absent:

Supervisor Elliott, SJC;

Ex-Officio Members Absent:

None.

Staff Members Present:

Andrew T. Chesley, Executive Director; Steve Dial, Deputy Executive Director; Diane Nguyen, Deputy Director; Kevin Sheridan, Project Manager; Vikram Sharma, Information Services Manager; Steve Mayo, Habitat Project Manager; Kim Anderson, Senior Regional Planner; Yvette Davis, Senior Regional Planner; Ryan Niblock, Senior Regional Planner; Rob Cunningham, Senior Regional Planner; Gracie Orosco, Chief Accountant, Kelly Bagley, Accounting Assistant II; Lynnetta Castle, Staff Accountant; Sandra Ferreira, Accounting Assistant I; David Ripperda, Assistant Regional Planner; Summer Anderson, Assistant Regional Planner; Travis Yokoyama, Assistant Regional Planner; Rosie Gutierrez, Office Administrator; Katy Castro, Administrative Clerk II, Rosemary Romero, Administrative Clerk II; Rod Attebery, Counsel.

2. **Recognitions/Presentations:**

A. ECO (Excellence in Commuter Options) Award – *Recipients were unable to attend.*

B. GFOA Excellence in Financial Reporting:

Mr. Steve Dial presented the SJCOG Finance Department with the GFOA Excellence in Financial Reporting award and thanked them for their hard work and dedication. Chair DeBrum thanked the Finance Staff which include; Gracie Orosco, Lynnetta Castle, Kelly Bagley, and Sandra Ferreira.

3. **Public Comments:**
Nothing to Report.

4. **Consent Calendar Items:**

- A. MINUTES: February 23, 2017.
- B. SJCOG Monthly Financial Report & Transportation Authority Monthly Investment Report.
- C. Low Carbon Transit Operations Program FY 2016/17 Funding Recommendation.
- D. Spanish Language Services “on call” List and Contract Authorization
Mr. Giovanetti asked why agencies from outside the San Joaquin County area are being considered. Ms. Anderson replied by saying the larger companies offered quick turn-around services as well as the ability for the client to login into a member portal and submit their request online. Local firms did not have comparable capabilities.
- E. San Joaquin One Voice ® Regional Project Submissions

It was moved/seconded (Lofthus/Zuber) to approve the consent calendar. Motion passed unanimously with a voice roll call vote (11/0).

5. **San Joaquin Council of Governments Items for Discussion/Action:**

- A. **Options for San Joaquin Regional Transit District Representation on SJCOG Board**
Mr. Andrew Chesley reported on item 5A. Mr. Chesley told the board that the SJCOG Board of Directors previously requested, that in March, a few options be presented to address the San Joaquin Regional Transit District’s concern over representation of their transit interests in the region. While the Board was determined the Joint Powers Authority was in compliance with Federal law regarding transit representation, the Board was interested in giving the Transit District’s interests a more detailed discussion. Mr. Chesley said he and Mr. Rod Attebery, SJCOG Legal Counsel, met with RTD’s Board member and SJCOG Ex-Officio Board member Gary Giovanetti, and RTD CEO Donna DeMartino to discuss possible options. Ms. DeMartino invited Stacey Mortensen of the Rail Commission to participate. The meeting was far ranging in its discussions and the following three options were identified by SJCOG staff. These are not meant to be exhaustive but to give the SJCOG Board a range of possibilities. At the meeting, the options appeared to be acceptable for further discussion by all parties. Mr. Chesley told the members that SJCOG staff provided the members with three options that included institutional steps, which were: Option 1: No change, Option 2: Stockton / San Joaquin County COG board members would be ex-officio members on the RTD Board. Bylaws would need to be changed for both SJCOG and RTD, and would also require a policy change at the Stockton City Council and the San Joaquin County Board of Supervisors. Option 3: Transit District representative moves from Ex-Officio status to full board member voting status. Option 3 would require a vote of the SJCOG Board to recommend a Joint Powers Agreement amendment. The JPA amendment would then require an affirmative vote of a majority of the member agencies (city councils and/or Board of Supervisors) of the JPA representing 55% of the population. Mr. Chesley told the members that a fourth option is included in the blue folders at each of their desk. Mr. Chesley informed the Board that Option 4 would most likely require a policy change at the Board of Supervisors and the City of Stockton Council, and would likely require bylaw changes for RTD. He followed by explaining to the members how Option 4 would be designated. Mr. Giovanetti asked a question regarding Option 3. Mr. Giovanetti asked Mr. Chesley if his presentation included the fact the Transit District would be limited to voting on transit issues? Mr. Chesley replied by saying it would be a limited vote for

transportation issues. Mr. Giovanetti asked Mr. Chesley to clarify if the Transit District member would be restricted from voting on certain issues. Mr. Chesley provided an example by saying in terms of the Airport Land Use Commission, the Transit District does not have land use authority. Mr. Rod Attebery clarified that Mr. Chesley is correct in stating the Transit District does not have land use authority. Mr. Attebery briefly summarized on the topic. A discussion took place between the board members. The members concluded they would like more time before approving any of the options so that all the member agencies can meet to discuss the options and to relay their thoughts on the matter. During item 5A, Councilmember Lofthus left the meeting at 5:57 p.m.

It was moved/seconded (Laugero/Zuber) to postpone the vote indefinitely to allow the City of Stockton, the Transit District and the Board of Supervisors to get together to discuss the item. Motion passed (10/0).

B. FY 17-18 Overall Work Program

Mr. Dial reported on the Overall Work Program and said that last month, the SJCOG Board adopted the draft FY 2017-18 Overall Work Program (OWP). Notice of the adoption and availability of the document was distributed to TAC members, FHWA, FTA and Caltrans on February 24, requesting review and comments by March 2, 2017. Mr. Dial said at the time of this staff report preparation, no changes in revenue or expenditures have been made, and no comments had been received, however, Caltrans has indicated the draft OWP is still circulating through the department. Notwithstanding, considering the OWP was drafted to address guidance provided at a preparatory meeting with FHWA, FTA and Caltrans and, historically, their comments are more editorial than substantive, SJCOG staff is recommending the OWP be adopted as final acknowledging there may be minor edits and changes because of more comments received. If there are significant, material changes required by the comments, staff will bring an amendment to the board covering those items. Mr. Dial briefed the members on the revenue and highlights of the OWP by showing a PowerPoint presentation. Mr. Dial told the members the OWP document was also available on the SJCOG website, and mentioned the direct link was listed in his staff report.

It was moved/seconded (Miller/Zuber) to recommend the Board approve R-17-24 adopting the Final FY 2017/18 Overall Work Program with Certifications and Assurances. Motion passed (10/0).

C. FY 2017-18 Annual Financial Plan (AFP) Adoption

Mr. Dial reported on the Annual Financial Plan. Mr. Dial told the members that last month, SJCOG staff took the proposed FY 2017-18 Annual Financial Plan (AFP) to the Executive Committee as an informational item to see if the committee had any comments or direction on the AFP. There were no comments from the Executive Committee. The attached proposed AFP has not changed from last month. The following is the information sent to the Executive Committee last month. Staff requests the Board adopt the AFP and send it to the member agencies for ratification. A one-page summary concludes the staff report with the supporting tables attached. Mr. Dial informed the members of the assumptions incorporated in the budget, which are: work will not begin and expenses will not be incurred unless anticipated revenue sources are secured; the budget includes a 5% pool that can be drawn upon for merit based increases. The full impact of that pool is incorporated into the salary driven benefits (retirement, Medicare, disability). Mr. Dial proceeded by showing a PowerPoint presentation to the members.

It was moved/seconded (Rickman/Laugero) to recommend that the Board Approves R-17-025, Adopting the FY 2017-18 AFP and send it to the member agencies for ratification. Motion passed (10/0).

D. Congestion Mitigation and Air Quality Program: Funding Recommendations for Federal Fiscal Years 18/19, 19/20, and 20/21

Ms. Diane Nguyen presented on item 5D by showing the members a PowerPoint presentation. Ms. Nguyen said the San Joaquin Council of Governments (SJCOG) has completed the Board-approved Congestion Mitigation and Air Quality (CMAQ) Project Selection Process and has selected the attached list of projects as those proposed for programming in the 2017 Federal Transportation Improvement Program (FTIP). The recommended list of projects is for the CMAQ funding cycle covering FFYs 2018/19, 2019/20, and 2020/21 and includes \$29.4 million to be programmed in CMAQ funds for new projects. The CMAQ program funds transportation projects or programs that reduce carbon monoxide, ozone and particulate matter emissions. Examples of CMAQ-funded projects include alternative fuel vehicles, transit projects, bicycle/pedestrian projects, traffic signal synchronization and signal installation projects, as well as intermodal freight facility projects. Ms. Nguyen spoke of four roundabout projects, and spoke of the scores that the scoring committee saw. Ms. Nguyen told the members the information she was showing them via PowerPoint is made available to them in their Board packets. Ms. Nguyen shared the results with the other SJCOG Committees and said the item was considered by the Technical Advisory Committee and all recommendations were unanimously approved. The item was considered by the Management and Finance Committee and all recommendations were unanimously approved. The Citizens Advisory Committee approved all staff recommendations, except for not approving recommendation number 5, which is that SJCOG reconvene the scoring committee to bring back a recommended process for substituting projects with greater community impacts. A discussion took place between the Board members and Ms. Nguyen.

Discussion included concerns about project substitutions when it was not part of the original process. Concerns also included using an additional \$5 million of revenue, which was not identified as available during the call for projects. Several board members expressed that every agency needed to submit an application, to be considered in the funding process. The Board also raised questions on how a substitution process would work, and SJCOG staff indicated it would be less rigorous than a full application form. This is something that would be developed through the CMAQ committee and brought back to the Board for approval if the Board directed.

It was moved/seconded (Miller/Tubbs) to approve Option B, to capture the extra money, fund all 17 projects, but not allow for substitutions. Motion passed (9/1).

E. Senate Bill 1 by Beall and Assembly Bill 1 by Frazier-Transportation Funding Packages

**During item 5E, Supervisor Miller and Mayor Tubbs left the meeting at 7:09p.m. Mr. Chesley reported that after two years of making slow and unsteady progress in the Special Legislative Session for Transportation, the California State Senate and Assembly have a deadline of April 6 to pass legislation to enhance transportation funding in California. SB 1 has passed several committee hurdles and is making progress toward the

April 6 deadline. Assembly Bill 1 is still waiting for its first committee vote. Over the past two years the SJCOG Board has not taken a position regarding SB 1 or AB 1 due to the fact that the legislation was continuously evolving. And in fact, the bills in their present form are somewhat different from what was on the table a year and a half ago. During the fall of 2016, Senator Beall and Assembly member Frazier worked to mesh their legislation and today they are effectively the same with only some small differences. There is a third proposal from Governor Brown that is substantially less ambitious and not much of a factor today in the overall discussion in the legislature. Mr. Chesley said SJCOG staff is recommending a support position. While the SJCOG Board has not taken a previous position on the legislation the Board has taken a conceptual position to support an increase in the gas tax without identifying a specific amount. The Board has also strongly supported increased funding for local road and street maintenance and for the State Transportation Improvement Program but not formally weighed in on legislation regarding this, and said there was a long list of agencies that are in support of both bills. Mr. Chesley introduced Mr. Steve Qualls from the League of California Cities, who provided the members with information on both Senate Bill 1 and Assembly Bill 1, and a brief discussion ensued between the members.

It was moved/seconded (Zuber/Holman) to Motion to Recommend Joining the League of California Cities and the California State Association of Counties in Supporting SB 1 and AB 1. Motion passed (4/3), with one abstention from City of Tracy.

6. **Airport Land Use Commission:**

Nothing to Report.

7. **Information Items:**

- A. Draft 2017 Measure K Strategic Plan
- B. SJCOG Bylaws
- C. Update on Greenhouse Gas Emission Targets

These items were for information only, no action was taken.

8. **SJCOG, INC:**

- 1. Open Meeting of SJCOG, Inc. /Roll Call: Roll call was called.
- 2. Public Comment: **Nothing to Report.**
- 3. Consent Calendar: **Nothing to Report.**
- 4. SJCOG, INC. ITEMS FOR DISCUSSION/ACTION:

A. 2016 SJMSCP Annual Report Release:

Mr. Steve Mayo provided information to the board regarding the 2016 SJMSCP Annual Report, and briefed the members on the background of the report. Mr. Mayo told the Board there were only a small amount of comments provided to staff on the initial draft provided at the February and March 2016 HTAC meetings. Mr. Mayo told the members the report is available for them to view on the website provided in their agenda packets as it was over five-hundred pages.

It was moved/seconded (Khuene/Zuber) to approve the release of the final Draft of 2016 SJMSCP Annual Report to Permitting Agencies. Motion passed (8/0).

B. Mizuno Hays Road Preserve Dedication and Preserve Management Plan:

Mr. Mayo reported on the Mizuno Hays Road Preserve Dedication and Preserve Management Plan. Mr. Mayo briefed the members on the size of the properties, and told the members a development project is dedicating a conservation easement of almost eleven acres to SJCOG, Inc. from a project in Lodi to help offset the balance. Mr. Mayo said the project also opens the door for the agency to acquire another thirty-fifty acre on the same parcel in future acquisitions. Mr. Mayo said SJCOG staff had written the PMP which was included in their packets to reflect the existing Preserve Management Plans of the row and field crop preserves in the Central Zone for economy of scale for species under the SJMSCP.

It was moved/seconded (Khuene/Zuber) to motion to SJCOG, Inc. to 1) Approve the Conservation Easement Dedication and 2) approve of the Preserve Management Plan (PMP) for the Preserve Site. Motion passed (8/0).

5. SJCOG, INC. INFORMATIONAL ONLY ITEMS: **None.**

*****RECONVENE TO THE SJCOG BOARD MEETING*****

9. **Chair's Report:**

A. Appointments to San Joaquin Regional Rail Commission

10. **Council Member's Report:**

Vice Mayor Holman told the members he attended the regional COG conference in Fresno, with Mr. Chesley and Mr. Ryan Niblock, and said it was very informative and he learned a lot. Mr. Winn said he attended the CalVans meeting in Hanford and briefed the members on the outcome of the meeting.

11. **Ex-Officio Member's Report**

A. San Joaquin Regional Transit District

Mr. Giovanetti said that on March 5, RTD participated in the annual Chinese Parade; RTD is also participating in "Take our daughters and sons to work" on April 27.

B. Caltrans, District 10

Mr. Baxter reported on the Policy Conference and took pictures of the project. Mr. Baxter told the members if they have questions, he can be reached by phone or email.

C. Port of Stockton

Nothing to Report.

12. **Executive Director's Report**

Mr. Chesley thanked the Board Members for their patience for the long meeting. Mr. Chesley thanked Mr. Dial, Mr. Mayo, and Ms. Laurel Boyd of the SJCOG Habitat department for the Habitat Conservation Plan, and said they have done excellent work and appreciates the hard work they've put into it.

13. **Adjournment:**

Meeting was adjourned at 8:09 p.m. The next meeting will be held Thursday, April 27, 2017 at 5:00 p.m. SJCOG Conference Room.