



**MCAG Governing Board
Transit Joint Powers Authority Board
Regional Waste Management Authority Board
MINUTES**

DATE

Thursday, June 21, 2018

The regular meeting of the Merced County Association of Governments Governing Board held on Thursday, June 21, 2018, at the County of Merced, Board of Supervisors Chambers, 2222 M Street, Merced, CA was called to order by Chair Alex McCabe at 3:00 p.m.

DIRECTORS PRESENT

Director Alex McCabe, Vice Chair
Director Lee Lor
Director Michael McGlynn for April Hogue
Director Daron McDaniel
Director Mike Murphy
Director Jerry O'Banion
Director Joe Oliveira
Director Lloyd Pareira
Director Jim Price
Director Mike Villalta

DIRECTORS ABSENT

Director Rodrigo Espinoza, Chair

GUESTS AND MEMBERS OF THE PUBLIC

Patti Dossetti, League of Women Voters
Jack Jackson, Citizens Advisory Committee Representative
Steven Martínez, Transportation Planner, Caltrans, Dist. 10
Abigail Ramirez, Leadership Counsel for Justice and Accountability

MCAG STAFF PRESENT

Nav Bagri, Finance Director
Stacie Dabbs, Deputy Executive Director
Matt Fell, Transportation Planning Manager
Eva Garibay, Public Program Specialist II
Emily Haden, Legal Counsel
Kristina Meraz, Human Resources/Risk Manager
Ty Phimmasone, Associate Planner
Patrick Pittenger, Executive Director
Artis Smith, Transit Director
Brooks Stayer, Regional Waste Authority Director
Joy Young, Administrative Assistant

1. **Pledge of Allegiance**

2. **Invocation**

Director McGlynn led the invocation.

3. **Roll Call**

4. **Approval of Agenda**

Director Lor moved to approve the June 21, 2018, MCAG Governing Board agenda.
Seconded by Director O'Banion.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

5. **Public Comment**

No public comments were received.

6. **Minutes**

- a. Regional Waste Management Authority Board meeting for May 17, 2018
- b. Transit Joint Powers Authority for Merced County Board meeting for May 17, 2018
- c. Merced County Association of Governments Governing Board meeting for May 17, 2018

Director McDaniel moved to approve the minutes of the Regional Waste Management Authority, the Transit Joint Powers Authority, and the Merced County Association of Governments Governing Board meeting.

Seconded by Director Price.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

7. **Citizens Advisory Committee Report**

Jack Jackson gave the Citizens Advisory Committee report.

MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY

8. **Merced County Regional Waste Management Authority Monthly Update**

Brooks Stayer gave the Merced County Regional Waste Management Authority update:

- Landfill Gas to Energy with UC Merced
- Organics and Composting Heads Up
- Investigating Carpet Recycling
- Soil Sales/Campus Parkway Project
- Civil Grand Jury Report
- Tuolumne Agreement

TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY

9. Transit Joint Powers Authority for Merced County Monthly Update

Artis Smith gave the Transit Joint Powers Authority for Merced County monthly update stating that ridership is up with the Measure V funding that offers free rides for seniors, veterans and ADA eligible riders. Mr. Smith presented and discussed the following:

- Free Fair Shuttles ran during the fair June 6 through June 10.
- Measure V rides are increasing.
- Dump the Pump Day is - June 21st and the fixed route will be free through August 31.
- Maintenance and Operation Facility construction is on track.
- New Transit Building remodel is moving to the next phase.
- Rider Training Event on Saturday, June 30, 2018 10:00 am – 2:00 pm (Presentations start every 30 minutes) Merced Mall Kohl's Parking lot 851 W. Olive Avenue Merced, CA 95340.

10. Consent Agenda

- a. Acceptance of Revised Drug and Alcohol Policy
- b. Submittal of State of Good Repair (SGR) FY 2017/18 1st Allocation Claim to MCAG

Director Lor moved to approve the Consent Agenda Items a and b.

Seconded by Director McDaniel.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

At this time, Item c was pulled for separate consideration.

- c. Reject the Personal Injury Claim related to claimant stating injury received at 22nd and M Street in 2017

Director O'Banion moved to approve the Consent Agenda Item c rejecting the Personal Injury Claim relating to claimant stating severe bodily injury from being struck by a vehicle in a crosswalk at 22nd and M Street in 2017.

Seconded by Director McDaniel.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

MERCED COUNTY ASSOCIATION OF GOVERNMENTS

11. Caltrans Report

Steven Martinez gave the Caltrans report regarding the:

- SR 99 Widening Project
- Hwy 59 Pavement Project

Mr. Martinez responded to various emails from the Directors and staff:

- For Director Pareira - brush removal at Hwy 59 and Snelling Road has been addressed. Mr. Martinez stated the CRS for this request has been closed.
- For Patrick Pittenger - trash removal between Hwy 59 and Bellevue. Mr. Martinez stated that Caltrans will commit to the clean-up of this area after the pavement project has been completed.
- For Director Villalta - the 11th Street Crosswalk has been installed. Mr. Martinez stated that staff is working on a timeline. Director Villalta wanted to remind Caltrans that school starts up early August and this is an important issue.

Director Villalta informed Mr. Martinez of the signals at Westside and Hwy 152 stating the signalization is not working.

Director Price inquired about the on and off ramps at Applegate exit. Mr. Martinez stated he would get more information and bring back to the next meeting. Ty Phimmasone stated that improvements to off ramps for this exit are programmed in the SHOPP.

12. Information/Discussion Only

- a. MCAG Newsletter - June 2018
- b. Calendar of Meetings, Conferences and Events
- c. State Clearinghouse Notice of Draft EIR
- d. Technical Review Board meeting minutes from June 13, 2018

So noted.

13. Consent Agenda

- a. Approval of Fiscal Year 2017/18 Regional Surface Transportation Program (RSTP) Fund Apportionments and Authorization of Disbursements per Claim Process
 - b. MCAG Approval of State of Good Repair (SGR) FY 2017/18 1st Allocation Distribution to TJPA and YARTS
 - c. Dibs Contract Renewal for Fiscal Years 2018/19 and 2019/20
 - d. SAFE Contract Renewal with California Highway Patrol
 - e. 2018/19 Miscellaneous Funds Budgets
 - g. FY 2018-2020 Measure V Recipient Funding Agreements between MCAG and Member Agencies
- Director Murphy moved to approve the Consent Agenda Items a, b, c, d, e and g.

Seconded by Director McDaniel.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

At this time, Item f was pulled for separate consideration.

- f. Reject the Personal Injury Claim related to claimant stating injury received at 22nd and M Street in 2017

Director O'Banion moved to approve the Consent Agenda Item f rejecting the Personal Injury Claim relating to claimant stating severe bodily injury from being struck by a vehicle in a crosswalk at 22nd and M Street in 2017.

Seconded by Director McDaniel.

Ayes – Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

14. Transportation Planning Update

Matt Fell gave the Transportation Planning update and reported on:

- New Vanpool promotion being conducted by Dibs Ridesharing Service
- Progress on the Multi-Use Path Feasibility Studies
- Congestion Mitigation Air Quality (CMAQ) call for projects that staff is planning on releasing this fall

15. Public Hearing on Regional Transportation Plan, Environmental Impact Report, Federal Transportation Improvement Program, and Air Quality Conformity Analysis

Matt Fell gave a presentation on the Regional Transportation Plan noting:

- Federal and State Requirements
- Outreach Efforts
- Upcoming Workshops
- Transportation Conformity
- SB 375 Green House Gases
- CEQA Requirements
- Final EIR and Certification

At this time, a public hearing was conducted to receive public comment. All comments and responses that are submitted will be included in the final document(s).

Opened: 3:40 p.m.

Abigail Ramirez with the Leadership Counsel for Justice and Accountability made comments on the Regional Transportation Plan draft, the draft Environmental Impact Report and MCAG's public participation processes.

Closed: 3:50 p.m.

Director Villalta discussed his concern of supporting an air quality conformity analysis and restrictions based on testing and reporting that is conducted in Merced instead of in Los Banos.

16. Measure V Regional Projects Recommendations

Stacie Dabbs gave an update on the Measure V Regional Projects and stated that the process from August 2017 to May 2018 resulted in a list of candidate regional projects for the East and West sides. Ms. Dabbs stated that each Regional Projects Committee reviewed candidate projects and project selection criteria and recommended several actions for approval of the MCAG Governing Board. Ms. Dabbs stated that all direction received from the Governing Board related to this Item will be incorporated into the development of the Measure V Implementation Plan.

Director O'Banion moved to approve the project recommendations summarized from the East and West Side Regional Projects Committees for the Measure V Implementation Plan.

Seconded by Director McDaniel.

**Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta
Noes - None**

MOTION CARRIED UNANIMOUSLY.

17. Measure V Maintenance of Effort Request for Exemption

Stacie Dabbs gave an update on the Measure V Maintenance of Effort Request for Exemption stating that the requirement is to ensure that previous, regular general fund expenditures for local streets and roads are not replaced with Measure V revenue and if a jurisdiction had an unusual or a one-time expenditure during the three fiscal years identified in the Plan that affects its average, the MCAG Governing Board may allow for an exemption of that expenditure.

Director O'Banion moved to approve the City of Merced's request for an exemption of a one-time general fund expenditure for transportation purposes in the amount of \$277,205 in Fiscal Year 2014-2015 as it relates to determining the City's Measure V Maintenance of Effort requirements.

Seconded by Director Murphy.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

18. Status of Pavement Management System Development

Ty Phimmason gave an update on the Pavement Management System Development stating that Dynatest has completed the data collection process and is moving forward by conducting quality assurance by checking the data collected.

19. Proposed Changes to One Voice Program

Stacie Dabbs discussed proposed changes to the One Voice Program stating that there were challenges this year related to large group size and too many issues. She recommended limiting the delegation size, requiring a participation fee and requiring participation in the planning process.

Director Oliveira stated his concern on the limitations of a set number for each jurisdiction, noting that at times a specialized participant may be needed to speak on particular topics and he would like the flexibility to add another participant if needed. Stacie Dabbs stated that it would be at the discretion of the board to add participants.

Director Lor moved to direct staff to develop the 2019 One Voice Program framework that:

- a. Limits the delegation size to 20 participants comprised of 2 delegates from each of the 7 jurisdictions, and up to 3 MCAG staff and 3 consultant staff;
- b. Requires a non-refundable \$50 participation fee;
- c. Requires participation in the planning process in order to participate in the trip to Washington DC.

Seconded by Director McDaniel.

Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Pareira, Price, Villalta

Noes - None

MOTION CARRIED UNANIMOUSLY.

20. **Regional Transportation Impact Fee (RTIF) and SB 1 Local Partnership Program (LPP) Proposed Allocation Plan**

Patrick Pittenger gave an update on the Regional Transportation Impact Fee and the SB 1 Local Partnership Program stating that at the May 17, 2018, Governing Board meeting the Board directed staff to work with the jurisdiction to develop a plan that outlines funding allocations to jurisdictions by funding type. Mr. Pittenger proposed that the Governing Board allocate funds as presented.

Director McDaniel moved to allocate funds as presented and pending reconciliation on August 31, 2018, send out the final numbers and work with staff to move forward with funded projects.

Seconded by Director Oliveira.

**Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Pareira, Price, Villalta
Noes - None**

MOTION CARRIED UNANIMOUSLY.

OTHER REPORTS

21. **Executive Director's Report**

Patrick Pittenger reported on:

- Regional Waste Management Authority - moving forward with UC Merced and Capital Projects
- Transit Joint Powers Authority - working hard with contractor and moving forward with Maintenance and Operations Facility, overall improved management as increased ridership will show
- YARTS Short Range Transit Plan
- RTP/SCS approved by Air Resources Board
- ICAP - issues have been resolved, carryover funds available
- Measure V
- Pavement Management Systems
- Contract for Procurement Tracking
- Compensation and Classification Study
- Progress with Regional Project Committees

22. **Directors' Report**

Director Oliveira wished everyone a happy 4th of July and invited everyone to attend Gustine's 104th year celebration.

Director Villalta encouraged everyone to have a safe 4th of July celebration and noted that a \$1,250 fine will be enforced for illegal fireworks. Director Villalta also stated that Los Banos has approved \$12,000 delegated to Homelessness issues for the Los Banos area.

Director McGlynn urged everyone to have a safe 4th of July celebration.

Director Price stated that the Atwater seat on the Citizens Oversight Committee has been filled and invited everyone to the 4th of July Parade at 9:00 a.m. and then to Castle for a great firework celebration that will have a concert and entrance fee is only \$10 for a carload. Director Price thanked staff and Ty Phimmason for the information on the Applegate exit.

Director McDaniel urged everyone to have a safe and sane 4th of July celebration.

Director Murphy stated that Merced had a cannabis measure pass recently with 77%.

Director Lor invited everyone to the Transit Training Session on June 30th from 10-2:00 p.m. and thanked Transit and their staff for putting on the training workshop.

Director Pareira stated that he missed part of the meeting and wanted to let Transit know that he was attending the Winton MAC meeting and noticed three buses sitting between 7:10 and 8:20 p.m. He stated that 4th of July is coming up and there are a lot of complaints in his district of illegal fireworks. He stated that the Sherriff Department will be on standby throughout the night.

Director McCabe invited everyone to attend the 4th of July celebrations happening this Friday, Saturday and Sunday in Livingston and stated his regret of not pushing for Measure V when he had the opportunity and apologized, but is very excited to see the projects coming out of Livingston and is thankful that the measure passed.

23. Election of Chair and Vice Chair for Fiscal Year 2018/2019

Director O'Banion moved to nominate and approve Director Alex McCabe as Chair and Director Daron McDaniel as Vice Chair for Fiscal Year 2018/2019.

Seconded by Director Murphy.

**Ayes - Directors Lor, McCabe, McDaniel, McGlynn, Murphy, O'Banion, Oliveira, Pareira, Price, Villalta
Noes - None**

MOTION CARRIED UNANIMOUSLY.

24. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Cal. Gov. Code Section 54956.9(d)(1))

Name of Case: Terri Lyman v. Merced County Association of Governments (Case No. 16CV-01369)

Closed Session reporting is that the approved settlement agreement will be made public upon request.

25. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Cal. Gov. Code Section 54956.9(d)(2): 2 cases

Closed Session reporting is that direction was given to staff.

26. CLOSED SESSION - PUBLIC EMPLOYEE APPOINTMENT

(Cal. Gov. Code Section 54957(b)(1))

Closed Session reporting is that direction was given to staff.

There being no further business of the MCAG Governing Board, the meeting was adjourned at 5:14 p.m.

_____/s/
Joy Young
Administrative Assistant II