

RIVERSIDE COUNTY TRANSPORTATION COMMISSION

MINUTES

Wednesday, July 14, 2010

1. CALL TO ORDER

The Riverside County Transportation Commission was called to order by Chair Bob Buster at 9:32 a.m. in the Board Room at the County of Riverside Administrative Center, 4080 Lemon Street, Riverside, California, 92501.

2. PLEDGE OF ALLEGIANCE

At this time, Chair Bob Buster led the Commission in a flag salute.

3. ROLL CALL

Commissioners/Alternates Present

Steve Adams	Terry Henderson
Marion Ashley	Bob Magee
John J. Benoit	Robin Lowe
Roger Berg	Glenn Miller
Russell Betts	Malcolm Miller
Bob Botts	Patrick J. Mullany
Daryl Busch	Greg Pettis
Bob Buster	Steve Pougnet
Mary Craton	Ray Quinto
Joseph DeConinck	Ron Roberts
Steve Di Memmo	Karen Spiegel
Wallace Edgerton	John F. Tavaglione
Scott Farnam	Jeff Stone
Bonnie Flickinger	Ray Wolfe
Rick Gibbs	

Commissioners Absent

Eduardo Garcia
Richard Kelly
Ron Meepos

4. PUBLIC COMMENTS

Chair Buster recognized and welcomed Assemblyman Kevin Jeffries.

Bernie McNally, David Evans and Associates (DEA), presented Lisa DaSilva, Capital Projects Manager, with a 2010 American Council of Engineering Companies (ACEC) California Merit Award in the Surveying, Mapping, and Innovative Technologies category for the Interstate 215 project. DEA utilized mobile laser scanning technology as part of its design survey services for the project.

R.A. Barney Barnett, a Highgrove Municipal Advisory Council representative, expressed strong concern for the proposed Metrolink station at Palmyrita Avenue and expressed support for a proposed Highgrove Metrolink station and listed its supporters. He referred to a map that depicts the site for the proposed Highgrove Metrolink station, which was handed out to the Commissioners, including his business card.

5. APPROVAL OF MINUTES – JUNE 9, 2010

M/S/C (Stone/Spiegel) to approve the minutes of June 9, 2010, meeting as submitted.

Abstain: Betts and Pougnet

6. PUBLIC HEARING – RIVERSIDE COUNTY TRANSIT SERVICES FUNDING ALLOCATION FOR FISCAL YEAR 2010/11

Robert Yates, Multimodal Services Director, presented the transit funding allocations for FY 2010/11, highlighting the following areas:

- The economics of public transit in Southern California and Riverside County;
- Riverside County Short Range Transit Plans (SRTP) and funding allocation process;
- Operator actions taken during SRTP development;
- Final steps in SRTP and funding allocation process; and
- Ongoing financial management.

Chair Buster stated the presentation was a clear explanation of the difficult situation transit is currently in and expressed appreciation for the responsiveness of the transit operators and their judicious retrenchment.

In response to Commissioner John Benoit's request for clarification about the reserves for Palo Verde Valley Transit Agency (PVVTA), Robert Yates replied the Local Transportation Fund (LTF) carryover from the previous fiscal year is \$95,000.

Commissioner Karen Spiegel discussed the positive working relationship between Riverside Transit Agency (RTA) and the Commission and expressed appreciation to both agencies.

Commissioner Robin Lowe discussed the relationship between RTA and the Commission and commended RTA staff.

In response to Commissioner Steve Pougnet's request for clarification for the final Measure A revenue projections, Robert Yates replied staff will prepare a revised revenue projection in January 2011. He stated the Commission is projecting the Measure A revenue funds will continue to be flat and this was the guidance delivered to all transit operators at the SRTP kick off in February.

Anne Mayer, Executive Director, stated staff remains conservative and cautious in evaluating revenue projections and advises the transit operators accordingly.

At Commissioner Terry Henderson's request, Robert Yates discussed how he located the poll information included in his presentation.

In response to Commissioner Ray Quinto's question about the unallocated funds to Pass Transit, including the city of Calimesa, Anne Mayer explained the cities of Banning and Beaumont have separate allocations because those cities operate their own transit district. The city of Calimesa's transit funding is allocated to RTA. Anne Mayer stated for those cities in the jurisdiction of SunLine Transit Agency or RTA, there is no city by city funding allocation, it is allocated to the transit agency in its entirety.

At this time, Chair Buster opened the public hearing and requested comments from the public. No comments were received from the public.

At this time, Chair Buster closed the public hearing.

M/S/C (Spiegel/Craton):

- 1) **Approve the FY 2010/11 Federal Transit Administration's (FTA) Section 5307 and 5311 POP for Riverside County;**
- 2) **Approve the FY 2010/11 Local Transportation Fund (LTF) and State Transit Assistance (STA) fund allocations for transit;**
- 3) **Direct staff to add projects into the Regional Transportation Improvement Plan (RTIP); and**
- 4) **Adopt Resolution No. 10-025, "*Resolution of the Riverside County Transportation Commission to Allocate State Transit Assistance Funds*".**

7. ADDITIONS/REVISIONS

Anne Mayer requested the Commission add a Closed Session Item, *"Conference with Legal Counsel – Initiation of Litigation"*, to the agenda as a late breaking item. This item arose after the agenda was posted and mailed, and there is a need for this item be addressed by the Commission at this time.

M/S/C (Henderson/Busch) to add Closed Session Item 14B, *"Conference with Legal Counsel – Initiation of Litigation"* to the agenda.

8. CONSENT CALENDAR

M/S/C (Ashley/Benoit) to approve the following Consent Calendar items:

Abstain: Berg on Agenda Item 8J

8A. CLOSE-OUT AUDIT

Receive and file the *Compliance with Requirements Applicable to the State Transportation Improvement Program (STIP) Planning, Programming and Monitoring (PPM) Program, Project No. PPM 07-6054(044)* report.

8B. FISCAL YEAR 2008/09 TRANSPORTATION DEVELOPMENT ACT AND MEASURE A AUDIT RESULTS

Receive and file the Transportation Development Act (TDA) and Measure A audit results report for the FY 2008/09.

8C. STATE ROUTE 91 TRAFFIC AND REVENUE STUDY SERVICES

- 1) Award Agreement No. 10-31-099-00 to Stantec Consulting Services, Inc. (Stantec) to provide an investment-grade traffic and revenue study for the SR-91 Corridor Improvement Project (SR-91 CIP) for a base amount of \$896,252, plus a contingency amount of \$89,625, for a total not to exceed amount of \$985,877;
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreement on behalf of the Commission; and
- 3) Authorize the Executive Director to approve contingency work as may be required for the study.

8D. AMENDMENT TO AGREEMENT FOR ON-CALL STRATEGIC PARTNERSHIP ADVISOR SERVICES WITH KPMG CORPORATE FINANCE, LLC

- 1) Approve Agreement No. 06-66-026-08, Amendment No. 7 to Agreement 06-66-026-00, for toll feasibility and strategic partnership advisor services with KPMG Corporate Finance, LLC (KPMG) for the Interstate 15 Corridor Improvement Project (I-15 CIP) for the amount of \$250,000; and
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreement on behalf of the Commission.

8E. 2010 STATE ROUTE 91 IMPLEMENTATION PLAN UPDATE

Receive and file the *2010 State Route 91 Implementation Plan*.

8F. AGREEMENT WITH SOUTHSTAR ENGINEERING & CONSULTING, INC. FOR CONSTRUCTION MANAGEMENT SERVICES AND COOPERATIVE AGREEMENT WITH CALTRANS FOR CONSTRUCTION OF THE INTERSTATE 215 WIDENING PROJECT FROM MURRIETA HOT SPRINGS ROAD TO SCOTT ROAD, NORTH OF THE CITY OF MURRIETA

- 1) Award Agreement No. 10-31-079-00 to Southstar Engineering & Consulting, Inc. (Southstar) to perform construction management (CM) services, materials testing, and construction surveying for the I-215 widening, Murrieta Hot Springs Road to Scott Road project, in the city of Murrieta, for the base amount of \$4,097,564, plus a contingency amount of \$402,436, for a total not to exceed amount of \$4.5 million;
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreement on behalf of the Commission;
- 3) Authorize the Executive Director to approve contingency work as may be required for the project;
- 4) Approve the Cooperative Agreement No. 10-31-110-00 with Caltrans for construction of the project; and
- 5) Authorize the Executive Director, pursuant to legal counsel review, to execute the cooperative agreement and future non-funding related amendments to this agreement.

8G. AGREEMENT WITH THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL FOR CONSTRUCTION ZONE ENHANCED ENFORCEMENT PROGRAM SERVICES FOR THE STATE ROUTE 74/INTERSTATE 215 INTERCHANGE PROJECT IN THE CITY OF PERRIS AND THE INTERSTATE 215 WIDENING PROJECT FROM MURRIETA HOT SPRINGS ROAD TO SCOTT ROAD, NORTH OF THE CITY OF MURRIETA

- 1) Approve Agreement No. 10-31-113-00 with the Department of California Highway Patrol (CHP) for Construction Zone Enhanced Enforcement Program (COZEEP) traffic control services during construction of the 74/215 interchange project in the city of Perris and the Interstate 215 widening project from Murrieta Hot Springs Road to Scott Road, north of the city of Murrieta, for the amount of \$285,978 plus a contingency amount of \$28,622 to cover potential change orders encountered during construction, for a total not to exceed amount of \$314,600; and
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreements on behalf of the Commission.

8H. FISCAL YEARS 2011-15 MEASURE A FIVE-YEAR CAPITAL IMPROVEMENT PLANS FOR LOCAL STREETS AND ROADS

Approve the FYs 2011-15 Measure A Five-Year Capital Improvement Plans (CIP) for Local Streets and Roads as submitted.

8I. MEASURE A LOCAL STREETS AND ROADS – MAINTENANCE OF EFFORT BASE YEAR EXTENSION FOR FISCAL YEAR 2010/11 AND THE 2009 MAINTENANCE OF EFFORT GUIDELINES

- 1) Approve using the 1989 Measure A Maintenance of Effort (MOE) base year amount for the FY 2010/11 Measure A Local Streets and Roads MOE certification;
- 2) For cities incorporated in or after 1989, excluding the cities of Menifee and Wildomar, approve using the Proposition 42 MOE amount for the FY 2010/11 Measure A Local Streets and Roads MOE certification; and
- 3) Approve the 2009 Measure A Local Streets and Roads MOE Guidelines.

8J. AGREEMENT WITH HDR ENGINEERING INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE PERRIS VALLEY LINE PROJECT

- 1) Award Agreement No. 10-31-058-00 to HDR Engineering Inc. (HDR), to provide construction management (CM) services for the Perris Valley Line (PVL) project for a base amount of \$15,950,146, plus a contingency amount of \$1.6 million, for a total not to exceed amount of \$17,550,146;
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreement on behalf of the Commission;
- 3) Authorize the Executive Director to approve contingency work as may be required for the project; and
- 4) Authorize the Executive Director, pursuant to legal counsel review, to execute related utility and other local agency agreements necessary for the design and construction of the project.

8K. COMMERCIAL ADVERTISING POLICY AND CONTENT GUIDELINES, INCIDENTAL USE POLICY, AND NON-COMMERCIAL FREE SPEECH POLICY

- 1) Adopt a Commercial Advertising Policy and Content Guidelines, and Incidental Use Policy; and
- 2) Adopt Resolution No. 10-011, *"A Resolution of the Riverside County Transportation Commission Adopting a Commercial Advertising Policy and Content Guidelines, an Incidental Use Policy Covering Concession Stands, Merchandising, and Contractor Services for Commission-Owned Facilities and Property and a Revised Non-Commercial Free Speech Permit Policy"*.

8L. FISCAL YEAR 2010/11 AGREEMENTS FOR REGIONAL RIDESHARE SERVICES

- 1) Award Agreement No. 10-41-029-01, Amendment No. 1 to Agreement No. 10-41-029-00, with the San Bernardino Associated Governments (SANBAG) as part of the Commission's continuing bi-county partnership with SANBAG to deliver commuter/employer rideshare services, regional ridematching services, and operation of an Inland Empire 511 system for FY 2010/11;

- 2) Award Agreement No. 07-41-115-02, Amendment No. 2 to Agreement No. 07-41-115-00, with Orange County Transportation Authority (OCTA) and Agreement No. 06-41-082-05, Amendment No. 5 to Agreement No. 06-41-082-00, with the Ventura County Transportation Commission (VCTC) for regional ridematching services; and
- 3) Authorize the Chair, pursuant to legal counsel review, to execute the agreements on behalf of the Commission.

8M. AGREEMENT WITH THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL FOR OPERATION OF THE CALL BOX SYSTEM

- 1) Approve Agreement No. 10-45-109-00 with the California Highway Patrol (CHP) for the operation of the call box system for a three-year term, and one one-year option to extend the agreement in the amount of \$15,900; and
- 2) Authorize the Chair, pursuant to legal counsel review, to execute the agreement on behalf of the Commission.

8N. TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY II TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT PROGRAM

- 1) Authorize staff to apply for Transportation Investment Generating Economic Recovery II (TIGER II) Transportation Infrastructure Finance and Innovation Act (TIFIA) program for the State Route 91 Corridor Improvement Project (SR-91 CIP); and
- 2) Authorize staff to support regionally significant projects nominated for TIGER II by members of the Southern California Consensus Group (SCCG), as appropriate.

8O. STATE AND FEDERAL LEGISLATIVE UPDATE

- 1) Receive and file an update on state and federal Legislation;
- 2) Approve the following bill positions:
 - a) AB 1955 (De La Torre) – OPPOSE;
 - b) H.R. 891 (McGovern) – SUPPORT; and
 - c) S. 322 (Schumer) – SUPPORT.

9. MEASURE A BOND DEBT LIMIT INCREASE

John Standiford, Deputy Executive Director, presented the proposed increase of the Commission's Measure A bond debt limit, highlighting the following areas:

- Measure A legal details;
- Comparing the limits;
- Current situation;
- Proposal and costs; and
- Next steps.

Commissioner Rick Gibbs suggested rephrasing the language for the proposed ballot language to clarify the Commission is raising the bond limit approved in 2002.

John Standiford thanked Commissioner Gibb's for his suggestion. He then added that the information that suggests the proposed projects receiving these funds will be detailed in the ballot argument.

Anne Mayer added there is a 75 word limit for the ballot question. Therefore, staff is crafting the language to communicate as clearly as possible to the voters within that limit. She asked the Commissioners to share any suggestions.

In response to Commissioner Henderson's question regarding the 2002 Measure A revenue projections compared to current revenue projections, John Standiford replied the revenue projections have ranged from \$4.1 billion to \$4.6 billion. The current Measure A revenue projection is \$4.1 billion, which was the revenue projected in 2002.

Anne Mayer explained there were discussions at the committee level regarding ways the limit could be indexed to the Commission's actual revenues. However, staff believes the most effective way to communicate with the voters and seek their approval is to establish a finite limit that is flexible, sufficient, and conservative.

In response to Chair Buster's question regarding a floating percentage of expected Measure A revenues, Steve DeBaun, legal counsel, replied the law specifies an amount can be designated that is no more than the estimated gross receipts. However, due to the confines of the 75 word limit, there is no way for the Commission to effectively communicate the estimated gross receipts to the voters.

Commissioner Bonnie Flickinger asked if the percentage was considered to be added in the ballot language so the voters are aware that the \$975 million bond limit is less than 25% of the estimated Measure A revenues.

John Standiford replied the percentage will be addressed in the ballot argument due to the word limitation of the ballot question.

Commissioner Bob Botts referenced a previous presentation by Theresia Trevino related to bond debt limits, noting that Wall Street looks favorably on establishing those limits, and suggested the benefits of a limit be conveyed to the voters in the ballot argument.

Commissioner Marion Ashley expressed strong support for the item as it is vital to the success of Riverside County and moved approval of the staff recommendation.

Commissioner Jeff Stone concurred with the Commissioners' comments and seconded Commissioner Ashley's motion. He expressed it is imperative to include in the ballot argument that this measure will not increase taxes and will allow the Commission to capitalize on an existing tax to improve transportation for an infrastructure deficient region.

Anne Mayer discussed the state funding challenges that impact some of the Commission's key projects in an amount over \$100 million and will need a floating loan to keep these projects on schedule.

Chair Buster stated it must be explained to the voters that there is an untapped potential that will not increase taxes, it is important for employment stimulus through construction projects, and will improve transportation throughout Riverside County.

M/S/C (Ashley/Stone) to:

- 1) **Adopt Ordinance No. 10-002, "An Ordinance of the Riverside County Transportation Commission Requesting the County of Riverside to Conduct a Special Election on November 2, 2010, for the Purpose of Submitting to the Electors of Riverside County a Measure Which Would Modify the Commission's Authorization Limit to Issue Limited Tax Bonds and, if Approved, Would Authorize Such Increase" to request a measure on the November 2010 ballot to increase the existing Measure A bond limit; and**

- 2) **Communicate the approval of the ordinance to the Riverside County Board of Supervisors to seek Board action prior to August 6, 2010, to place the item on the November 2, 2010 ballot.**

10. DESIGNATION OF A LOCALLY PREFERRED ALTERNATIVE FOR THE STATE ROUTE 91 CORRIDOR IMPROVEMENT PROJECT

Khalid Bazmi, Toll Project Manager, provided an overview for the designated locally preferred alternative 2 for the SR-91 Corridor Improvement Project (CIP), highlighting the following:

- Project background, overview, and schedule;
- Definition of a locally preferred alternative (LPA);
- Benefits and risk of designating an LPA; and
- Staff recommended LPA.

M/S/C (Pettis/Adams) to designate Alternative 2, the General Purpose (GP) + Express Lanes alternative, as the Commission's locally preferred alternative for the State Route 91 Corridor Improvement Project.

11. AUTHORIZATION FOR ISSUANCE OF TOLL REVENUE BONDS TO FINANCE STATE ROUTE 91 CORRIDOR IMPROVEMENT PROJECT COSTS RELATED TO DESIGN-BUILD PHASE

John Standiford discussed the issuance of toll revenue bonds to finance SR-91 CIP, highlighting the project status and design-build benefits, planning, and financing.

In response to Commissioner Berg's question regarding bond repayment and toll fees, Anne Mayer replied the term ends in 2065, and per legislation, the Commission's franchise will terminate at that time and revert to Caltrans. She stated even after the debt is paid off, congestion pricing has become a way of managing the demand on the corridor and being able to provide alternative solutions.

Commissioner Russell Betts expressed opposition to congestion pricing and suggested investing in other methods of transportation such as rail.

Anne Mayer stated as part of the legislation, any excess toll revenues received that are not used to pay off the debt maybe used for the entire corridor, which includes Metrolink and other transit services. She explained the Commission's intention with the express lanes is to continue to work with the Orange County Transportation Authority and RTA to implement a much broader commuter bus system.

M/S/C (Lowe/Henderson) to:

- 1) Adopt Resolution No. 10-026, "*Resolution Authorizing the Issuance and Sale of Not to Exceed \$900,000,000 Aggregate Principal Amount of Riverside County Transportation Commission Toll Revenue Bonds in Two or More Series, the Execution and Delivery of an Indenture, a First Supplemental Indenture, a Second Supplemental Indenture, a Design-Build Agreement and a Cooperative Agreement, and the Taking of All Other Actions Necessary in Connection Therewith*";**
- 2) Approve the form of Indenture between the Commission and U.S. Bank National Association, as Trustee, and authorize the Executive Director to approve and execute the final Indenture;**
- 3) Approve the form of First Supplemental Indenture between the Commission and U.S. Bank National Association, as Trustee, and authorize the Executive Director to approve and execute the final First Supplemental Indenture;**
- 4) Approve the form of Second Supplemental Indenture between the Commission and U.S. Bank National Association, as Trustee, and authorize the Executive Director to approve and execute the final Second Supplemental Indenture;**
- 5) Approve the form of Design-Build Construction Cooperative Agreement (Design-Build Agreement) between the Commission and Caltrans and authorize the Executive Director to approve and execute the final Design-Build Agreement; and**
- 6) Approve the form of Cooperative Agreement between the Commission and the Orange County Transportation Authority and authorize the Executive Director to approve and execute the final Cooperative Agreement.**

12. ITEM(S) PULLED FROM CONSENT CALENDAR AGENDA

There were no agenda items pulled from the Consent Calendar.

13. COMMISSIONERS/EXECUTIVE DIRECTOR'S REPORT

13A. Anne Mayer announced:

- The issuance of a request for expressions of interest for the SR-91 CIP to declare interest in proposing on the design-build contract. Fourteen expressions of interest from industry were received by the July 12 deadline;
- Expressed appreciation to Assemblyman Jeffries for supporting the Commission's projects; and
- The Commission will be dark in August 2010.

13B. Commissioner Spiegel announced:

- The ribbon cutting ceremony for the Corona Transit Center will be held on September 7 at 10:00 a.m.; and
- The ribbon cutting ceremony for the world's largest, single, renewable, energy producing bus shelter will be held on July 27.

13C. Commissioner Greg Pettis referred to the written report included in the agenda regarding the 2010 APTA Rail Conference and briefed the Commission on the Vancouver transit system.

At this time, Commissioners Benoit, Di Memmo, Lowe, G. Miller, Pougnet, Quinto, and Roberts left the meeting.

14. CLOSED SESSION

14A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Item	APN(s)	Property Owner(s)
1	455-110-002 455-110-003	Sam Jr. and Mary K. Boersma

14B. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(c)

Potential Number of Case(s): One

The Commission authorized legal counsel to commence litigation related to Agenda Item 14B.

15. ADJOURNMENT

There being no further business for consideration by the Riverside County Transportation Commission, the meeting was adjourned at 11:55 a.m. The next Commission meeting is scheduled to be held at 9:30 a.m., Wednesday, September 8, 2010, in the Board Room, at the County of Riverside Administrative Center, 4080 Lemon Street, Riverside, California.

Respectfully submitted,

A handwritten signature in black ink that reads "Jennifer Harmon". The signature is written in a cursive style with a large, looped initial "J".

Jennifer Harmon
Clerk of the Board