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www.ruraltransit.org

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

DATE: Thursday, December 15, 2022
TIME: 5:30pm, **BEFORE** 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/join/register/WN_9rSL757KQouE9XU4moKrFA

JOIN BY PHONE: (669) 900-6833

MEETING ID: 816 9048 7964

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 staff will prompt you to unmute. When on the phone, if you wish to address the 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.

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 October 27, 2022 [ATTACHMENT]

B. Amendment I to the Design Build Agreement with Zumwalt Construction [APPROVE]

Summary: On February 24, 2022 the Board approved the award of the Selma Maintenance Facility Construction Project to Zumwalt Construction Inc. following the Request for Qualification (RFQ) and Request for Proposal (RFP) process. FCRTA has completed work with the Zumwalt design-build team on the preconstruction phase including site evaluation and site designs. The construction phase will begin in December, commencement of work will begin in January, with an estimated completion date of October 2023. Zumwalt has received final estimates for Phase 1 and due to inflation and an increase in costs, the project total for Phase 1 is now \$14,853,340. The project is being funded by an FTA 5339 grant (\$5,145,281) and the remaining balance will be with State of Good Repair and local Measure C funding (\$9,708,059). The Amendment I is available at the FCRTA website www.ruraltransit.org The letter to proceed is attached for your review (ATTACHMENT).

Action: Staff recommends Board approval of the Letter to Proceed with Construction and authorize General Manager to execute Amendment I to the Design Build Agreement with Zumwalt Construction in the amount not to exceed \$14,853,340.

C. 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.

Note that because of Fresno COG's holiday schedule, the Board will need to hold a short meeting at 5:30 p.m. on **Jan. 12, 2023** to issue AB 361 findings for the regular January 2023 meeting. Also, on Oct. 17, Gov. Newsom announced that he would be ending the COVID state of emergency on Feb. 28, 2023, which will necessitate at least a quorum of Board members present to conduct business beginning with the March 23, 2023 meeting.

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 Jan. 12, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG committee and Board meetings through Jan. 12.

3. OTHER BUSINESS

A. Items from staff.

B. Items from members.

4. ADJOURNMENT

FRESNO COUNTY RURAL TRANSIT AGENCY (FCRTA)

ITEM 2A

Executive Minutes

Thursday, October 27, 2022 at 5:30 P.M FCRTA Meeting
COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Members Attending:

Mayor Ron Ramsey, City of Coalinga
Mayor Julia Hernandez, City of San Joaquin
Mayor Gary Yep, City of Kerman
Councilmember, Michelle Roman, City of Kingsburg
Councilmember Daniel Parra, City of Fowler
Mayor Alma Beltran, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Scott Robertson, City of Selma
Mayor Rey Leon, City of Huron
Mayor Rolando Castro, City of Mendota
Mayor Victor Lopez, City of Orange Cove
Mayor Eli Ontiveros, City of Sanger
Mayor Brady Jenkins, City of Firebaugh

Moses Stites, General Manager
Janelle Del Campo, Operations Manager
Bryan Rome, County Counsel
Denise Flores, FCOG

Absent:

Supervisor Sal Quintero, Fresno County

1. **ROLL CALL** — Meeting called to order 6:47 p.m.

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. **Minutes of September 29, 2022 Meeting [ATTACHMENT]**
- B. **Construction Management Services Agreement [APPROVE]**
- C. **AB 361-Board Meeting Format [ACTION]**

A motion was made by Mayor Lopez (Orange Cove) and second by Mayor Fast (Reedley). A vote was called, and motion carried.

3. **ACTION ITEMS**

- A. **Return of Untimely Claim [APPROVE]**

Moses informed the Board that FCRTA received a claim from Allstate Insurance on behalf of Maria D Rosario - Resendiz. The claim relates to an incident that allegedly occurred on 12/30/21 in Parlier and FCRTA is returning

the claim because it was not presented within the time allowed by law.

A motion was made by Mayor Ramsey (Coalinga) and second by Mayor Lopez (Orange Cove). A vote was called, and motion carried.

4. OTHER ITEMS

A. Items from Staff

Moses informed the Board that FCRTA deployed a new microtransit program in the community of Biola on October 3rd. The program will be operated by FCRTA's subcontractor MV Transportation utilizing Chevy Bolt electric vehicles and hiring local drivers from the community. If the program is successful, it may be expanded to the incorporated cities. Moses updated the Board on the current microgrid study and FCRTA is looking for properties to install microgrid locations with solar carports and EV chargers.

B. Items from Members

None Reported.

4. ADJOURNMENT @ 6:59P.M.

Respectfully submitted,


Moses Stites
General Manager



Fresno County Rural Transit Agency

2035 Tulare Street, Suite 201, Fresno, CA 93721
tel 559-233-6789 Fax 559-233-9645
www.ruraltransit.org

Notice to Proceed (Construction)

December 16, 2022

Project Name: Maintenance Facility

Project Address: 1821 Pacific Ave., Selma, California

Owner: Fresno County Rural Transit Authority
2035 Tulare Street, Suite 201
Fresno, CA 93721

Design-Builder: Zumwalt Construction, Inc.
5520 E. Lamona Ave.
Fresno, CA 93727

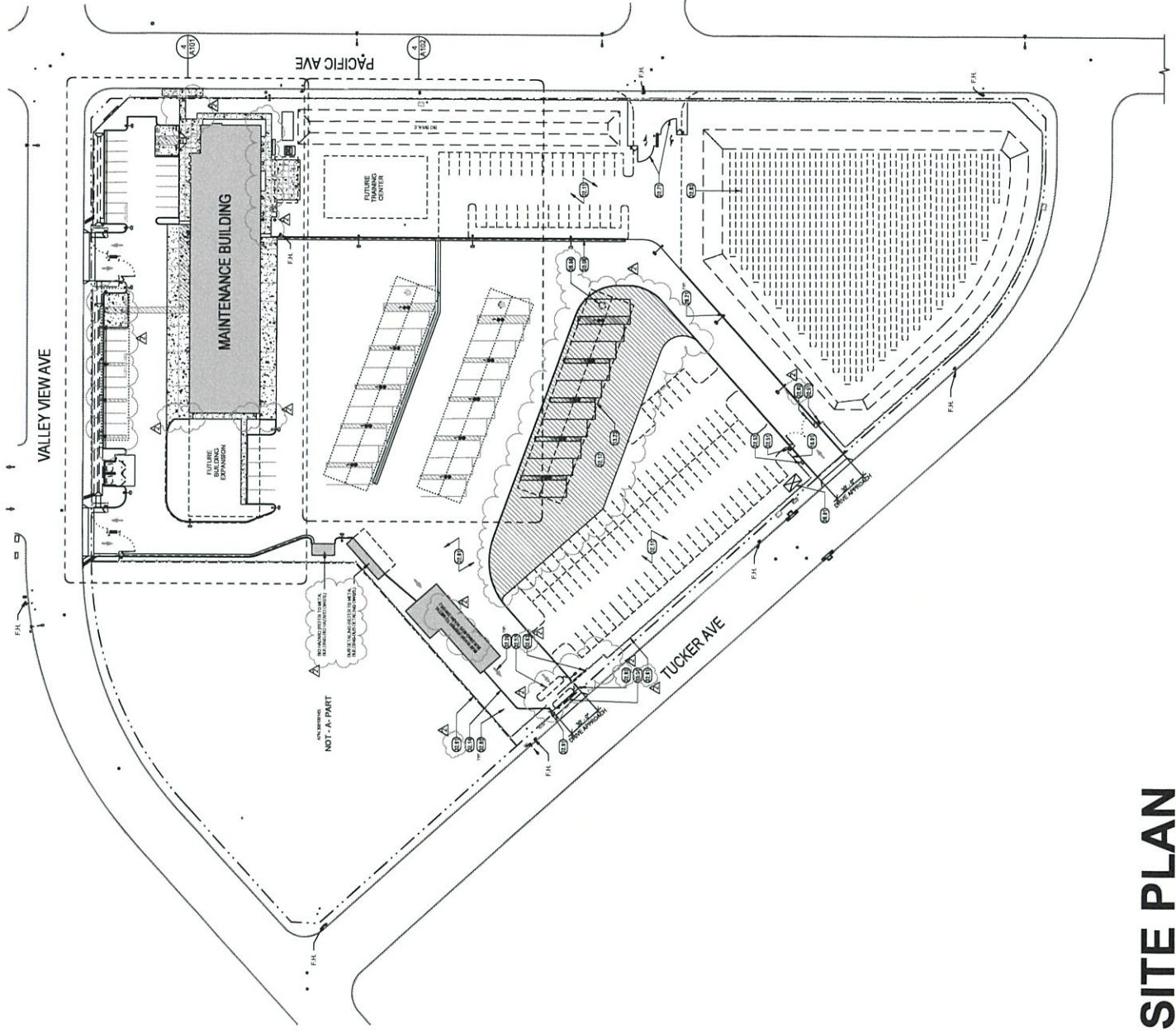
Dear Zumwalt Construction, Inc.,

Pursuant to the Agreement between Owner and Design-Builder dated March 25, 2022 and Amendment I dated December 15, 2022, you are hereby notified to commence with construction work on the above referenced project on Friday, December 16, 2022. Per ARTICLE A.1. of the Amendment I, the guaranteed maximum price is not to exceed \$14,853,340. Per ARTICLE A.2. of the Amendment I, work is to be completed three hundred five (305) calendar days from the date of commencement of the work.

Sincerely,

Moses Stites
General Manager





OVERALL SITE PLAN