

**EXECUTIVE COMMITTEE
MINUTES OF MEETING
APRIL 29, 2013**

The audio file for this committee meeting can be found at:
<http://www.cvaa.org/minutes.htm>.



1. CALL TO ORDER

The April 29, 2013 Executive Committee meeting was called to order at 4:30 p.m. by Chairman Joseph DeConinck, City of Blythe, at CVAG Conference Room in Palm Desert.

2. ROLL CALL

A roll call was taken and it was determined that a quorum was present. Those in attendance were as follows:

MEMBERS PRESENT

Councilmember Joseph DeConinck
Mayor Kathleen De Rosa
Mayor Eduardo Garcia
Mayor Yvonne Parks
Mayor Mary Roche
Mayor Elaine Holmes
Mayor Pro Tem Kristy Franklin
Mayor Jan Harnik
Mayor Stephen Pougnet
Councilmember Scott Hines
Supervisor Jeff Stone
Supervisor John J. Benoit

AGENCY

City of Blythe
City of Cathedral City
City of Coachella
City of Desert Hot Springs
City of Indian Wells
City of Indio
City of La Quinta
City of Palm Desert
City of Palm Springs
City of Rancho Mirage
County of Riverside 3rd District
County of Riverside 4th District

MEMBERS NOT PRESENT

Supervisor Marion Ashley
Tribal Chair Jeff Grubbe
Tribal Chairman David Roosevelt

AGENCY

County of Riverside 5th District
Agua Caliente Band of Cahuilla Indians
Cabazon Band of Mission Indians

NON-VOTING MEMBERS PRESENT

Councilmember Greg Pettis
Councilmember Lupe Ramos Watson
Councilmember Terry Henderson
David Lane
Andy Hall
David Garcia
Rick Daniels
Warren Morelion
Dan Martinez
John Wohlmuth
David Ready
Randy Bynder
Alex Gann

AGENCY

City of Cathedral City
City of Indio
City of La Quinta
City of Blythe
City of Cathedral City
City of Coachella
City of Desert Hot Springs
City of Indian Wells
City of Indio
City of Palm Desert
City of Palm Springs
City of Rancho Mirage
County of Riverside

OTHERS PRESENT

Patrick Adamson
Wesley Ahlgren
Greg Cervantes
Michael Collins
Paul Mc Creesh
Nena Mc Cullough
Crystal Crawford
Benjamin Druyon
Kim Floyd
Alexandra Galardi
Gretchen Gutierrez
K Kaufmann
Mike Lemyre
Barrett Newkirk
Mikel Oglesby
Deborah Mc Garry
Robert Manning
Ron Philips
Brian Rix
Kay Toliver
Robert Yates
Josh Zipperman

AGENCY

MI Windows
CVEP
56th Assembly District
Desert Contractors Association
Green Guys Construction
Southern CA Edison
Ygrene Energy Fund
Consultant
Sierra Club
Sun City Palm Desert
DVBA
The Desert Sun
Ygrene Energy Fund
The Desert Sun
SunLine Transit Agency
Southern CA Gas
Southwest Rail
Desert Contractors Association
Burke Rix Communication
CHJ Consultants
RCTC
Burke Rix Communication

STAFF PRESENT

Tom Kirk
Allyn Waggle
Gary Leong
Aurora Wilson
Katie Barrows
Jim Sullivan
Michael Shoberg
Aaron Espinosa
Joanna Stueckle
Toni Eggebraaten

CVAG Legal Counsel

3. PLEDGE OF ALLEGIANCE

Supervisor Benoit led the Executive Committee in the Pledge of Allegiance.

4. PUBLIC COMMENTS

None.

5. EXECUTIVE COMMITTEE/DIRECTOR COMMENTS

Tom Kirk reintroduced Toni Eggebraaten, CVAG Legal Counsel, to the members. Mr. Kirk announced that CVAG recently received an award from the Inland Empire APA for planning of the CV Link project. CVAG also received a SCAG Compass award for planning the CV Link project and the Green for Life project.

6. CONSENT CALENDAR

IT WAS MOVED BY MAYOR DE ROSA AND SECONDED BY SUPERVISOR BENOIT TO:

- A. APPROVE THE FEBRUARY 25, 2013 EXECUTIVE COMMITTEE MINUTES**
- B. APPROVE HOLDING THE 2013 CVAG GENERAL ASSEMBLY MEETING AT THE CLASSIC CLUB, NORTH OF PALM DESERT, AND THAT THE PRICE BE SET AT \$50.00 PER PERSON**
- C. APPROVE LETTERS OF SUPPORT AS RECOMMENDED BY THE PUBLIC SAFETY COMMITTEE FOR THE FOLLOWING PUBLIC SAFETY RELATED LEGISLATION: SB 199 (DE LEON) PROBATION: COMMUNITY CORRECTIONS; AB 810 (MURATSUCHI) LAW ENFORCEMENT: DATA SHARING; AB 20 (WALDRON) OBSCENE MATTER – MINORS; AND AB 810 (MURATSUCHI) LAW ENFORCEMENT: DATA SHARING**
- D. APPROVE RESOLUTION NO. 13-001 IN SUPPORT OF ASSEMBLY BILL 225 (NESTANDE AND MEDINA)**
- E. SUPPORT ASSEMBLY BILL 1097 (NESTANDE)**
- F. SUPPORT ASSEMBLY BILL 71 (PEREZ)**
- G. SUPPORT ASSEMBLY BILL 1257 (BOCANEGRA) AND AUTHORIZE THE CHAIR TO SIGN SUPPORT LETTER**
- G1. AUTHORIZE THE PUBLIC SAFETY COMMITTEE, AT ITS MAY 13TH MEETING, TO IDENTIFY MAJOR LOCAL PRIORITIES RELATED TO REALIGNMENT ISSUES SURROUNDING AB 109; WHICH MAY BE USED FOR POTENTIAL LEGISLATION BY ASSEMBLYMAN PEREZ AND/OR OTHER LOCAL OR STATE LEGISLATORS**
- G2. SUPPORT ASSEMBLY BILL 709 (NESTANDE) CONDITIONAL ON SUPPORT FROM THE SALTON SEA AUTHORITY.**

THE MOTION CARRIED WITH MAYOR PUGNET ABSTAINING FROM ITEM 6A.

H. Receive and File

- 1) Status of I-10 Interchange Projects
- 2) CVAG Regional Arterial Program – Project Status Report
- 3) CVAG Regional Arterial Program – Contract Status Report
- 4) Parkway 1e11 Update
- 5) Executive Committee and Technical Advisory Committee Attendance Roster
- 6) Comment Letter on California State Rail Plan

- 7) CVAG Approved Future Reimbursements
- 8) Consider Potential, Interim Use of CVAG Property as Energy Park
- 9) Green 4 Life Update
- 10) CVAG Investment Report

THESE ITEMS WERE RECEIVED AND FILE.

7. DISCUSSION / ACTION

A. Initiate Development, Administration and Financing of a Regional Property Assessed Clean Energy Program - Katie Barrows

Staff gave a report on the item. Mr. Kirk sought public comment so that if there were any questions, either Ms. Barrows or Mr. Kirk could address them.

Ron Phillips, Executive Director of the Desert Contractors Association, spoke in support of creation of a PACE District in the Coachella Valley and entering into the agreement with Ygrene.

Michael Collins, Desert Contractors Association, spoke in support of Ygrene and encouraging community consciousness.

Gretchen Gutierrez, CEO of Desert Valley Building Association, spoke in favor of Ygrene partnering with CVAG on the PACE program.

Wesley Ahlgren, CEO of Coachella Valley Economic Partnership, spoke in favor of the PACE program.

Patrick Adamson, M.I. Windows and Doors, spoke in support of the Ygrene program.

Paul MCreesh, Green Guys Construction, spoke in favor of the PACE program and Ygrene implementing the program, indicating that he has been in favor of green programs for years.

Nate Otto, Hot Purple Energy, spoke in favor of Ygrene and the PACE program.

Mike Lemyre, Ygrene Energy Fund, responded to questions raised by members.

IT WAS MOVED BY MAYOR GARCIA AND SECONDED BY COUNCILMEMBER HINES TO APPROVE THE DEVELOPMENT OF REGIONAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND:

- 1) **APPROVE CIRCULATION OF A PROPOSED DRAFT IMPLEMENTATION AGREEMENT, SUBJECT TO FURTHER REVISION BY GENERAL COUNSEL, TO ALL MEMBER JURISDICTIONS THAT, UPON ADOPTION, WOULD AUTHORIZE CVAG TO IMPLEMENT A REGIONAL PACE PROGRAM AND ESTABLISH A COMMUNITY FACILITIES DISTRICT;**

- 2) AUTHORIZE THE EXECUTIVE DIRECTOR TO NEGOTIATE AN AGREEMENT WITH YGRENE ENERGY FUND FOR DEVELOPMENT, ADMINISTRATION AND FINANCING OF A REGIONAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM, OBTAIN FINAL REVIEW BY CVAG GENERAL COUNSEL AND BRING BACK THE AGREEMENT FOR FINAL APPROVAL BY THE EXECUTIVE COMMITTEE;
- 3) APPROVE THE ATTACHED JOINT REPRESENTATION AGREEMENT BETWEEN CVAG AND YGRENE ENERGY FUND;
- 4) APPROVE THE ATTACHED COST RECOVERY AGREEMENT BETWEEN CVAG AND YGRENE ENERGY FUND; AND
- 5) AUTHORIZE STAFF TO PREPARE ALL DOCUMENTS REQUIRED TO FORM A CLEAN ENERGY FINANCE DISTRICT UNDER SB 555 AND NECESSARY TO LAUNCH A REGIONAL COACHELLA VALLEY PACE PROGRAM, AND BRING THESE DOCUMENTS BACK FOR FINAL APPROVAL BY THE EXECUTIVE COMMITTEE.
- 6) REQUEST STAFF PROVIDE MONTHLY OR BI-MONTHLY UPDATES TO THE ENERGY AND ENVIRONMENTAL REOURCES COMMITTEE AND EXECUTIVE COMMITTEE.

THE MOTION CARRIED WITH SUPERVISOR STONE VOTING NAY.

- B. Consider RCTC Proposition 1b Funds for Seed Funding a Coachella Valley Rail Fund and the set-aside of 10% of Coachella Valley Transit Development Act Funds for a Future Passenger Rail Program – Allyn Waggle

IT WAS MOVED BY MAYOR HARNIK AND SECONDED BY MAYOR POGNET TO:

- 1) DEVELOP AN MOU WITH RCTC TO ESTABLISH AN INITIAL COACHELLA VALLEY RAIL FUND TO BE ADMINISTERED BY RCTC PURSUANT TO POLICY DIRECTION FROM CVAG'S TRANSPORTATION COMMITTEE AND EXECUTIVE COMMITTEE;
- 2) WORK WITH RCTC TO ESTABLISH THE COACHELLA VALLEY RAIL FUND THAT WOULD UTILIZE \$4.2 MILLION IN PROPOSITION 1B FUNDS AS START UP/ SEED FUNDING;
- 3) ESTABLISH A 90% BUS TRANSIT/10% PASSENGER RAIL SERVICES SPLIT POLICY FOR COACHELLA VALLEY TDA FUNDS WHICH WOULD BE PROGRESSIVELY PHASED IN OVER A PERIOD OF 3-4 YEARS;
- 4) ESTABLISH THAT THE COACHELLA VALLEY RAIL FUND WOULD INITIALLY BE USED TO CONDUCT STATION DEVELOPMENT STUDIES, PROVIDE SOME STAFF (RCTC) SUPPORT, AND PROVIDE INITIAL CAPITAL FUNDING FOR APPROVED STATIONS;
- 5) BEGIN SEEKING MINOR AMENDMENTS TO THE COACHELLA VALLEY INTERMODAL TRANSPORTATION AUTHORITY TO ALLOW THE AUTHORITY

TO RECEIVE TDA FUNDS AND TO TIGHTEN, AS NECESSARY, THE LANGUAGE TO CLARIFY THAT THE AUTHORITY IS NOT ESTABLISHED TO OPERATE BUSES.

- 6) DIRECT STAFF TO WORK WITH RCTC STAFF TO PROVIDE THE EXECUTIVE COMMITTEE, WITHIN 6 MONTHS, A MULTI-YEAR PROJECTION OF THE FINANCIAL IMPACT TO SUNLINE TRANSIT OF THE RAIL/BUS POLICY SPLIT.

THE MOTION CARRIED.

- C. Consider Incentives/Disincentives Policy to Encourage Continuous Participation in Regional Programs – Allyn Waggle

IT WAS MOVED BY MAYOR GARCIA AND SECONDED BY MAYOR ROCHE TO APPROVE CVAG POLICY 13-03, OUTLINED AS FOLLOWS:

CVAG MEMBERS THAT FULLY PARTICIPATE IN THE TUMF AND MULTIPLE SPECIES PROGRAM PAY ONLY 25% OF THE COST OF REGIONAL TRANSPORTATION PROJECTS WHILE CVAG PAYS 75%. FOR THOSE JURISDICTIONS THAT DO NOT FULLY PARTICIPATE IN TUMF AND/OR THE MULTIPLE SPECIES PROGRAM, THEIR SHARE OF PROJECTS BECOMES 75% WHILE CVAG'S SHARE WILL BE 25%. ADDITIONALLY, FOR THOSE JURISDICTIONS THAT CAUSE ADDITIONAL ENVIRONMENTAL COMPLIANCE REQUIREMENTS AND COSTS DUE TO WITHDRAWING FROM THE MULTIPLE SPECIES PROGRAM, THEY SHALL BE RESPONSIBLE FOR 100% OF ENVIRONMENTAL COMPLIANCE COSTS.

NOTES:

- 1) THE PROPOSED POLICY DOES NOT APPLY TO THE CITY OF DESERT HOT SPRINGS AS CVAG/CVCC PROCESSES THEIR INCLUSION INTO THE MULTIPLE SPECIES PROGRAM NOR DOES IT APPLY TO THE CITY OF LA QUINTA AS THE CITY AND CVAG PROCESS THEIR INCLUSION INTO THE TUMF PROGRAM.
- 2) IT IS THE PROPOSED INTENT THAT ANY ADDITIONAL COSTS ASSOCIATED WITH THIS POLICY IMPOSED ON A JURISDICTION NOT BE RECOVERABLE IF THE JURISDICTION LATER DECIDES, AND CVAG AND/OR ALLIED AGENCIES AGREE, TO RE-ENTER THE TUMF AND/OR MULTIPLE SPECIES PROGRAMS.

THE MOTION CARRIED.

- D. Consider Amendment Number One to the Reimbursement Agreement by and between CVAG and the County of Riverside for the Avenue 56 (Airport Boulevard) Grade Separation Project – Allyn Waggle

IT WAS MOVED BY MAYOR GARCIA AND SECONDED BY MAYOR POUQUET TO APPROVE AMENDMENT NUMBER ONE TO THE REIMBURSEMENT AGREEMENT BY AND BETWEEN CVAG AND THE COUNTY OF RIVERSIDE FOR THE AVENUE 56 (AIRPORT BOULEVARD) GRADE SEPARATION PROJECT. THE MOTION CARRIED.

E. **Selection of Consultant for the Public Outreach Program for the Parkway 1e11 as Funded by the Caltrans Environmental Justice Grant – Michael Shoberg**

IT WAS MOVED BY MAYOR GARCIA AND SECONDED BY MAYOR HARNIK TO APPROVE SELECTION OF WESTBOUND COMMUNICATIONS AND BURKE RIX COMMUNICATIONS AS CONSULTANTS FOR THE PUBLIC OUTREACH PROGRAM FOR THE PARKWAY 1E11 AS FUNDED BY THE CALTRANS ENVIRONMENTAL JUSTICE GRANT AND AUTHORIZE THE EXECUTIVE DIRECTOR TO COORDINATE WITH THE CITY OF PALM DESERT CITY MANAGER TO USE PART OR ALL OF THE \$22,500 DEPOSITED WITH THE CITY FOR ADDITIONAL CONSULTANT SERVICES. THE MOTION CARRIED.

8. **ANNOUNCEMENTS**

Upcoming Meetings at 73-710 Fred Waring Drive, Suite 119, Palm Desert:

Executive Committee – Monday, June 3, 2013, 4:30 p.m. due to the Memorial Day Holiday.

Upcoming Meeting at the Classic Club, located off of the I-10 at Cook Street, north of Palm Desert:

Executive Committee – Monday, June 24, 2013, 5:15 p.m.

General Assembly – Monday, June 24, 2013, 6:00 p.m.

9. **ADJOURNMENT**

There being no further business, Chair De Coninck adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Joanna Stueckle

Joanna Stueckle
Executive Assistant