

# Public Works Committee

## Minutes

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### 1. CALL TO ORDER

The meeting of the WRCOG Public Works Committee was called to order by Chair Stuart McKibben at 2:02 p.m. on October 13, 2022, on the Zoom platform.

### 2. PLEDGE OF ALLEGIANCE

Chair McKibben led members and guests in the Pledge of Allegiance.

### 3. ROLL CALL

- City of Beaumont - Robert Vestal
- City of Calimesa - Michael Thornton
- City of Hemet - Noah Rau
- City of Jurupa Valley - Paul Toor
- City of Lake Elsinore - Yu Tagai
- City of Menifee - Nick Fidler
- City of Moreno Valley - Michael Lloyd
- City of Murrieta - Bob Moehling
- City of Riverside - Gil Hernandez
- City of San Jacinto - Stuart McKibbin (Chair)
- City of Temecula - Patrick Thomas
- City of Wildomar - Jason Farag
- County of Riverside - Alvin Medina / Mark Lancaster
- March Joint Powers Authority - Lauren Sotelo
- Riverside Transit Agency (RTA) - Mauricio Alvarez

### 4. PUBLIC COMMENTS

There were no public comments.

**5. CONSENT CALENDAR** – (Menifee / County of Riverside) 15 yes; 0 no; 0 abstention. Items 5.A and 5.B were approved.

#### **A. Summary Minutes from the August 11, 2022, Public Works Committee Meeting**

**Action:**

1. Approved the Summary Minutes from the August 11, 2022, Public Works Committee meeting.

#### **B. Energy Department Activities Update**

**Action:**

1. Received and filed.

**6. REPORTS / DISCUSSION**

**A. Policy for TUMF Reimbursement Prior to Exhaustion of Credit for Developer Credit / Reimbursement Agreements**

Chris Gray, WRCOG Deputy Executive Director, reported that a Credit Agreement is required to be in place before the work is complete to ensure that the work is being done in a way that meets all the requirements of the TUMF Program. Credits must be exhausted before any reimbursement can occur.

WRCOG, in conjunction with legal counsel, developed the policy being presented today. The proposed policy has three sets of requirements related to reimbursement prior to the exhaustion of credits: 1) limits on the type of facility to be a freeway interchange, major bridge or grade separation, or a segment of a six-lane roadway; 2) a set of conditions that must be met related to the project and the developer's performance; and 3) a six-step process requiring approval of WRCOG, the TUMF Zone, and the WRCOG Executive Committee. Approximately 25% of the TUMF Network meets these criteria.

Some of the conditions for a request of reimbursement prior to the exhaustion of credits include an anticipated reimbursement greater than \$15M, the developer has applied for building permits within the previous six months, and when there is at least five years until the project buildout of the development project.

The Committee members discussed the matter and expressed concerns at the possibility of having to recover funds from the developer in the event the project goes bankrupt as well as other concerns.

**Action:**

1. Recommended that the Executive Committee deny an amendment to the TUMF Administrative Plan / Reimbursement Manual to allow for reimbursement prior to credit exhaustion for Developer Credit / Reimbursement Agreements.

(Jurupa Valley / Temecula) 15 yes; 0 no; 0 abstention. Item 6.A was approved as revised.

**B. Overview of the Process for Review and Approval of TUMF Reimbursement Invoices**

Chris Gray, WRCOG Deputy Executive Director, reported that WRCOG performs an invoice review to comply with legal and programmatic requirements. The first level of review confirms if a Reimbursement Agreement is in place, if the total(s) and phase(s) are correct, and if it is consistent with the adopted Transportation Improvement Program. A second level of review determines individual cost elements and eligible versus ineligible costs.

Bill Zimmerman, WRCOG's Consultant Engineer, discussed the invoicing process, including eligible and ineligible items, forms that should be submitted with each invoice, and recommendations on how the invoice should be formatted.

Even though the TUMF Program is funded in part by developer funds, it is considered public money and

therefore must follow state and federal programs for reimbursements, as well as state gas tax rules for public roadways.

WRCOG has created the various forms which are included in the TUMF Administrative Manual and that should be submitted with an invoice so that all the necessary information is included in order to identify any given project. It is important to note which phase your project is in and the various reimbursement dollars associated with each phase.

**Action:**

1. Received and filed.

**C. 2022 Fee Comparison Analysis Update**

Christopher Tzeng, WRCOG Program Manager, reported that the Analysis is a comparison of fees that jurisdictions and agencies charge for development. The Analysis includes all jurisdictions within Western Riverside County and some jurisdictions adjacent to the subregion. This Analysis was first conducted in 2016 and then in 2018. WRCOG is currently conducting an update of the Fee Comparison Analysis based on 2022 fees.

An average of recent project trends was included in the Analysis, which includes five development prototypes: specific square footage of single-family, multi-family, retail development, office development, and industrial development.

A breakdown of fees for each land development type analyzed in five categories: regional transportation fees (TUMF), water / sewer connection and capacity fees, city / county capital facilities fees, school development impact fees, and other area / regional fees.

A summary of average development fee changes for the WRCOG subregion was emailed to various Committee for review and discussion on September 22, 2022. WRCOG is requesting input by October 20, 2022, to ensure fees utilized are reasonable. Changes in fees for the various prototypes were discussed. A few jurisdictions experienced particularly large changes.

The fee comparison for each jurisdiction and comparison charts for all WRCOG jurisdictions will be provided in November, with a draft final report presented in December 2022 / January 2023.

**Action:**

1. Received and filed.

**7. REPORT FROM THE DEPUTY EXECUTIVE DIRECTOR**

Chris Gray, WRCOG Deputy Executive Director, reported that the following agenda items will be brought forward at future meetings:

- Nexus Study Update
- Residential trip generation study for compliance with AB 602
- Regional VMT mitigation

## **8. ITEMS FOR FUTURE AGENDAS**

There were no requests for future agenda items.

## **9. GENERAL ANNOUNCEMENTS**

There were no general announcements.

## **10. NEXT MEETING**

The next Public Works Committee meeting scheduled for November will likely be cancelled. Therefore, the next Committee meeting is scheduled for Thursday, December 8, 2022, at 2:00 p.m., on the Zoom platform with the option for Committee members to attend in-person at the WRCOG office.

## **11. ADJOURNMENT**

The meeting of the Public Works Committee adjourned at 3:13 p.m.