

## Fresno COG Policy Board

**Date:** Thursday, November 15, 2018  
**Time:** 5:30 PM  
**Place:** COG Sequoia Conference Room  
2035 Tulare St., Suite 201, Fresno, CA

### Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, 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 is 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.

**AB23 REQUIREMENT: IN ACCORDANCE WITH THE BROWN ACT AND AB23 THE STIPEND AMOUNT PAID TO MEMBERS FOR ATTENDING THIS MEETING OF THE FRESNO COUNCIL OF GOVERNMENTS POLICY BOARD IS \$100**

### AGENDA AND ANNOTATED AGENDA IN PDF FORMAT FOR PRINTING

Exhibits:

Agenda  Annotated Agenda

### Fresno County Rural Transit Agency Meeting Package -- Meeting will follow the Policy Board meeting

Exhibits:

FCRTA Packet

### PLEDGE OF ALLEGIANCE

## I. TRANSPORTATION CONSENT ITEMS

### About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Policy Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Policy Board concerning the item before action is taken.

### A. Executive Minutes of October 25, 2018 [APPROVE]

Exhibits:

October Minutes

### B. 2019 Annual Fresno COG Meeting Calendar [APPROVE]

Exhibits:

2019 Annual Calendar

C. **First Quarterly Report (Les Beshears) [INFORMATION]**

**Exhibits:**

First Quarter Report

D. **City of Clovis Transportation Development Act Claim (Les Beshears) [APPROVE]**

**Exhibits:**

Clovis TDA Claim  Resolution 2018-38

**Action:** Approve Resolution 2018-38 adopting the City of Clovis' 2018-19 Transportation Development Act claims for \$5,459,217.

E. **Fresno Economic Opportunities Commission Urban CTSA Transportation Development Act Claim (Les Beshears) [APPROVE]**

**Exhibits:**

FEOC Urban CTSA TDA Claim  Resolution 2018-39

**Action:** Approve Resolution 2018-39 adopting the 2018-19 Transportation Development Act Claims for the Fresno Economic Opportunities Commission Urban Consolidated Transportation Service Agency in the amount of \$2,456,597.

F. **Fresno Economic Opportunities Commission Rural CTSA Transportation Development Act Claim (Les Beshears) [APPROVE]**

**Exhibits:**

FEOC Rural CTSA TDA Claim  Resolution 2018-40

**Action:** Approve Resolution 2018-40 adopting the 2018-19 Transportation Development Act Claims for the Fresno Economic Opportunities Commission Rural CTSA in the amount of \$525,274.

G. **Affordable Housing and Sustainable Communities Program Round 4 - Call for Technical Assistance (Trai Her-Cole) [INFORMATION]**

**Summary:** The Strategic Growth Council (SGC) has released its Round 4 Affordable Housing Sustainable Communities (ASHC) Technical Assistance (TA) Program. The AHSC TA program provides direct application assistance and capacity building services for potential applicants to the FY 2017-2018 AHSC Program.

These services are offered at no cost to the TA recipient and are available statewide to ensure that disadvantaged, low-income communities and AHSC applicants with limited capacity to complete a rigorous application process have access to the resources and tools to successfully compete in the AHSC program. The SGC will be responsible for allocating TA resources and services.

If interested in receiving TA for a potential AHSC project, please complete the form at the link below by **Wednesday, November 21, 2018**.

<https://www.surveymonkey.com/r/P8PYRVT>

The information will help determine overall statewide technical assistance need. SGC Staff will assess the collected information and allocate TA resources according to the following criteria:

- TA needs: Estimate the level of assistance and specific services necessary to help the TA recipient submit a competitive application.
- Project viability & AHSC threshold requirements: Likelihood that the proposed project will meet the AHSC guidelines' threshold requirements by the time of submission.
- Geographic diversity: Consider the geographic diversity of interested TA recipients, being cognizant of the split between urban, suburban, and rural projects, as well as the proportion of funding that has gone to different regions of the State in the first three rounds.

- Value add: Consider whether the potential applicant is accessing other TA or consultant-based resources and the unique value add that SGC's TA resources can bring.
- Disadvantaged, low-income, and/or tribal community: Priority may be given to applicants serving these communities.

Based on the above criteria, the SGC will determine if the potential AHSC applicant will receive services in preparation for the upcoming funding round (October 2018 – February 2019), or longer-term capacity-building services to prepare for a future AHSC funding round.

SGC anticipates beginning services with TA recipients in late November. The final program guidelines are now available at the link below.

[http://sgc.ca.gov/meetings/council/2018/docs/20181029-Item\\_6\\_Attachment\\_1\\_AHSC\\_17-18\\_Guidelines.pdf](http://sgc.ca.gov/meetings/council/2018/docs/20181029-Item_6_Attachment_1_AHSC_17-18_Guidelines.pdf)

The Notice of Funding Availability (NOFA) was released on November 1. There is approximately \$395 million available for this funding round. Applications are due **February 11, 2019**. The NOFA is available at the link below.

<http://www.hcd.ca.gov/grants-funding/active-funding/ahsc/docs/AHSC-NOFA-Round-4-FINAL.pdf>

Inquiries can be directed to either Meg Prince at [mprince@fresnocog.org](mailto:mprince@fresnocog.org) or (559) 233-4148 x203 or Trai Her-Cole at [traih@fresnocog.org](mailto:traih@fresnocog.org) or (559) 233-4148 x205.

**Action:** Information only. The Policy Board may provide further direction at its discretion.

#### H. **Opportunity Zone Proposed Guidance (Trai Her-Cole) [INFORMATION]**

**Exhibits:**

- Opportunity Zone Census Tracts     Opportunity Zone Map

**Summary:** The Treasury Department and the Internal Revenue Service issued proposed regulations and published guidance for the new Opportunity Zone tax incentive. A map of all qualifying census tracts in Fresno County is attached.

Opportunity Zones, created by the 2017 Tax Cuts and Jobs Act, were designed to spur investment in distressed communities throughout the country through tax benefits. Under a nomination process completed in June 2018, 8,761 communities in all 50 states, the District of Columbia and five U.S. territories were designated as qualified Opportunity Zones. Opportunity Zones retain their designation for 10 years. Investors may defer tax on almost any capital gain up to Dec. 31, 2026 by making an appropriate investment in a zone, making an election after December 21, 2017, and meeting other requirements.

For more information, visit the following links: [Full Notice of Proposed Rule Making and public hearing](#); [full revenue ruling](#); [Treasury press release](#); [IRS press release](#); [Economic Innovation Group](#); [Ways and Means Committee](#); and [Senator Tim Scott statement](#).

**Action:** Information only. The Policy Board may provide further direction at its discretion.

## II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

### A. **ValleyRides Website Upgrade (Donna Blocker) [APPROVE]**

**Summary:** Fresno COG's rideshare program staff released an RFP August 28, 2018, for a Valleyrides website redesign and rideshare/ridematch development services. The Valleyrides website will serve as a one-stop commuter resource, including carpool and vanpool ridematching, information on Measure C carpool and vanpool incentive programs, Senior Scrip Program, trip planning, transit resources, Amtrak and YARTS connectivity and available bike mapping. Though Fresno COG hosts a website with much of this information, the database that conducts ridematching has become antiquated and dysfunctional.

Fresno COG received proposals from two Rideshare/Web consultant firms. After interviewing both firms, staff chose to award Ride Amigos with the website contract. Ride Amigos also developed

websites for several other COGs and transportation authorities, such as San Luis Obispo, San Joaquin, Santa Barbara and Napa Valley.

The Initial cost of the Ride Amigos redevelopment is \$34,985 with an annual licensing and support cost of \$27,985.

**Action:** Staff, TTC and PAC recommend that the Policy Board authorize the executive director to enter into a contract with Ride Amigos for the Valleyrides website redesign and database maintenance.

**B. Pavement and Bridge (PM2), System Performance/Freight/CMAQ (PM3) Performance Targets (Lang Yu/Braden Duran) [APPROVE]**

**Exhibits:**

PM2 PM3 Targets

**Summary:** The Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) and the Fixing America's Surface Transportation Act (FAST Act) requires Metropolitan Planning Organizations (MPOs) to set targets for a series of transportation performance measures. Last year, safety targets (PM1) were established and approved, which were then included in the 2018 Regional Transportation Plan (RTP). Targets for pavement and bridge performance measures (PM2), and system performance/freight/CMAQ performance measures (PM3) are due to Caltrans by Nov.16<sup>th</sup>, 2018. The specific performance measures for PM 2 & PM 3 are listed as follows:

Pavement and Bridge (PM2) performance measures:

- Percentage of interstate pavements in good condition
- Percentage of interstate pavements in poor condition
- Percentage of non-interstate NHS pavements in good condition
- Percentage of non-interstate NHS pavements in poor condition
- Percentage of NHS bridges in good condition
- Percentage of NHS bridges in poor condition

Performance Management (PM3) performance measures:

- Percent of reliable person-miles traveled on the interstate
- Percent of reliable person-miles traveled on the non-interstate NHS
- Truck travel time reliability index
- Total emissions reductions by applicable pollutants under the CMAQ program

Fresno COG will have the option of either supporting the State of California's overall targets or setting its own regional targets for one or more performance measures. Performance targets are required to be documented in the Regional Transportation Plan and the Transportation Improvement Plan (TIP) when they are updated to demonstrate that MPOs are taking efforts to achieve the targets. Should an MPO miss a target, there is no penalty imposed on the region. The State DOT must obligate and set aside National Highway Performance Program (NHPP) funds for eligible projects on the National Highway System (NHS) if it does not meet the targets (except CMAQ).

Upon analysis of existing conditions and considering the statewide target, staff recommends supporting the statewide targets for both PM2 and PM3. Staff will make a short presentation to demonstrate the baseline conditions and analysis results.

**Action:** Staff, TTC and PAC recommend that the Policy Board support the statewide two-year and four-year targets for pavement and bridge (PM2) and system performance/freight/CMAQ (PM3).

**C. Assembly Bill 617 Community Air Protection Program Initial Update (Braden Duran) [INFORMATION]**

**Exhibits:**

AB617 Fresno Community Area

**Summary:** Governor Brown signed AB 617 into law in July 2017 with a focus on reducing harmful air pollution in California's most impacted disadvantaged communities. The program is "community focused" in that the program will heavily rely on community-specific monitoring to create a community-

level action framework for air protection. The California Air Resources Board (ARB), air pollution control districts, and local communities are the main parties implementing AB 617.

As part of the air protection program, ten communities were selected statewide this year for initial action. In the San Joaquin Valley, Shafter and South Central Fresno (please refer to the attached maps for South Central Fresno) were chosen due to their disadvantaged status and the severity of air pollution. The San Joaquin Valley Air Pollution District is responsible for developing a community emissions reduction plan in consultation with ARB, community residents, affected sources, and local governments. The plan may include strategies that target stationary/mobile sources, and also those that address transportation/land use issues. The timeframe for developing the plan is within one year of selecting priority communities, which is Fall 2019. A steering committee is being formed to direct and create reduction plans for the South Central Fresno community in the Fresno region, and the initial community meeting was held earlier this month. Fresno COG will monitor the process for South Central Fresno and the implications it has for transportation and land-use planning in the region, and will update the committee as necessary.

**Action:** Information only. The Policy Board may provide further direction at its discretion.

D. **Caltrans Report (CALTRANS) [INFORMATION]**

III. **ADMINISTRATIVE CONSENT ITEMS**

**About Consent Items:**

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IV. **ADMINISTRATIVE ACTION/DICUSSION ITEMS**

A. **Fresno COG Policy Board Appointments to Fresno State Transportation Institute (Tony Boren) [ACTION]**

**Exhibits:**

CSUF Transportation Institute     Advisory Board Agenda

**Summary:** The recently formed Fresno State Transportation Institute is requesting the Fresno COG Policy Board appoint two of its small city member agencies, one representing the east side and one representing the west side of Fresno County, to serve on the Institute's Advisory Board. The purpose of the appointments is to ensure that small city perspectives and viewpoints on sustainable transportation are reflected in the studies and products (see attached) that are developed through the Institute. Also, included as an attachment, is the agenda from the inaugural Institute Advisory Board meeting, which lists the twenty-two Advisory Board members that have already been identified.

The Institute Advisory Board anticipates meeting two to three times a year, and will hold early morning weekday meetings on the CSUF campus. The term of the appointment is 2years.

**Action:** Staff recommends the Policy Board appoint two of its small city member agencies, one representing the east side and one representing the west side of Fresno County, to serve on the Fresno State Transportation Institute's Advisory Board.

B. **Legislative Report (Trai Her-Cole/Meg Prince) [INFORMATION]**

**Summary:** Gov. Jerry Brown signed a series of bills during the last month of the 2018 California legislative session that will impact member agencies and Fresno COG programs related to housing elements, the Regional Housing Needs Allocation Plan, transit funds and electric vehicle charging infrastructure. Staff will provide a brief overview of the implications for the bills listed below.

#### AB 686: Housing Discrimination: Further Fair Housing (Santiago)

Requires a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. The bill requires the goals and objectives of the housing element to affirmatively further fair housing, and for revisions to the housing element that occur on and after January 1, 2021 to include an assessment of fair housing within the jurisdiction.

#### AB 1771: Planning and Zoning: Regional Housing Needs Assessment (Bloom)

Amends the Planning and Zoning Law. Authorizes citizens to make an electronic request for the proposed methodology that furthers the objectives by a Regional Housing Needs Allocation Plan. Authorizes a local government to appeal to the Council of Governments for a revision of the share of the proposed regional housing need. Specifies criteria for the appeal. Requires the local Council of Governments to notify all other governments of all appeals.

#### SB 828: Land use: Housing Element (Wiener)

Makes changes to the regional housing needs allocation process, such as: requires inclusion of the overcrowding rate, the vacancy rate for a healthy housing market (no less than 5%), and percentage of households that are cost burdened. Prohibits COGs from using prior underproduction of housing, or stable population numbers, in a city or county as justification for a determination or reduction in a city's or county's share of the RHNA.

#### AB 2162: Planning and Zoning: Supportive Housing (Chiu)

Requires that supportive housing be a use-by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones, if the proposed housing development meets specified criteria. Requires a local government to approve a supportive housing development that complies with these requirements. Prohibits the local government from imposing any minimum parking requirement for units occupied by supportive housing residents under certain circumstances.

#### AB 1804 California Environmental Quality Act: exemption: residential or mixed-use housing projects (Berman)

Revises the CEQA categorical exemption for infill development projects within cities to include residential and mixed-use housing projects in unincorporated areas, on sites of no more than five acres substantially surrounded by urban uses. Must be multifamily housing and at least six units per acre.

#### SB 1000: Electric Vehicle Charging Infrastructure (Lara)

Requires the Energy Commission and State Air Resources Board, as part of the investment plan's deployment, to assess whether charging station infrastructure is disproportionately deployed. Authorizes the Commission to use moneys from the Alternative and Renewable Fuel and Vehicle Technology Fund, as well as other mechanisms, including incentives, to more proportionately deploy new charging station infrastructure, with exceptions. Authorizes cities and counties to adopt zoning requirements that regulate land use, including, but not limited to, the location and size of buildings, the size and use of lots, and requirements for off-street parking and loading. Prohibits cities and counties from restricting which types of electric vehicles, including, but not limited to, plug-in hybrid vehicles, may access an electric vehicle charging station that is both publicly accessible and was at least partly funded by ratepayer or state monies.

#### SB 1119: Low Carbon Transit Operations Program (Beale)

Waives a requirement that transit agencies whose service areas include disadvantaged communities expend a specified amount of funds received from the Low Carbon Transit Operations Program on projects or services that benefit those communities if the recipient transit agencies expend the funding provided on certain transit activities.

**Action:** Information only. The Policy Board may provide further direction at its discretion.

## C. Freeway Service Patrol Update (Robert Phipps) [INFORMATION]

### Exhibits:

Termination Letter

**Summary:** Freeway Service Patrol (FSP) operator Patrick Bartlett, owner of Budget Towing in Fresno, has abruptly resigned his company's contract with Fresno COG to run four "beats" along state routes 41, 99, 168 and 180 during peak hours. The service is intended to quickly move stranded motorists off of freeways and allow traffic to resume normal flows.

The action follows a negative evaluation recommending termination that Budget Towing received from the California Highway Patrol, which is charged with enforcing FSP contracts by the State of California, including provisions that dictate operating hours; equipment and uniform requirements; and staffing, among other issues.

Budget Towing was in the second year of a five-year contract. Fresno COG's standard FSP contract provides for penalties in the event of non-performance, which will be assessed against any of the operator's outstanding and final invoices.

Under the circumstances, CHP officials have acknowledged the necessity for service interruptions potentially totaling several months while Fresno COG circulates an RFP to secure a new operator. CHP will still be able to access towing services from multiple operators in Fresno; however, wait times may be substantially affected.

Fresno COG has released a new request for proposals that will be due in early December. The costs associated with bringing on a new operator in the middle of a contract period may be recoverable through litigation, which may be discussed in a closed session in early 2019. In the meantime, a letter sent to Budget Towing from Fresno COG's general counsel (attached) demands that service be restored immediately under the contract's provisions.

**Action:** Information only. The Policy Board may provide further direction at its discretion.

## V. OTHER ITEMS

### A. Items from Staff

### B. Items from Members

## VI. PUBLIC PRESENTATIONS

### A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the Policy Board on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Policy Board on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**