

**Fresno COG Policy Board**

**Executive Minutes**

Members Attending:

Mayor Nathan Magsig, City of Clovis  
Mayor Ron Ramsey, City of Coalinga  
Mayor Freddy Valdez, City of Firebaugh  
Mayor David Cardenas, City of Fowler  
Mayor Ashley Swearengin, City of Fresno  
Mayor Pro Tem Gary Yep, City of Kerman  
Mayor Bruce Blayney, City of Kingsburg  
Mayor Robert Silva, City of Mendota  
Mayor Victor Lopez, City of Orange Cove  
Mayor Pro Tem Raul Villanueva, City of Parlier  
Councilmember Robert Beck, City of Reedley  
Mayor Scott Robertson, City of Selma  
Supervisor Henry Perea, County of Fresno

Michael Navarro, Caltrans  
Arthur Wille, Legal Counsel  
Tony Boren, Executive Director

Absent:

Mayor Sylvia Chavez, City of Huron  
Mayor Pro Tem Raul Cantu, City of Sanger  
Mayor Amarpreet Dhaliwal, City of San Joaquin

**QUORUM:** At the start of the meeting there were 12 members present representing 42.79% of the population and there was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Selma and Fresno County)

Mayor Cardenas (Fowler) Vice Chair, called the meeting to order at 5:34 p.m.

**RECOGNITION**

Recognition of Mr. John Downs on his retirement from the Fresno Council of Governments, a token of appreciation was presented to him for his 25 years of service.

**Fresno COG Sitting as the Transportation Policy Committee**

**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 Committee 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 Committee concerning the item before action is taken.

- A. Proposition 84 Update (Rob Terry) [INFORMATION]
- B. Fresno/Madera Study Update (Rob Terry) [INFORMATION/DIRECTION]
- C. I-5/SR-99 Goods Movement Study Update (Rob Terry) [INFORMATION/DIRECTION]

- D. SVJ Goods Movement Sustainable Implementation Plan Update (Rob Terry) [INFORMATION/DIRECTION]
- E. Circuit Planner and Circuit Engineer Report (Rob Terry) [INFORMATION/DIRECTION]
- F. Fresno COG Title VI Program Update (Peggy Arnest) [APPROVE]
- G. Measure C New Technology Reserve Fund Multidisciplinary Advisory Group Membership (Peggy Arnest) [APPROVE]
- H. Caltrans Division of Aeronautics Grant Application (Brenda Veenendaal) [APPROVE]
- I. Active Transportation Program (Chelsea Gonzales) [INFORMATION/DIRECTION]
- J. FASTLANE Grant Application Submittal (Rob Terry) [INFORMATION]
- K. Surplus Property/Equipment Notification (Rob Terry) [INFORMATION]
- L. California State Bike & Pedestrian Plan Regional Forums (Kristine Cai) [INFORMATION]
- M. Cap and Trade Update (Rob Terry) [INFORMATION/DIRECTION]
- N. Monthly Grant/Call for Projects/Request for Proposals (Chelsea Gonzales) [INFORMATION/DIRECTION]

Following an expressed opportunity for public comment, a motion to approve consent items A through N was made by Supervisor Perea (Fresno County), and seconded by Mayor Pro Tem Yep (Kerman). A vote was called for and the motion carried.

## II. TRANSPORTATION ACTION / DISCUSSION ITEMS

Mayor Cardenas (Fowler) announced changes to the agenda; at the request of Mayor Swearengin (Fresno City), Transportation Action Item C will be heard when she arrives and staff has also requested to hear item B thereafter.

### A. Prop 84 Task 1 - Greenprint (Clark Thompson) [ACTION]

Mr. Thompson (FCOG) reported that the overall goal of the Greenprint project is to provide local and other governmental agencies, private organizations, and the public with improved planning information to better address the current and future economic and environmental needs of the San Joaquin Valley's eight counties. The RFP for Greenprint Demonstration Projects was released March 2, 2016 with a deadline for proposal submittal on April 29. Demonstration Projects are intended to illustrate the real-world utility and value of the spatial data compiled in Phase I of the Greenprint project.

Fresno COG is now seeking a scope and budget amendment to better utilize the remaining grant dollars and deliver a more impactful and meaningful long-term product. Amendment No. 1 to the Fresno COG Agreement for Contractor Services with Mintier Harnish dated December 17, 2014 will reduce the basic fee from \$189,983 to \$159,628. This will provide for funding in the amount of \$15,000 to contract with Conservation Biology Institute (CBI) to host Greenprint geospatial information on the Data Basin\* platform, provide access to the information for local agencies and other entities, and provide training. The contract with CBI will be "sole sourced" on the basis that only they provide the Data Basin platform. The remaining additional \$15,355 from the Mintier Harnish contract reduction will be available for the Demonstration Projects, bringing that total amount to \$194,457.

Following an expressed opportunity for public comment, a motion was made by Supervisor Perea (Fresno County), seconded by Mayor Robertson (Selma) to authorize the Executive Director to execute Amendment No. 1 to the Agreement for Contractor Services with Mintier Harnish dated December 17, 2014 reducing the contract by \$30,355 to \$159,628. And, authorize the Fresno COG Executive Director to enter into a contract with Conservation Biology Institute for the amount not to exceed \$15,000. A vote was called for and the motion carried.

**QUORUM:** 5:50pm, Mayor Swearengin (Fresno City) enters meeting. There were 13 members present representing 96.31% of the population.

C. Consideration of Using Measure “C” Rail Consolidation Program Funding to Loan to the Local Transportation Trails Program (Les Beshears) [ADVISE]

Mr. Boren (FCOG) provided a brief overview, stating that this item was referred to the Board for consideration at the request of the Fresno County Transportation Authority (FCTA). The FCTA is requesting the board discuss and provide advice as to how to proceed with the requested loan program.

Mr. Mozier (Fresno City) gave a presentation with an overview of the Metro Trail Funding Proposal. The presentation covered existing trail infrastructure, the Metro Trail vision, trail segment locations, funding and cash flow (see annotated agenda for full PowerPoint presentation). He stated that the CMAQ committee recently recommended funding for the trails project, and that this funding would be used first to offset the total amount borrowed. The funding proposal request to advance 6 years of the City of Fresno’s Trails allocation has changed from \$7.3M to a request of 4 year advance of \$4.6M. The loan would then be paid back by 2020. The advance could complete the trail faster, while the “pay as you go” option currently utilized would push the timeline of the completion to 2022. Mr. Mozier also stated that feasibility and engineering work has already been completed.

Mr. Wright (Public Member) spoke in support in of the project and commented that advocates have worked with the appropriate agencies to resolve longstanding issues such as liability, maintenance and funding.

Mark Keppler (Public Member) spoke in support of the project, stating that the project would create a major extension to the existing network and leverage the Measure C funding.

Mr. Beshears (FCOG) stated that FCOG does not recommend converting the Rail Consolidation Program into a loan program due to the precedence it would set. Sales tax is volatile and the current board cannot restrict the actions of future boards and could create the potential for ineligible transfers across Measure categories. At the March 2016 FCTA meeting, the Fresno County Auditor-Controller’s staff advised against the loan concept because sales tax receipts are subject to volatility. He pointed out that there is no guarantee the loans would be paid back on schedule. Also, should every city choose to advance their program allocation, there would be a shortfall of funds available. In 2008 the FCTA loaned rail consolidation dollars to fund the PTIS study, which was the intent of the authors of the ballot, this was also supposed to be a one-time allowance.

Mayor Silva (Mendota), asked if all the cities will have this same opportunity. Mr. Beshears (FCOG) responded that the FCTA will have to make that determination.

Public comment period was opened.

Sophia DeWitt (Fresno Metro Ministries, Better Blackstone Project Manager) spoke in favor of the City’s project stating that there is a great need for active transportation and recreational areas for residents.

Luis Hernandez provided translation in Spanish for residents.

Guadalupe Sanchez Flores (Better Blackstone Association Resident) spoke in support of project as well as Benita Vasquez (Better Blackstone Association Resident).

Keith Bergthold (Fresno Metro Ministries) spoke in support of the project stating that this is a key project that would implement the Sustainable Communities Strategies and the General Plan.

Public comment was closed.

Mayor Lopez (Orange Cove) and Mayor Valdez (Firebaugh) spoke in support of the project, both expressed compliments to the partnering agencies for the collaboration on the project.

Mayor Pro Tem Yep (Kerman) commented that he was concerned that the use of the funding should reflect the intent of the voters and recommended looking for alternative funding.

Mayor Swearingin (Fresno City) commented that the polling data through the Measure C process identified trails as one of the top 3 projects the community desired, and that the PAC unanimously supported the project. The City continues to seeking additional funding to reduce the amount that would be loaned, and anticipates that the total amount loaned would further decline. The estimated projections put forth by the City were very conservative and wanted to clarify that the Account Auditor's staff was not opposed to the project; however, the staff provided the rate of return needed to ensure the treasury pool could be matched. She also stated that the loan program should be open to all cities under the same terms.

Mayor Swearingin (Fresno City) motioned to support the City of Fresno's request for advancing funds required to construct the Fresno/Clovis Metro Trail Project, and that it be paid back with the City of Fresno's annual allocation of Measure "C" Trails funding, seconded by Mayor Lopez (Orange Cove).

Mr. Boren (FCOG) read the PAC's motion for clarification as it differs from Mayor Swearingin's motion. Mayor Swearingin (Fresno City) and Mayor Lopez (Orange Cove) approved incorporating the PAC's motion into board's final recommendation.

Mayor Blayney (Kingsburg) stated that although he supports the project, he does not support the loan program borrowing dollars across funding program lines.

Mayor Cardenas (Fowler) stated that he sits on the FCTA board as the eastern city representative. He recommended this item be heard by the COG board so the issue can be thoroughly discussed by the member agencies to ensure the same benefit can be applied to the rest of the county.

Mayor Robertson (Selma) asked if projects in the que would be denied funding or be delayed if amount loaned is not paid back. Mayor Swearingin (Fresno City) responded that the projections were very conservative and the dollars would not be at risk. The City does anticipate additional grant funding to support this project.

There was discussion as to what authority the Board has to make recommendations on the structure of the loan program itself, staff clarified that the FCTA is asking for the board to make an advisory recommendation.

Mayor Ramsey (Coalinga) asked if the funds could be allocated to a loan program after it is due to covert back to grade separation projects.

Councilmember Beck (Reedley) asked for the projects timeline and if this can project can wait until after the review of the rail consolidation funds. Mr. Mozier (Fresno City) responded that the first segment would be awarded in mid-2017 and completed by 2018. Mayor Swearingin (Fresno City) also commented that the part of the motion is to accelerate the review of the funds.

Supervisor Perea (Fresno County) expressed support for the proposal.

A vote was called to approve the motion made by Mayor Swearingin (Fresno), seconded by Mayor Lopez (Orange Cove) to:

- Support the City of Fresno requests support for advancing funds required to construct the Fresno/Clovis Metro Trail Project, to be paid back with the City of Fresno's annual allocation of Measure "C" Trails funding including interest by year 2020/21.
- COG to complete the required 2017 assessment of the rail consolidation program with potential reversion of funds to grade separation.
- Establish future guidelines for eligible grade separation projects to benefit not only core Fresno- Clovis metropolitan area but other communities alike should other communities have eligible projects.
- Eligible Grade Separation projects to be funded as soon as 2017, following approval of guidelines.
- Grade Separation project eligibility to include trails when safety is a paramount consideration.
- The approval of the loan not be considered precedent setting for future requests to expand the loan program.

The motion passed 11 to 2, with Kerman and Kingsburg voting No.

**QUORUM:** 6:46pm, Mayor Swearingin (Fresno City) exits meeting. There were 12 members present representing 42.79% of the population.

B. Measure C TOD Program Cycle V Funding Applications (Kristine Cai) [APPROVE]

Ms. Cai reported that the Measure C TOD program is now in the 5<sup>th</sup> funding cycle, there is \$851,794 available. However, City of Fresno has requested to relinquish \$510,715 in unutilized TOD fund approved in the previous cycles, and return \$510,715 back to the TOD program. City of Fresno's request is pending approval from the Fresno County Transportation Authority (FCTA), and is expected to be processed at the next FCTA Board meeting in May 2016. If approved by the FCTA Board, there could be a total of \$1,362,509 available for programming for the 5th funding cycle.

The Call for Projects for the 5th funding cycle was issued in January 2016, and four applications were received, Fulton Mall Reconstruction Project Match, LEDE/Former Met Block Development Project, South Stadium Project, and Clovis Civic Center North.

There was extensive discussion at the TTC/PAC meeting regarding opening up future funding cycles to the entire region instead of just the 3 priorities areas designated by the PTIS.

The TOD Scoring Committee met on March 10th and made recommendations on two levels of funding scenarios depending upon the FCTA Board's action on the City of Fresno's request to relinquish \$510,715 back to the TOD program:

Option A with \$851,794: The Scoring Committee recommended funding the Fulton Mall Reconstruction Match project with \$425,897 and the South Stadium project with the remaining \$425,897.

Option B with \$1,362,509 if the FCTA Board approves City of Fresno's request to relinquish \$510,715 back to the TOD Program: The Scoring Committee recommended funding the Fulton Mall Reconstruction Match project with \$425,897, the South Stadium project with \$711,085, and the LEDE project with \$225,527.

Following an expressed opportunity for public comment, a motion was made by Mayor Blayney (Kingsburg), seconded by Mayor Magsig (Clovis) to approve the TOD Scoring Committee's funding recommendations for the fifth funding cycle, with the caveat that the TOD Technical Advisory Committee works towards opening up the TOD

program to the entire region starting from funding cycle VI by revising the languages and the scoring criteria in the existing guidelines.

C. Obligational Authority (Chelsea Gonzales) [INFORMATION/DIRECTION]

Ms. Gonzales (FCOG) reported that on April 1, 2016, Fresno COG submitted the Federal Fiscal Year (FFY) 2015/16 Obligation Plan to Caltrans Local Assistance. This plan documents Fresno COG's estimated schedule for project and fund delivery for FFY 2015/16 (October 1, 2015 through September 30, 2016). The overall total Obligational Authority (OA) target for Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) federal funding sources in FFY 2015/16 is \$22,971,370. Our region should deliver projects totaling at least this amount in order to comply with the "Use It or Lose It" provisions of AB 1012 enacted in October 1999. As of February 29, 2016, \$1,522,274 of CMAQ and RSTP had been obligated.

In March 2016, Fresno COG met with each of our member agencies to go over each of their programmed projects to see: what projects planned for programming in 15/16 would be obligated in time; which projects planned for 15/16 would necessitate a delay to future years; and which projects could be expedited from future years and obligated before the end of the FFY 15/16. Based on these meetings, member agencies have demonstrated that an additional \$14,010,345 in combined CMAQ and RSTP will be obligated before the end of the FFY 2015/16, which is \$7,438,751 below our Target OA.

It is imperative that projects programmed within FFY 2015/16 get obligated within the programmed year to avoid reprogramming of those funds. Also, agencies with projects scheduled in later years can take advantage of the Expedited Project Selection Procedures (EPSP) to deliver their projects early. Obligating funds programmed in later years can help our region get closer to our target. If our region was able to deliver more than our OA Target we might be eligible to capture any available funds during the statewide open obligation period. Keep in mind that the use of toll credits may be applicable for project phases that have not been obligated at 100% federal reimbursement if residual federal funds are available. Furthermore, if funds need to be reprogrammed and financial capacity is not available; it is possible that projects can become substantially delayed if moved to the outer years of the FTIP.

Fresno COG will continue working with each of our member agencies over the coming weeks to see if there are additional project funds that can be obligated before the end of the 15/16 FFY to lessen this \$7.4M OA target gap. FCOG has a circuit planner/circuit engineer available to help assist agencies if needed.

This was an informational item, no future action was required.

**QUORUM:** 6:54pm, Supervisor Perea (Fresno County) exits meeting. There were 11 members present representing 25.26% of the population. There was not a quorum to continue business. The meeting was adjourned.

All remaining informational items will be continued to the next board meeting.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive style and is positioned above a faint, dotted grid pattern.

Tony Boren, Executive Director

COG Staff

Les Beshears  
Kristine Cai  
Melissa Garza  
Chelsea Gonzales  
Trai Her  
Jeff Long  
Rob Terry  
Clark Thompson  
Lauren Dawson

Members of the Public

Terry Solis, Bitwise  
Mark Keppler, Maddy Institute  
Diana Sedigh-Darbandi, FCTA  
Shah Tork, Public Member  
Neil Bretz, Caltrans  
Lupe Perez, Fresno City  
John Wright, Public Member  
Keith Bergthold, Fresno Metro Ministries  
Sophia DeWitt, Fresno Metro Ministries  
Hilda Lopez, Public Member  
Juana Meza, Public Member  
Fabiola Felix, Public Member  
Benita Vasquez Rios, Public Member  
Guadalupe Sanchez Flores, Public Member  
Luis Hernandez, Public Member  
Joe Martinez, BPAC  
Debra Mckencie, Public Member