

**Fresno COG Policy Board  
MINUTES  
Thursday, September 28, 2017  
5:30 PM**

**Members Attending:**

Mayor Bob Whalen, City of Clovis  
Councilmember Ron Lander, City of Coalinga  
Mayor Brady Jenkins, City of Firebaugh  
Mayor David Cardenas, City of Fowler  
Councilmember Clint Olivier, City of Fresno  
Mayor Rey León, City of Huron  
Mayor Rhonda Armstrong, City of Kerman  
Mayor Michelle Roman, City of Kingsburg  
Councilmember Robert Silva, City of Mendota  
Mayor Victor Lopez, City of Orange Cove  
Mayor Anita Betancourt, City of Reedley  
Mayor Pro Tem Amarpreet Dhaliwal, City of San Joaquin  
Mayor Frank Gonzalez, City of Sanger  
Mayor Michael Derr, City of Selma

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

**Absent:**

Councilmember Alma Beltran, City of Parlier  
Supervisor Sal Quintero, County of Fresno

**Quorum:** At the start of the meeting, there were 13 members representing 69.73% of the population. There was a quorum to conduct business. (Coalinga, Firebaugh, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Reedley, San Joaquin, Sanger, Selma).

The meeting was called to order at 5:31 p.m. by Mayor Pro Tem Dhaliwal (San Joaquin), Chair.

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

**I. TRANSPORTATION CONSENT ITEMS**

- A. Executive Minutes of July 14, 2017 [APPROVE]
- B. Fourth Quarter Report (Les Beshears) [APPROVE]
- C. City of Huron Fiscal Year 2016-17 Transportation Development Act Claim (Les Beshears) [APPROVE]
- D. City of Huron Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- E. City of Kerman Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- F. City of Parlier Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- G. City of Reedley Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- H. City of San Joaquin Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- I. City of Selma Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- J. City of Sanger Fiscal Year 2017-18 Transportation Development Act Claim (Les Beshears) [APPROVE]
- K. Fresno-Madera State Route 99 & 41 Fiscal Analysis Final Report Completed (Meg Prince) [ACCEPT]
- L. Senate Bill 1 Update (Jennifer Soliz) [INFORMATION]
- M. Federal Fiscal Year 2016-17 Obligation Authority Update (Jennifer Soliz) [INFORMATION/DIRECTION]
- N. California Air Resources Board (CARB) 2017 Draft Funding Guidelines (Trai Her-Cole) [INFORMATION]

- O. Transformative Climate Communities Planning Grant - NOTICE OF FUNDING AVAILABILITY (Trai Her-Cole) [INFORMATION]
- P. Strategic Growth Council's new Transformative Climate Communities Program (Meg Prince) [INFORMATION]
- Q. 2017 Active Transportation Plan Augmentation (Jennifer Soliz) [INFORMATION]

After an opportunity for public comment, Councilmember Silva (Mendota) motioned and Mayor Leon (Huron) seconded to approve the consent agenda as presented. The motion passed.

## II. TRANSPORTATION ACTION/DISCUSSION ITEMS

### A. Regional Transportation Plan Progress (Kristine Cai)

#### 1. Regional Transportation Plan Draft Policy Element (Jennifer Soliz) [APPROVE]

Ms. Soliz (FCOG) reported that since March, Fresno COG has been soliciting input on the Regional Transportation Plan (RTP) Draft Policy Element. Fresno COG convened a Policy Element Subcommittee in August to conduct a detailed review and provide any remaining updates.

The Policy Element Subcommittee comprises representatives from the City of Fresno, City of Clovis, Fresno County, an east city representative, a west city representative, a transit representative, a bicycle and pedestrian representative, the Building Industry Association and the Leadership Counsel for Justice and Accountability, a community-based organization.

The Subcommittee reviewed in detail a comment letter received on June 26, 2017, from a group of five community-based organizations (Leadership Counsel for Justice and Accountability, Cultiva La Salud, Safe Routes to School Partnership, ClimatePlan, and Sequoia Riverland Trust). Members also helped complete the rest of the element's updates.

The Subcommittee met twice in August to review the comment letter and conduct a thorough review of the draft Policy Element. After two meetings and additional email communications, the element has been updated based on the Subcommittee's input.

The final Policy Element will be formally adopted with the rest of the RTP/SCS is adopted next year. This draft Policy Element will go out for public review with the RTP/SCS and Environmental Impact Report in early 2018.

After an opportunity for public comment, Mayor Lopez (Orange Cove) motioned and Mayor Pro Tem Dhaliwal (San Joaquin) seconded to approve the Draft Policy Element. The motion passed.

#### 2. Regional Transportation Plan Safety Performance Target (Lang Yu) [APPROVE]

Mr. Yu (FCOG) reported that setting safety performance targets is a new requirement under the federal transportation bills Moving Ahead for Progress in the 21st Century (MAP-21) and Fixing America's Surface Transportation Act (FAST Act) that require Metropolitan Planning Organizations (MPOs) to conduct performance-based planning. Future-year targets need to be established for each of the five following safety performance measures: number of fatalities; rate of fatalities per 100 million Vehicle Miles of Travel (VMT); number of serious injuries; rate of serious injuries per 100 million VMT and; number of non-motorized fatalities and serious injuries. Fresno COG will have the option of following the State of California's overall targets or setting separate regional targets for one or more performance measures.

Fresno COG has organized a safety target subcommittee to discuss the target options and recommendations. Representatives with the County of Fresno, Caltrans and the cities of Fresno, Clovis, Reedley, San Joaquin and Firebaugh attended. The subcommittee recommended adopting evidence-based safety performance targets for 2018 for all five performance measures. The evidence-based targets project future year fatalities and serious injuries based on recent trends. The recommended targets for 2018 are as follows:

- Number of fatalities: 130 (2014-2018 average: 116.0)
- Rate of fatalities per 100 million VMT: 1.521 (2014-2018 average: 1.388)
- Number of serious injuries: 320 (2014-2018 average: 315.4)
- Rate of serious injuries per 100 million VMT: 3.743 (2014-2018 average: 3.779)
- Number of non-motorized fatalities and serious injuries: 69 (2014-2018 average: 67.7)

The final targets for rate of fatalities and rate of serious injuries may change slightly after final VMT from the 2018 RTP/SCS, is approved in November 2017, however, the methodology will stay the same. Staff will present all three target options at the TTC/PAC meeting.

Mayor Armstrong (Kerman) asked what the action plan to meet the target is. Mr. Yu responded that because we are at the end of 2017, an evidence-based target was chosen for 2018. In the future, more aggressive targets may be adopted. Some jurisdictions have identified safety-related projects that would help meet a more aggressive target in the future. In this round of the RTP, safety is an important factor when selecting projects. Projects that may improve safety will receive a higher score.

After an opportunity for public comment, Mayor Cardenas (Fowler) motioned and Mayor Betancourt (Reedley) seconded to approve the evidence-based safety performance targets for 2018 with the understanding that the rate of fatalities and rate of serious injuries are subject to change when the final VMT from the 2018 RTP/SCS is available. The motion passed.

**B. Fiscal Year 2017-18 Congestion Mitigation and Air Quality Improvement Program and Surface Transportation Block Grant Program Call for Projects (Jennifer Soliz) [APPROVE]**

Ms. Soliz (FCOG) reported that the Fresno COG Programming Subcommittee met on March 1, 2017 and July 19, 2017 to finalize the procedures and selection criteria in the upcoming fiscal year 2017-18 Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Block Grant Program (STBG) call for projects. The Fresno COG Policy Board will be asked to issue the call for projects at its September 28, 2017 meeting. The Programming Subcommittee received comments and approved changes to the CMAQ and STBG scoring criteria. Both application packets were revised and resubmitted to Subcommittee members on July 19. The suggested changes are in red, track-change format for easy review. The full draft application packets can be found at [www.fresnocog.org](http://www.fresnocog.org).

After an opportunity for public comment, Mayor Cardenas (Fowler) motioned and Mayor Armstrong (Kerman) seconded to approve the revised draft CMAQ and STBG application packets as amended and the call for projects be initiated by the Policy Board on September 28, 2017. The motion passed.

**C. 2018 State Transportation Improvement Program (STIP) Allocation Plan (Les Beshears) [APPROVE]**

Mr. Beshears (FCOG) reported that during the 2016 State Transportation Improvement Program (STIP) the state was \$750 million in deficit. Senate Bill 1 (SB1) appears to relieve that situation, and beginning in fiscal year (FY) 2020-21 the Fresno region should be seeing \$13.9 million a year in new money; however, the state has to pay off its deficit first. That leaves \$16 million of the \$28.4 million county share balance that Fresno COG can program in FY 2019-20. With the new money accumulating, the region may have \$57 million to program by FY 2022-23. The STIP guidelines have also created a new category -- Advance Project Development Element (APDE) -- to encourage shelf ready projects. The \$6.7 million in APDE available to this region will reduce our county shares but it won't count against the \$16 million target the region has available in FY 2019-20.

Fresno COG staff is updating the Measure C Regional Transportation Expenditure Plan. Previously, the Policy Board has dedicated STIP county shares to major projects on the Measure C Tier I list to get maximum leverage from the local sales tax. During the 2014 STIP, the Policy Board went through a series of public hearings to select between State Route (SR) 180 East Segment 3 and Veterans Boulevard. SR 180 East won that competition but now that it has been funded, Veterans Boulevard appears to be next in line for STIP funding, considering the region has invested \$35 million in design and right of way. The project will be ready to list in FY 2018-19.

Meanwhile, the City of Fresno is applying for a \$44.5 million federal Infrastructure for Rebuilding America (INFRA) grant that, if successful, requires construction begin prior to STIP funding being available in FY 2019-20. If the INFRA grant is not approved, then Fresno COG should have a stand-by plan for delivering Veterans Boulevard with STIP funding. The INFRA grant and STIP cycle run concurrently, staff won't know if the INFRA grant is approved until after the 2018 STIP is submitted. Fresno COG staff is discussing Veterans Boulevard as a 2018 STIP candidate with the City of Fresno as part of updating the Expenditure Plan.

The North/Cedar Interchange on SR 99 ranks as the next major project on the Tier I urban list after Veterans Boulevard. This project is near a developing industrial center, and the City of Fresno has suggested this should be the next candidate after Veterans Boulevard and also requested Fresno COG begin programming APDE, plan, specific and estimate (PS&E)

and right-of-way (ROW). It makes sense to begin programming the PS&E with STIP APDE. This is an issue staff will explore further during the Expenditure Plan update.

At the same time, Caltrans has proposed putting \$9.5 million in the Interregional Transportation Improvement Program (ITIP) for PS&E & ROW for SR 41 – Elkhorn to Kings County line. The original Measure built SR 41 out to Elkhorn, and Kings County officials have improved SR 41 on their side, leaving a 6 mile (24 lane miles) unimproved gap on the remaining segment in Fresno County.

Caltrans initially had some money to get the environmental work done on this project in the ITIP; however, it was removed because of funding constraints. Now Caltrans wants to add money back to get the project shelf ready for a potential \$52.5 million construction job and have requested Fresno COG partner by contributing \$2 million in STIP funding for ROW.

Construction funding has not been identified yet but Caltrans anticipates that should SB1 or some new federal funding source become available, it makes sense to have shelf ready projects lined up. Fresno COG staff will be meeting with Caltrans to see if potential construction funding can be identified. If so, the proposal makes sense from a regional perspective; however, note that the project is not on either the Measure C Tier I or Tier II list, so there is no avenue for funding from the current Measure without amending it into the list. The region has traditionally dedicated STIP funding to leveraging projects in the Expenditure Plan.

Mr. Leonardo (FCTA) addressed the committee, speaking more as a transportation advocate than as Director of the FCTA in support of Fresno COG's recommendations.

Councilmember Silva (Mendota) asked what became of Veterans Boulevard project. Mr. Beshears responded that the City of Fresno has received some money, but is hoping for funding from the INFRA grant.

After an opportunity for public comment, Councilmember Olivier (Fresno City) motioned and Mayor Cardenas (Fowler) seconded to:

1. Confirm Veterans Boulevard as the highest priority 2018 State Transportation Improvement Program (STIP) project.
2. Designate the North\Cedar interchange as second priority for 2018 STIP for plans, specifications and estimate (PSE) programming.
3. Reserve \$2 million in STIP Advance Project Development Element (APDE) for State Route (SR) 41 – Excelsior to Kings County Line.

The motion passed

The City of Clovis enters.

**Quorum:** There were 14 members representing 80.70% of the population. There was a quorum to conduct business.

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

Ms. Miller reported.

- The State Route (SR) 99 realignment for high-speed rail at Clinton Avenue still remains closed. The target for reopening Clinton Avenue is October 18. Crews are working at night and weekends to achieve this schedule. Clinton Avenue closure detours are in place and revised signage encouraging motorists to use the underground tunnel appear effective for the east/west alternative route. Coordination efforts continue with the City of Fresno, local business and residents to work through specific issues and concerns due to the closure. The traffic shift for north- and southbound 99 was successfully executed. Traffic now runs on the new pavement to the west of the old 99 for a half a mile. Girder erection at the bridge is complete. The contractor is working on forming and preparing for the deck below. The girders and the deck at the Clinton overcrossing are complete and the roadway, which includes the embankment, curb, gutter and sidewalk continues. The project's critical path schedule still runs through the work at Ashlan. This work needs to be completed to proceed with the traffic shift at subsequent bridge construction and existing partial bridge demolition. The contractor has completed the retaining wall on Ashlan adjacent to the 76 gas station and will continue to backfill and construct the roadway within the coming weeks, concurrently with the bridge construction at Ashlan. Work on the new 99 pavement continues at the north end of the project. The construction team is preparing to close the Golden State to southbound 99 ramp for 55 hours to realign the ramp. PG&E electrical relocation is complete at Ashlan and Dakota. Bridge construction work and roadway construction at Clinton is the predominate focus for the project now.
- The Auberry Road roundabout is going well and should wrap up in about three weeks.

- The SR 180 Kings Canyon expressway segment 3 will break ground on October 12.
- Construction on the Mendota passing lane project on SR 168 is scheduled to begin September 29. .
- Construction signs have been placed at the site of the upcoming Fresno SR 198 rumble strips; however, construction has not begun.
- Bids will open October 4 for the SR 41 southbound auxiliary lane from M Street to Tulare Avenue.
- Contracts for the SR 99 ramp project that includes the Shaw and Ashlan Avenue onramps and auxiliary lanes from Olive to Belmont have been approved. Construction is scheduled to begin in April.
- Construction signs are up for the Fresno Madera Roadside Safety Improvement on SR 41 in Fresno/Madera county south of Bullard Avenue overcrossing to north of the Childrens Boulevard and construction should start next week.
- Caltrans continues to work with the Army Corps of Engineers on the 404 permit for the SR 269 bridge near Mendota. The document had to go through a re-evaluation and will be publically circulated in October.

## **Fresno COG Sitting as the Fresno Council of Governments Policy Board**

### **III. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE**

After an opportunity for public comment, Mayor Lopez (Orange Cove) motioned and Mayor Leon (Huron) seconded to reaffirm all actions taken while sitting at the Transportation Policy committee. The motion passed.

### **IV. ADMINISTRATIVE CONSENT ITEMS**

- A. Regional Clearinghouse (Jennifer Soliz) [APPROVE]
- B. 2018 Valley Voice (Trai Her-Cole) [INFORMATION]
- C. Monthly Legislative Update (Trai Her-Cole) [INFORMATION]

After an opportunity for public comment, Mayor Leon (Huron) motioned and Mayor Armstrong (Kerman) seconded to approve the consent agenda as presented. The motion passed.

### **V. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

#### **A. Appoint Fresno COG Policy Board Designated Alternates (Les Beshears) [ACCEPT]**

Mr. Beshears (FCOG) reported that in April 2017 the Fresno Council of Governments (FCOG), Fresno County Rural Transportation Agency (FCRTA) and Fresno County Regional Transportation Mitigation Fee Agency (FCRTMFA) boards adopted resolutions amending the Conflict of Interest Code adding an alternate board member to the annual Form 700 Conflict of Interest filings with the Fair Political Practices Commission (FPPC). The County Board of Supervisors has ratified the amendments and they are now in effect. The Joint Powers Agreement (JPA) provides no formal process for appointing alternates. Seating alternates has always been an informal process. However, the FPPC recommends anyone who takes part in the Board's deliberative process should have a Form 700 filing on record. The FPPC has the ability to monitor political processes and levy fines for noncompliance. Since FCOG, FCRTA and FCRTMA meet back to back on the same day, staff recommends that one alternate be designated for all three agencies. This would mean the member and alternate for Fresno and Clovis should file a Form 700 for FCOG and FCRTMFA, and the members of the rural cities and the County Supervisor should also file a Form 700 for FCOG, FCRTMFA and FCRTA. In the case where neither the active board member nor the alternate can attend, staff will advise the substitute alternate to consider filing a Form 700 to be in compliance with FPPC regulations.

The JPA provides, "The Council shall be composed of one member of the County board of Supervisors, or in his absence such supervisor as may be present, and the mayors of the member cities, or in the mayor's absence such councilman as may be present." It is therefore incumbent upon the council of each agency to determine if they wish to appoint an alternate or defer to the Mayor for the selection.

Fresno COG recommends Policy Board members accept that each board member take an action to their respective board or council to appoint an alternate member to the Fresno Council of Governments, Fresno County Regional Transportation Mitigation Fee Agency meetings, and if applicable, the Fresno County Rural Transit Agency boards, in the absence of the designated board member. The alternate should be advised to file a Form 700 Conflict of Interest filing with the Fair Political Practices Commission for each respective agency.

Recommendation accepted. No objection from members.

## VI. OTHER BUSINESS

### A. Items from Staff

1. Ms. Her-Cole reported the Fresno COG reached out to six vendors and received two proposals for an upgrade to the audio equipment in the Sequoia Room. Fresno COG has accepted a proposal from Sebastian who is the current provider for the audio equipment. The goal is to use some of the existing equipment that was just purchased. Staff will return to the Board in October with a budget amendment to move forward with the contract. The work is anticipated to take place in late November or early December.
2. Mr. Boren introduced Robert Phipps, Deputy Director. Mr. Phipps addressed the Board.

### B. Items from Members

1. Mayor Lopez (Orange Cove) reported that the San Joaquin Valley Water Infrastructure Joint Powers Authority submitted the Temperance Flat application.
2. Mayor Roman (Kingsburg) reported that Kingsburg will host the first Fresno County Women's Elected Officials Dinner on October 30 at the Kingsburg Depot.
3. Mayor Pro Tem Dhaliwal (San Joaquin) reported that the State of California will designate November as Sikh Awareness Month.
4. Mayor Cardenas (Fowler) reported that Fowler will host the 86<sup>th</sup> Annual Fowler Fall Festival on October 7; the Junior High band review on October 26 and the Sikh Parade on October 28.
5. Mayor Leon (Huron) reported that the fourth annual Purépecha event will be held on October 14 in Farmersville.

## VII. CLOSED SESSION

- A. Conference with Legal Counsel – Existing Litigation (Gov. Code section 54956.9(d)(1)): Nevada Policy Research Institute, dba Transparent California v. Fresno Council of Governments, et al., Fresno County Superior Court Case No. 17 CE CG 03051**

## VIII. OPEN SESSION

- A. Discussion and Approval of Settlement Agreement with Petitioner, Nevada Policy Research Institute, dba Transparent California, in connection with Nevada Policy Research Institute, dba Transparent California v. Fresno Council of Governments, et al., Fresno County Superior Court Case No. 17 CE CG 03051, to include settlement payment of \$ 5,684.29 by Fresno Council of Governments to Nevada Policy Research Institute.**

After an opportunity for public comment, Mayor Cardenas (Fowler) motioned and Mayor Lopez (Orange Cove) seconded to approval of Settlement Agreement with Petitioner, Nevada Policy Research Institute, dba Transparent California, in connection with Nevada Policy Research Institute, dba Transparent California v. Fresno Council of Governments, et al., Fresno County Superior Court Case No. 17 CE CG 03051, to include settlement payment of \$ 5,684.29 by Fresno Council of Governments to Nevada Policy Research Institute. The motion passed.

## IX. PRESENTATIONS

- A. There were no public presentations.

The Fresno COG Policy Board adjourned at 7:26 p.m.

Respectfully submitted,



Tony Boren, Executive Director

### Public

Jared Nimer, Fresno County,  
Mariah Thompson, CRLA  
Eric Payne TA Associates

FCOG Staff: Kristine Cai, Lang Yu, Brenda Veenendaal, Les Beshears, Trai Her-Cole, Jennifer Soliz, Suzanne Martinez, Robert Phipps, Jeaneen Cervantes