

Fresno COG Policy Board  
MINUTES  
Wednesday, October 30, 2019  
5:30 PM

**Members Attending:**

Mayor Drew Bessinger, City of Clovis  
Mayor Ron Lander, City of Coalinga  
Mayor Marcia Sablan, City of Firebaugh  
Mayor David Cardenas, City of Fowler  
Councilmember Paul Caprioglio, City of Fresno  
Mayor Rey Leon, City of Huron  
Mayor Pro Tem Gary Yep, City of Kerman  
Mayor Michelle Roman, City of Kingsburg  
Mayor Victor Lopez, City of Orange Cove  
Mayor Alma Beltran, City of Parlier  
Councilmember Robert Beck, City of Reedley  
Mayor Julia Hernandez, City of San Joaquin  
Mayor Frank Gonzalez, City of Sanger  
Mayor Scott Robertson, City of Selma

Gail Miller, Caltrans  
Bryan Rome, Legal Counsel  
Tony Boren, Executive Director

**Absent:**

Mayor Robert Silva, City of Mendota  
Supervisor Sal Quintero, County of Fresno

**Quorum:** At the start of the meeting, there were 13 members representing 81.19% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Kerman, Kingsburg, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma).

The meeting was called to order at 5:33 p.m. by Mayor Cardenas (Fowler), Chair.

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

**II. TRANSPORTATION CONSENT ITEMS**

- A. Executive Minutes of September 26, 2019 [APPROVE]
- B. City of Selma Transportation Development Act Claim (Les Beshears) [APPROVE]
- C. Transportation Network Vulnerability Assessment – Vulnerability Assessment Summary Memo (Meg Prince) [INFORMATION]
- D. Caltrans 2019 FTA Section 5310 Funding for Small Urban and Rural Projects (Les Beshears) [APPROVE]

After an opportunity for public comment, Mayor Bessinger (Clovis) motioned and Councilmember (Beck) seconded to approve the consent agenda as presented. The motion passed.

### III. TRANSPORTATION ACTION/DISCUSSION ITEMS

#### A. 2019 Fresno Regional Transportation Innovations Summit (Brenda Veenendaal) [INFORMATION]

Ms. Veenendaal (FCOG) reported on the Transportation Summit co-hosted by Fresno COG and Fresno State Transportation Institute. It was held, Wednesday, October 24 at Elite Event Center in Fresno. The event was well attended. Keynotes, breakout session speakers, awards and tours were well perceived. Staff received many compliments from attendees on a successful event.

This item was informational only; no further action was required

#### B. Regional Transportation Mitigation Nexus Fee 5-Year Update (Les Beshears) [INFORMATION]

Mr. Beshears (FCOG) reported that the Regional Transportation Mitigation Fee (RTMF) is levied countywide by the Fresno County Transportation Authority (FCTA) per the 2007 Measure C extension and implemented by Fresno COG per the Fresno County Regional Transportation Mitigation Fee agency. Fresno COG is performing a statutory update to the program that could change the fee structure. WSP (formerly Parsons Brinkerhoff) is providing the technical expertise for this update.

The update must be adopted by January 1, 2020 by both the Authority and Mitigation Fee Agency boards to continue the fee. To meet that deadline, the first committee meeting was convened on January 17, 2019, to give the consultant direction. A subcommittee meeting was convened on July 3, 2019, to review WSP's initial recommendations, which were conveyed to the Board in September. A follow-up subcommittee was held on October 3, 2019, to finalize the recommendations.

The first recommendation is to extend the planning horizon for the fee program to 2035 to be consistent with Fresno COG's normal planning horizon and the legal and financial environment under which the mitigation fees exist. A key motivation for expanding the planning horizon is so early development is not unnecessarily burdened by high project costs that will benefit future development.

The second recommendation is to use Synchro software for intersection-specific analysis and to include the City of Fresno's estimates for South Industrial Priority Area instead of the Sustainable Communities Strategy's land use assumptions. Fresno COG's traffic model is not designed to perform intersection-specific analysis and Synchro is a standard engineering tool for most common traffic analysis situations. This recommendation makes the State Route 99 North/Cedar interchange eligible for the fee calculation.

The third recommendation is to continue using ITE floor space ratios. The ITE method has been standard industry practice and is consistent with the original nexus and 2015 update.

Including SR99 North/Cedar in the fee calculation increases eligible project costs 40 percent; however, the average fee increases 34 percent because the composition of various fee categories has changed and trip generation varies among categories. The residential rate goes up \$481 from \$1,637 to \$2,118, which is significantly lower than the five other mitigation fees in the San Joaquin Valley. The second-lowest residential fee in the Valley is not quite double Fresno's proposed fee, and the highest fee is over six times greater.

This item will return to the Board for ratification in November after an informal public comment period.

This item was informational only; no further action was required

#### C. Safer Affordable Fuel Efficient Vehicle Rule Update (Kristine Cai/Braden Duran) [INFORMATION]

Mr. Duran (FCOG) reported that earlier this year, Fresno COG's Board and Committees were notified of the upcoming Safer Affordable Fuel Efficient (SAFE) Vehicles Rule, which has now been partly finalized as of September 19, 2019.

The Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) have decided to withdraw the 2013 California Clean Act waiver, which invalidates the statewide EMFAC (emissions factors) model. EMFAC is the air quality model developed and used exclusively in California. The EPA and NHTSA are still working on the second part of the SAFE Vehicles Rule, which would roll back the Corporate Average Fuel Economy (CAFÉ) and greenhouse gas vehicle emissions standards established under the Obama Administration. This is due to be finalized before the end of the year. California, 22 other states, the District of Columbia, and the cities of Los Angeles and New York have filed a lawsuit for permanent injunctive relief, and the lawsuit is forecasted to work its way up to the U.S. Supreme Court on an undetermined timeline.

The final rule regarding California's waiver will take effect on November 26, 2019, with no grace period for transportation conformity. The final rule will have severe impact on California's ability to deliver transportation projects. The EMFAC model makes assumptions about cleaner cars traveling on our transportation system. Once the SAFE rule is implemented, the EMFAC model could not take credits for such assumptions, and the California Air Resources Board will have to redevelop the model.

Without a valid air quality model, local transportation agencies such as Fresno COG would not be able to demonstrate air quality conformity, which is required under the Clean Air Act. As a result, transportation agencies will not be able to update their Regional Transportation Plans (RTP) or Federal Transportation Improvement Programs (FTIP) if any new capacity-increasing projects are proposed.

This will affect member agencies' ability to specifically add new capacity-increasing projects that are not already included in the 2018 RTP/2019 FTIP project listings, nor will Fresno COG be able to modify any projects on the 2018 RTP/2019 FTIP lists that require a scope change or updated "open to traffic" date.

Fresno COG is closely following the SAFE Vehicles Rule and its impacts, and staff will share the latest information with our committees and policy board as necessary. For questions related to the SAFE Rule, please reach out to Kristine Cai or Braden Duran, and for its impact to project delivery, please reach out to Suzanne Martinez or Jennifer Soliz.

This item was informational only; no further action was required

#### **D. Multi-Jurisdictional Pavement Management Program Final Report (Kristine Cai) [ACCEPT]**

Ms. Cai (FCOG) reported that Fresno COG allocated SB 1 formula planning funds to develop a Multi-Jurisdictional Pavement Management Program for nine local cities within the region that do not have such a program in place. These cities are: Firebaugh, Mendota, San Joaquin, Coalinga, Huron, Orange Cove, Selma, Fowler and Kingsburg. A Pavement Management Program is designed to provide objective information and useful data for analysis so local governments can make more consistent, cost-effective and defensible decisions about preserving a pavement network. With the Pavement Management Program, the cities will be able to prioritize roadway improvements and better manage their roadway repair and maintenance.

The Multi-Jurisdictional Pavement Management Program provided each of the nine cities with a free year of StreetSaver software. The consultant also: conducted a pavement condition assessment, set up the program, calculated the pavement condition index (PCI), provided cost estimates for different maintenance treatments, trained local staff, and conducted budget scenarios analysis for all the nice cities. A report for each of the individual cities and can be found at: <https://www.fresnocog.org/multi-jurisdictional-pavement-management-system/>. Finally, the consultant conducted a regional pavement analysis to help us understand pavement conditions in general, as well as funding needs for roadway maintenance in Fresno County.

Margo Yapp, representing NCE, the consultant selected to develop the Multi-Jurisdictional Pavement Management Program, made a short presentation to the Committee regarding the program.

After an opportunity for public comment, Mayor Roman (Kingsburg) motioned and Mayor Robertson (Selma) seconded to recommend the Policy Board accept the final report for the Fresno County Multi-Jurisdictional Pavement Management Program.

#### **E. Caltrans Report (Caltrans) [INFORMATION]**

Ms. Miller (Caltrans) reported:

- Kings Canyon Expressway SR 180 Segment 3; structure work is substantially complete at four locations, China Slew, Kings River, Cameron Slew and Bird Slew. Remaining work is limited to the bridge barriers and rock slope protection. Concrete paving is nearing completion. Traffic has shift to the new main line work is tentatively scheduled for mid-November. Once the traffic shift is complete the contractor will work on reconstructing the Kings Canyon overflow structure in Minkler and the eastbound SR 180 concrete pavement between Rio Vista and Cameron Slew. Critical path to completion continues to be the mail line.
- SR 180 connector guard rail. SR 41 to SR 180 connector. This project is complete.
- State Route 269 Bridge – Traffic is scheduled to shift onto 269 on November 1. Project completion is expected early December 2019. Dedication ceremony is scheduled for November 12, 2019.
- Shaver to Huntington – Paving, striping and guard rail are complete. Anticipated completion is by the end of the year.
- City of Firebaugh new ADA curb ramps and sidewalks on SR 33. Project was awarded to Granite Construction on September 27th. Work is due to begin at the beginning of November, weather permitting, otherwise it will have to wait for spring.
- City of Kingsburg SR 99 rehabilitation - SR 99 to the 201 separation. The bids were open yesterday.
- Coalinga Avenue Rest Area – Waste Water upgrade. Project was awarded on August 28. Project will update the waste water systems to current standards. Rest areas will be closed during project work. Work will begin later this year and continue to fall of 2020.

This item was informational only; no further action was required

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

##### **A. Monthly Legislative Report (Trai Her-Cole) [INFORMATION]**

After an opportunity for public comment, Mayor Robertson (Selma) motioned and Councilmember Beck (Reedley) seconded to approve the consent agenda as presented. The motion passed.

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

##### **A. Assembly Bill 101 - San Joaquin Valley Housing Working Group (Robert Phipps) [INFORMATION]**

Mr. Phipps (FCOG) reported that at its September meeting, the City Selection Committee appointed Mayor Pro Tem Gary Yep, City of Kerman, to serve as the Fresno region's small-city representative to a statutorily established San Joaquin Valley "working group" whose mission will be to allocate \$125 million in new housing planning funds through Fresno COG.

The Committee tabled an appointment of the large-city representative, from either Fresno or Clovis, until its October 30 meeting. In addition, Fresno COG awaits a formal decision from the County of Fresno on the third member, who must be a County Supervisor.

The 24-member working group, comprising three members from each of the eight San Joaquin Valley counties, is mandated under AB 101, which Gov. Newsom signed this past summer. The bill apportions \$1.7 billion in state funding to help expedite housing construction.

Of that total, \$250 million was set aside for planning assistance to cities, counties and councils of government in anticipation of the Regional Housing Needs Assessment (RHNA) cycle six. Of the \$250 million, the state Department of Housing and Community Development (HCD) will apportion half directly to local jurisdictions. The other \$125 million will be passed through COGs following the working group's application and recommendations. The San Joaquin Valley's share of this program is estimated at \$20 million, with Fresno's share anticipated in the \$5 million range.

Eligible expenditures include: updating general plans and housing elements; zoning sufficient land to address the newest housing apportionments; infrastructure support planning for new housing; housing trust funds and; a variety of other eligible expenses.

The Valleywide working group must be established no later than November 30, 2019. HCD must receive an extensive application detailing how the working group intends to use the funding by January 2021, complete with a robust public involvement process. Clean-up language in AB 113, which has not yet been approved, allows for regions to receive up to 25 percent of available monies in advance to assist with the application process for the remaining 75 percent.

HCD is expected to have program guidelines in place by December. Staff anticipates that the working group will be supported by a technical advisory committee comprising city managers, public works directors, for-profit and non-profit organizations, housing advocates, and other stakeholders.

This item was informational only; no further action was required

**Quorum:** City of Huron entered. There were 13 members present, representing 81.93% of the population.

**B. Governor Newsom Administration Executive Order - Transportation (Robert Phipps) [INFORMATION]**

Mr. Phipps (FCOG) reported that multiple recent directives and discussions at the state level suggest that the Newsom administration will be going to considerable lengths in the coming months to reverse a statewide increase in vehicle miles traveled (VMT), a key component under SB 375 and SB 743 toward helping California reach its goal to reduce greenhouse gas emissions 80 percent below 1990 levels by 2050.

On September 20, Gov. Newsom issued a wide-ranging executive order – described as "landmark" in a press release that generally calls on the state to leverage its \$700 billion pension investment portfolio and assets to advance California's climate leadership.

Among the specific directives, the State Transportation Agency (CalSTA) has been ordered to "invest its annual portfolio of \$5 billion toward construction, operations and maintenance to help reverse the trend of increased fuel consumption and reduce greenhouse gas emissions associated with the transportation sector.

"CalSTA, in consultation with the Department of Finance, is also directed to align transportation spending, programming and mitigation with the state's climate goals to achieve the objectives of the state's Climate Change Scoping Plan, where feasible. Specifically, the Governor is ordering a focus for transportation investments near housing, and on managing congestion through innovative strategies that encourage alternatives to driving."

This action is in line with the Governor's budget talks for the next fiscal year that appear to be focusing on reducing capital highway funding. On October 1, the California Transportation Commission unveiled the most recent Interregional Transportation Improvement Program (ITIP) estimates for 2020, which dramatically reduced capital highway investments in the San Joaquin Valley.

While the effect on the Fresno region was relatively minor, the estimate fully deleted two widening projects along State Route 99 in adjacent Tulare and Madera counties, as well as delaying a third major widening project along State Route 46 in Kern County. State funding for intercity rail increased.

In Sacramento, transportation officials are indicating that the executive order will likely result in increased scrutiny from Caltrans on the VMT reduction metric codified in SB 743, which substitutes VMT for level-of-service (traffic congestion) as the defining metric for prioritizing capital highway projects.

In addition, there appears to be interest coalescing around amending SB 375, ostensibly to better ensure local land use plans are compatible with regional Sustainable Communities Strategies such as those found in Fresno COG's 2018 Regional Transportation Plan. Fresno COG has formally requested to serve on an ad-hoc committee through CalCOG that will examine potential amendments.

This item was informational only; no further action was required

**C. Fresno COG Ransomware Server Breach (Tony Boren) [INFORMATION]**

Mr. Boren (FCOG) reported on the server breach that occurred at Fresno COG. Management had extensive conversations with the Secret Service, FBI and the City of Fresno IT security. An \$8000 bitcoin ransom was being asked to release the hijacked data. After careful consideration of data lost and resources needed to recover and/or recreate data, the decision was made to not pay the ransom. Fresno COG has had extensive meetings with the City of Fresno Cyber Security Team and it was suggested to contract with Management Service Provider (MSP) for cyber security and suggested the service provider AMS.net. Staff will meet with AMS and bring an item back to the Policy Board in November to approve the provider.

This item was informational only; no further action was required

**VI. OTHER ITEMS**

**A. Items from Staff**

- Mr. Boren reported that prior to the November Board meeting Fresno COG will hold a reception celebrating 50 year anniversary of Fresno COG. November 21, 2019, 3:00 – 5:00 p.m.

**B. Items from Members**

There were no items from members.

**VII. PUBLIC PRESENTATIONS**

**A. Public Presentations –**

There were no public presentations

Meeting adjourned to FCRTA at 7:38 p.m.

Respectfully submitted,



Tony Boren

Public

Margot Yapp, NCE  
Monica Sanchez, CUSF Student  
Chelsey Cruz, CUSF Student  
Kiana Rowe, CUSF Student  
Julia Jauregui, Stantec  
Bruce Webber, Stantec  
Payvand Hajian, Stantec  
Mike Karbassi, City of Fresno  
Vicencia Abundis, Fresno Pacific Student

Staff:

Les Beshears  
Kristine Cai  
Robert Phipps  
Brenda Veenendaal  
Meg Prince  
Trai Her-Cole  
Braden Duran  
Moses Stites  
Janelle Del Campo  
Jeaneen Cervantes