

Fresno COG Policy Board

**Date: Thursday, September 30, 2021**  
**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.

**THE FRESNO COG POLICY BOARD WILL TAKE PLACE  
IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

**JOINING THE MEETING:**

**[HTTPS://US06WEB.ZOOM.US/J/84443332001?PWD=Z3RAT1K5S1LOSWTNUUZWBMJUMELLZZ09](https://us06web.zoom.us/j/84443332001?pwd=Z3RAT1K5S1LOSWTNUUZWBMJUMELLZZ09)**

**JOIN BY PHONE: (669) 900-6833**

**MEETING ID: 844 4333 2001**

**PASSCODE: 638180**

**IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, CLICK ON THE "REACTIONS" AT THE BOTTOM CENTER OF YOUR PC OR MAC SCREEN. SELECT THE HAND ICON, CLICK THE ICON TO "RAISEHAND". YOUR DIGITAL HAND WILL NOW BE RAISED.**

**WHEN ON THE PHONE, IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, PRESS \*9 TO "RAISEHAND" AND WE WILL SELECT YOU FROM THE MEETING CUE.**

**\*\*IF JOINING BY PHONE USE \*6 TO UNMUTE AND MUTE YOURSELF. WHEN JOINING THE MEETING ALL PARTICIPANTS ARE AUTOMATICALLY MUTED. DO NOT USE THE MUTE FUNCTION ON YOUR LAN LINE PHONE OR CELL PHONE.**

**THOSE ADDRESSING THE POLICY BOARD MUST STATE THEIR FIRST AND LAST NAME AND AGENCY FOR THE RECORD.**

**TO FACILITATE ELECTRONIC ACCESS, NO PERSON SHALL SPEAK UNTIL RECOGNIZED BY THE CHAIR.**

**Fresno County Rural Transit Agency Meeting Package - Meeting will follow Policy Board Meeting**

**Exhibits:**

FCRTA Packet

**FRESNO COG POLICY BOARD AGENDA AND ANNOTATED AGENDA IN PDF FORMATTING FOR PRINTING**

**Exhibits:**

Agenda  Annotated Agenda

I. **Fresno COG Sitting as the Fresno County Mayors Selection Committee (Includes the County of Fresno)**

A. **Measure C Measure C Citizen Oversight Committee Appointments (Brenda Veenendaal)**  
**[APPOINT]**

**Exhibits:**

Roshonda Cureton     Carla T. Stanley     Jonathan Castillo

**Summary:** Fresno Council of Governments' Policy Board, acting as the Fresno County Mayors' Select Committee, along with the chairman of the Fresno County Board of Supervisors, is tasked with appointing members to the Measure C Citizen Oversight Committee (COC) consistent with the November 2006 voter-approved Measure C Expenditure Plan.

The COC informs the public and ensures that Measure C program revenues are spent as promised.

The Measure C Expenditure Plan specifies that the COC shall comprise 13 members, including six at-large public members who respectively reside in each of the five Fresno County supervisorial districts. Three of the six must reside in the Fresno-Clovis metropolitan area and two must reside in the unincorporated rural area of the county (east and west). The remaining seven members must be representatives drawn from a diverse mix of interested community organizations.

Members serve four-year terms, with a maximum limit of eight years on the committee. Appendix G of the Measure C Extension Expenditure Plan (attached) states the Committee's duties and responsibilities. There are seven vacancies with four-year terms to begin July 1, 2021:

- Four positions for community organization representatives (organization/agency/service clubs/chambers of commerce, etc. must provide an applicant with a letter of recommendation.)
- Two public-at-large positions representing the following:
  - Unincorporated rural area west of State Route 99 (supervisorial district 1)
  - Unincorporated rural area east of State Route 99 (supervisorial district 5)

The following applications were received from residents who wish to be appointed to the Oversight Committee (See attached):

<b><u>Applicant:</u></b>	<b><u>Position:</u></b>
Community Organization Representative	Roshonda Cureton
Community Organization Representative	Carla T. Stanley
Unincorporated rural area west of SR 99	Jonathan Leiva Castillo

Mr. Castillo lives in an incorporated area west of SR 99, rather than unincorporated. The Unincorporated rural area west of 99 position has been vacant for four years, despite vigorous attempts to recruit applicants.

Fresno COG and Transportation Authority staff will continue recruiting new members until all the positions are filled.

Measure C Citizen Oversight Committee webpage: [fresnocog.org/citizen-oversight-committee/](http://fresnocog.org/citizen-oversight-committee/)

**Action:** Appoint members to the Measure C Citizen Oversight Committee.

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

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

A. **Executive Minutes of July 9, 2021 [APPROVE]**

**Exhibits:**

July Minutes

B. **City of Parlier 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]**

**Exhibits:**

TDA Claim  Resolution 2021-39

**Action:** Approve Resolution 2021-39 adopting the City of Parlier's 2021-22 Transportation Development Act claims totaling \$770,532.

C. **City of Mendota 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]**

**Exhibits:**

TDA Claim  Resolution 2021-40

**Action:** Approve Resolution 2021-40 adopting the City of Mendota's 2021-22 Transportation Development Act claims totaling \$606,024.

D. **City of Orange Cove 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]**

**Exhibits:**

TDA Claim  Resolution 2021-41

**Action:** Approve Resolution 2021-41 adopting the City of Orange Cove's 2021-22 Transportation Development Act claims totaling \$466,085.

E. **City of Sanger 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]**

**Exhibits:**

TDA Claim  Resolution 2021-42

**Action:** Approve Resolution 2021-42 adopting the City of Sanger's 2021-22 Transportation Development Act claims totaling \$601,331,023.

F. **City of Clovis 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]**

**Exhibits:**

TDA Claim  Resolution 2021-43

**Action:** Approve Resolution 2021-43 adopting the City of Clovis' 2021-22 Transportation Development Act claims totaling \$69,826,499.

G. **Circuit Planner and Engineer Program Update (Meg Prince) [INFORMATION]**

**Summary:** Fresno COG has contracted with Rincon Consultants and subconsultants Collins & Schoettler and VSCE to provide services under the Circuit Planner and Engineer Program since 2019. The Circuit Planner and Engineer Program provides technical assistance to the small cities in Fresno

County for efforts that further the Regional Transportation Plan and Sustainable Communities Strategy. Such assistance may include, but is not limited to: planning studies, project deliveries, grant applications, environmental documents, engineering services (conceptual design or preliminary engineering), permitting needs assessment, and quality (QA/QC) reviews as needed.

Additional information on the program, as well as resources such a zoning evaluation tool and model zoning book, can be found on the program website: <https://www.fresnocog.org/project/circuit-planner-engineer-program/>

If you would like to set up a meeting to discuss how the circuit planner can assist with updates to a zoning ordinance, please contact Meg Prince at [mprince@fresnocog.org](mailto:mprince@fresnocog.org).

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

#### H. **Fresno COG CMAQ and STBG Programs Application Deadline (Braden Duran) [INFORMATION]**

**Summary:** On June 24, Fresno COG's Policy Board voted to open the 2021-22 Congestion Mitigation Air Quality (CMAQ) Improvement Program/Surface Transportation Block Grant (STBG) call-for-projects.

Applications for CMAQ are due Friday, Sept. 17, and STBG applications are due on Friday, Oct. 1. We encourage prospective applicants to reach out to Fresno COG staff with any questions, contact information is below.

The approved CMAQ and STBG guidelines and application packet are available through the respective program websites below:

<https://www.fresnocog.org/project/congestion-mitigation-air-quality-cmaq-program/>

<https://www.fresnocog.org/project/surface-transportation-block-grant-program/>

For further information on CMAQ-eligible projects or application submittals, please contact Braden Duran at 559-233-4148 ext. 217 or [bduran@fresnocog.org](mailto:bduran@fresnocog.org).

For further information on STBG-eligible projects or application submittals, please contact Jennifer Soliz at 559-233-4148 ext. 223 or [jsoliz@fresnocog.org](mailto:jsoliz@fresnocog.org).

**Action:** Information. The Committee may provide further direction at its discretion.

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

#### A. **Overall Work Program Amendment No. 2 (Les Beshears) [ACTION]**

**Exhibits:**

Resolution 2021-44

**Summary:** Fresno Council of Governments' 2021-22 Overall Work Program Amendment No. 2 decreases the budget \$213,111 to reconcile amounts carried over from the last fiscal year. FHWA Planning funds decreased \$108,406 and FTA 5303 Planning funds decreased \$33,984. Staff transferred local funds in place of the reduced federal funds to keep programmed projects intact across several work elements. In addition, staff also adjusted work elements funded with State Road Maintenance and Rehabilitation Account (RMRA-SB 1) funds and FTA 5304. As a result, net local funds programmed in the budget increased \$118,360.

**Work Element 120 Public Transportation** – Staff shifted local funds totaling \$124,584 to the Human Services Plan update.

**Work Element 170 Regional Transportation Plan** – Staff adjusted and transferred various federal funds to other work elements, netting out to a change of \$806. Projects programmed in the work element remain unchanged.

**Work Element 172 Congestion Management Program** – Approximately \$20,000 in local funds were shifted to the Congestion Management Plan Update.

**Work Element 148 Regional Safety Study Phase I** – The balance of the Kittleson contract was \$103,980, reducing RMRA and local match funds programmed by \$26,061.

**Work Element 160 Better Blackstone Design Phase II** – The balance of the Fresno Metro Ministries contract was \$83,013, reducing FTA 5304 and local match funds by \$141,575.

**Work Element 161 Fresno/Madera Sustainable Corridor Study** – The balance of the IBI contract was \$52,332, reducing RMRA and local match funds programmed by \$3,226.

**Work Element 162 Regional Safety Study Phase III** – The balance of the Kittleson contract was \$225,097, reducing RMRA and local match funds programmed by \$46,565.

**Work Element 167 Sustainable Communities Grant Program 2021-22** – The work element was eliminated to transfer \$233,382 in RMRA and local match funds to Work Element 173.

**Work Element 173 – Regional Vehicle Miles Traveled Mitigation Program** – Approximately \$220,000 is programmed for a consultant to perform the VMT study and \$17,768 for grant administration.

**Action:** Adopt Resolution 2021-44, approving Fresno COG's 2021-22 Overall Work Program Amendment No. 2.

**B. Regional Vehicle Miles Traveled Mitigation Program Study (Kristine Cai) [INFORMATION]**

**Summary:** SB 743 (2013) requires that level-of-service (LOS), used in measuring transportation impacts in the California Environmental Quality Act, be replaced with another metric that will “promote the reduction of greenhouse gas emissions, the development of multi-modal transportation systems and a diversity of land use development.” The state's Office of Planning and Research has selected vehicle miles traveled (VMT) as that metric to replace LOS.

In partnership with multiple stakeholders, Fresno COG developed the SB 743 Implementation Regional Guidelines in 2020, which provides tools for local governments to use in instituting SB 743, should they decide to endorse recommendations in the guidelines. Since July 1, 2020, when SB 743 took effect, many jurisdictions in Fresno County have approved policies regarding SB 743 implementation. Fresno COG has received many requests to conduct VMT analysis based on the procedures recommended in the Regional Guidelines and has run the activity-based model (ABM) to produce VMT results for development projects. However, due to limited mitigation measures with quantifiable VMT reduction credits, it is hard for projects to move forward if the project is found to have a VMT impact that is higher than the established threshold.

A regional VMT mitigation program may be the most effective means of addressing VMT requirements on future development. The proposed VMT mitigation study will explore options such as: a VMT mitigation bank, a VMT mitigation exchange, regional VMT impact fees, etc., and to identify pros and cons for the various techniques. The study may also establish some framework for instituting such a program. It will serve to reconvene stakeholders and begin the conversation about VMT mitigation, which is a mystery to a many of those in the development realm.

Fresno COG will use SB 1 formula planning funding for the study. It is anticipated that a request for proposals will be distributed in early fall and the study will be completed in a year.

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

**C. Sixth Cycle Housing Elements (Meg Prince) [INFORMATION]**

**Summary:** Staff will provide a brief update regarding Fresno COG's support for developing the sixth-cycle housing elements.

Meg Prince can be contacted at [mprince@fresnocog.org](mailto:mprince@fresnocog.org) for questions or comments.

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

**D. State Route 41 South Expressway Funding Strategy (Tony Boren) [INFORMATION]**

**Summary:** Staff will present a short update on the funding strategies under discussion for the State Route 41 South Expressway Elkhorn to Excelsior gap closure project.

**Action:** Information and discussion. The Policy Board may provide additional direction at its discretion.

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

IV. **ADMINISTRATIVE CONSENT ITEMS**

**About Consent Items:**

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A. **Triennial Performance Audit Consultant Selection (Jennifer Soliz) [APPROVE]**

**Summary:** Fresno COG is required under California's Transportation Development Act to perform a triennial performance audit of itself and the four transit operators: FAX, FCRTA, Clovis Public Transit, and Fresno Economic Opportunities Commission/Consolidated Transportation Service Agency for fiscal years 2018/19, 2019/20 and 2020/21. Fresno COG released a request for proposals on June 2 for consultant services and received one proposal from Moore & Associates. A selection committee comprising representatives from the four transit operators reviewed the proposal and approved Moore & Associates for the contract.

**Action:** Staff, the selection committee and PAC recommend the Policy Board approve Moore & Associates as the consultant for the triennial performance audit, and authorize Fresno COG's executive director to enter into a contract with Moore & Associates in an amount not to exceed \$54,644.48.

B. **Regional Clearinghouse (Jennifer Soliz) [APPROVE]**

**Exhibits:**

 Regional Clearinghouse

**Summary:** The Clearinghouse Calendar contains "Project Notification and Review Reports" for grant proposals.

	<b>Project</b>	<b>Applicant</b>
1.	Emergency Solutions Grant Administration; Emergency Solutions Grant	Fresno County
2.	Tranquility School Internet extension to Community for student learning; USDA Rural Development Community Facility Grant	Golden Plains USD
3.	San Joaquin – School Internet extension to Community for Student learning; USDA Rural Development Community Facility Grant	Golden Plains USD
4.	Cantua/Three Rocks – School Internet extension to Community for student learning; USDA Rural Development Community Facility Grant	Golden Plains USD

**Action:** Forward any comment(s) received or any Committee/Board comment(s) generated as a result

of this informational item to the appropriate agency.

C. **Amendment to and Restatement of the San Joaquin Valley Regional Policy Council Memorandum of Understanding -- San Joaquin Joint Powers Authority (Robert Phipps)**  
**[ACTION]**

**Summary:** As members of a common air district, the eight San Joaquin Valley regional transportation planning agencies (RTPA) originally entered into a memorandum of understanding/cooperative agreement in September 1992 to comply with the federal Clean Air Act for air quality conformity purposes. That MOU was subsequently amended three more times, including to add the San Joaquin Valley Air Pollution Control District as a member, and to establish the SJV Policy Council, an advisory body comprising two Board members from each of the eight RTPAs.

In June, the Policy Council unanimously agreed to add a new member -- the San Joaquin Joint Powers Authority -- which operates Amtrak's San Joaquins service from the Bay Area and Sacramento to Bakersfield, including a stop in Fresno. The Policy Council itself possesses no legal authority, therefore its actions with regard to any formal agreements must be supported individually by each of the eight RTPA boards of directors.

By increasing its membership, the Policy Council is able to more effectively address a range of transportation and air quality-related issues when speaking with the Valley's federal and state legislative delegations, as well as spreading the associated costs of its activities over a wider range of agencies. At the same June meeting, the Policy Council also unanimously supported hiring both a federal and state lobbying firm to address Valleywide issues and splitting the costs uniformly across all members. A separate agenda item detailing this arrangement also appears on this agenda.

**Action:** Staff and the PAC recommend the Board approve the amended and restated MOU establishing the San Joaquin Valley Regional Policy Council adding the San Joaquin Valley Joint Powers Authority, and authorize the chairman and executive director to sign.

D. **San Joaquin Valley Regional Policy Council Legislative Advocacy Contracts (Robert Phipps)**  
**[ACTION]**

**Summary:** In June, the San Joaquin Valley Policy Council -- an advisory body comprising two Board members from each of the eight Valley regional transportation planning agencies (RTPAs) and the San Joaquin Valley Air Pollution Control District -- approved an amendment to its memorandum of understanding adding representatives from the San Joaquin Joint Powers Authority (SJJPA), which controls the Amtrak San Joaquins line from Bakersfield to Sacramento and the Bay Area. That item appears separately on this agenda.

At the same time, the Council approved a proposal to split the cost of two lobbying firms to represent Valley interests at the state and federal levels across the now 10 organizations comprising it. The lobbying firms -- Khouri Consulting, LLC in Sacramento and Simon & Co. in Washington are already under contract with the Stanislaus Council of Governments (StanCOG), which has agreed to serve as the fiscal agent for this contract. Fresno COG's share of the even, 10-way split is \$1,000/month or \$12,000 annually.

The Policy Council has used each of the two firms for the last several years for its signature "Valley Voice" trips to Sacramento and Washington to raise awareness of transportation, water, land use and other regionally vital issues to the Valley legislative delegation, as well as to California and federal administrations. Simon & Co. also represents the City of Fresno on federal issues.

Fresno COG does not employ a lobbying firm of its own, which is the case for many of the Valley RTPAs. As a result, the COG Directors group determined that a single state and federal contract spanning the entire SJV could more efficiently capture economies of scale.

**Action:** Staff and the PAC recommend the Policy Board authorize the executive director to approve an agreement with Stanislaus Council of Governments for \$1,000/month for federal and state lobby efforts at a Valleywide level through fiscal year 2021-22, not to exceed \$12,000.

E. **Regional Early Action Planning (REAP) Contract with HDR/Calthorpe (Robert Phipps)**  
**[ACTION]**

**Summary:** Fresno COG serves as the fiscal agent for the San Joaquin Valley Regional Early Action Planning (REAP) Committee, which is responsible for distributing nearly \$19 million in state housing planning funds. Those funds are intended to assist member jurisdictions and regional planning agencies prepare for the sixth-cycle Regional Housing Needs Assessment (RHNA) process.

To date, approximately \$5.5 million has been reserved for tasks, activities and deliverables intended of a Valleywide scope and benefit among all eight counties. In January, the Policy Board approved the initial project, a comprehensive housing report detailing an inventory of available residentially zoned land uses across all jurisdictions, along with demographic data, potential impediments to housing, best practices and recommendations.

Phase two of Valleywide activities, tasks and deliverables includes \$1.5 million in technical assistance work to assist jurisdictions in updating housing elements, zoning codes, infrastructure planning, geographic information systems (GIS) mapping and other assistance on an as-needed basis.

As part of that technical assistance, staff proposes to contract with HDR/Calthorpe to produce a Valleywide examination and set of strategic options for residential land use at the parcel level. This analysis includes three Valleywide scenarios based on the housing needs in each major market segment.

The different scenarios will experiment with variations in density and housing types across selected parcels. It will include impacts of development location, transportation system investments and approaches to job-housing balance deficiencies. More specifically, the analyses and scenarios will include a range of metrics for different housing types, such as household utility and transportation costs; average water and energy consumption; vehicle miles traveled and transportation mode split; carbon emissions and air quality impacts; proximity to transit and land consumption.

The \$325,000 contract will run through June 2023 and include eight licenses for Urban Footprint, the land-use, GIS platform in which the analysis will be delivered -- one for each of the Valley MPOs. It will also include two meetings with the SJV Policy Council and Valleywide REAP Committee to detail the findings, as well as a workshop with Valley jurisdictions' community development and planning staff on the model's utility.

**Action:** Staff and PAC recommend the Policy Board approve a contract with HDR/Calthorpe for a Valleywide housing scenario analysis not to exceed \$325,000 and authorize the executive director to sign.

## V. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

### A. Future Board Meeting Format (Robert Phipps) [ACTION]

**Summary:** On September 15, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agencies to continue conducting public meetings remotely during a state of emergency after October 1, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied.

While the Board has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff.

Although the Governor waived AB 361's applicability until October 1 local agencies retain the option of meeting beforehand to make the required findings under AB 361 to hold future meetings remotely.

Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

1. There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent



- risks to the health or safety of attendees; or
3. There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.

AB 361 defines a “state of emergency” as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic.

To continue to rely on the relaxed teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, **every 30 days**:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

**Action:** Discussion and Board Direction.

## VI. CLOSED SESSION

A. Public Employee Performance Evaluation - Executive Director (Government Code Section 54957)

B. Conference with Labor Negotiators (Government Code § 54957.6)

Agency designated representatives: Mayor David Cardenas, Mayor Mary Fast and Mayor Gary Yep.

Unrepresented Employee: Tony Boren, Executive Director

## VII. OPEN SESSION

A. Discussion & Approval of Executive Director Employment Contract [APPROVE]

**Action:** Consider and authorize the Policy Board Chair to extend the contract with Tony Boren, Executive Director based on the terms decided upon in the conference with labor negotiators.

## VIII. OTHER ITEMS

A. Items from Staff

B. Items from Members

## IX. 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 three minutes.**