

**Fresno COG Policy Board
MINUTES
Friday, April 28, 2022
5:30 PM**

Members Attending:

Mayor Jose Flores, City of Clovis
Mayor Ron Ramsey, City of Coalinga
Mayor Brady Jenkins, City of Firebaugh
Councilmember Daniel Parra, City of Fowler
Councilmember Esmerelda Soria, City of Fresno
Councilmember Michelle Roman, City of Kingsburg
Mayor Rolando Castro, City of Mendota
Mayor Alma Beltran, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Julia Hernandez, City of San Joaquin
Mayor Eli Ontiveros, City of Sanger
Mayor Scott Robertson, City of Selma
Michael Navarro, Caltrans
Alison Samarin, Legal Counsel
Tony Boren, Executive Director

Absent:

Mayor Rey Leon, City of Huron
Mayor Gary Yep, City of Kerman
Mayor Victor Lopez, City of Orange Cove
Supervisor Sal Quintero, County of Fresno

Quorum: At the start of the meeting, there were 11 members representing 78.53% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma). Members Huron, Kerman, Orange Cove, Fresno County absent.

The meeting was called to order at 5:39 p.m. by Councilmember Roman (Kingsburg), Chair.

I. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of March 24, 2022 [APPROVE]
- B. City of San Joaquin FY 2019-20 Transportation Development Act Claim (Les Beshears) [ACTION]
- C. City of San Joaquin FY 2020-21 Transportation Development Act Claim (Les Beshears) [ACTION]
- D. City of San Joaquin FY 2021-22 Transportation Development Act Claim (Les Beshears) [ACTION]
- E. Obligational Authority and Project Delivery Update (Jennifer Soliz) [INFORMATION]
- F. Measure C New Technology Reserve Program 2022 Grant Application (Braden Duran) [INFORMATION]

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Jenkins (Firebaugh) seconded to approve the consent agenda as presented. 11 yes, the motion passed. Members Huron, Kerman, Orange Cove, Parlier, Fresno County absent.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. 2022 Unmet Transit Needs Assessment (Harold Sobrado) [PUBLIC HEARING]

Mr. Sobrado (FCOG) reported that the 2022 Unmet Transit Needs Assessment public hearing will be held during the regularly scheduled, April 28 Fresno COG Policy Board meeting. Staff will be available to address any comments received during the public hearing. Staff will return to the Board in June with the final Unmet Transit Needs Report, following approvals from the Social Services Technical Advisory Committee (SSTAC), TTC and PAC approval.

Public hearing was opened to receive comments, there was no public comment. Public hearing closed.

Quorum: Parlier entered 12 members present representing 80.08% of the population.

B. Sixth Cycle Multijurisdictional Housing Element Consultant Contract (Meg Prince) [ACTION]

Ms. Prince (FCOG) reported that California housing element law requires every jurisdiction to prepare and adopt a housing element as part of general plans. In California, typically each city or county prepares and maintains its own separate general plan and housing element. During the last round of housing element updates, however, the County of Fresno and 12 of the 15 cities in the region, with Fresno COG's help, prepared a multi-jurisdictional housing element (MJHE).

The MJHE provided an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level. In addition, the economies of scale from the multijurisdictional effort resulted in significant cost savings for participating jurisdictions.

State law mandates that housing elements be updated every eight years. The sixth-cycle housing elements will cover the planning period between 2023 and 2031 and must be adopted and submitted to HCD for certification by Dec. 31, 2023.

While legislative changes have increased the cost and complexity of the housing element since the fifth cycle, there are some advantages to pursuing a joint effort, and local members have again requested Fresno COG hire a consultant to be paid for by participating member agencies to develop a sixth-cycle multijurisdictional housing element.

The MJHE's primary objective is to have a regional plan, with individual appendices for each participating jurisdiction, addressing housing needs to be certified by the State. Fresno COG is acting as the fiscal agent and contract administrator for the sixth-cycle, multi-jurisdictional housing element. Fresno COG will convene a MJHE Working Group, which will include participating local government staff, to direct and support the overall effort.

CONSULTANT SELECTION - Fresno COG released a request for proposals on Jan. 27 for qualified consultants to develop the sixth-cycle MJHE, and received two proposals. A consultant selection committee comprising representatives from the County, Kerman, Fowler, Fresno, Selma, and Fresno COG conducted consultant interviews on March 22.

The consultant selection committee is recommending PlaceWorks as the preferred consultant team. The PlaceWorks team includes Ascent Environmental, Provost and Pritchard, and California Coalition for Rural Housing, as subconsultants. The PlaceWorks team has extensive experience preparing housing element updates and is well versed in addressing the latest legislation affecting housing elements and general plans.

The contract cost is broken out by two potential options for environmental compliance. The first option includes each participating jurisdiction adopting its housing element with an addendum to its general plan's

environmental impact report (EIR), for a total of \$1,746,266. The second option includes an initial study for each jurisdiction, leading to a negative declaration for the proposed housing elements, for a total of \$1,894,931. Once necessary changes to land use are understood in more detail, PlaceWorks will assist local jurisdictions in determining the appropriate course in terms of environmental compliance.

The estimated cost for each of the 13 smaller jurisdictions ranges from \$110,000 with an environmental addendum to \$125,000 with an initial study/negative declaration. The cost for the County ranges from \$140,000 with an environmental addendum to \$150,000 with an initial study/negative declaration. The estimated cost for the City of Fresno is \$225,000 with an environmental addendum to \$245,000 with an initial study/negative declaration.

NEXT STEPS - At this time, the County, City of Fresno, and 13 other cities have all expressed interest in participating. Participating jurisdictions have (or are in the process of) providing a signed resolution confirming participation in the joint effort as well as a \$10,000 deposit to help Fresno COG alleviate cashflow issues. The deadline for these two items is Thurs., April 28, at which time Fresno COG staff will request the Policy Board authorize the executive director to enter into a contract with PlaceWorks. A kickoff meeting with the consultant and participating jurisdictions will be scheduled for May.

After an opportunity for public comment, Councilmember Soria (Fresno City) motioned and Mayor Pro Tem Pimentel (Parlier) seconded to recommend that the Policy Board authorize the executive director to enter into an agreement with PlaceWorks to produce the sixth-cycle multi-jurisdictional housing element for an amount not to exceed \$1,894,931. 12 yes, the motion passed. Members Huron, Kerman, Orange Cove, Fresno County absent.

C. Measure C Transit Oriented Infrastructure for Infill Development (TOD) Program Cycle 10 Funding Recommendation (Kristine Cai/Jennifer Soliz) [ACTION]

Ms. Cai (FCOG) reported that the Measure C Transit-Oriented Infrastructure for Infill Development (TOD) program was established as part of the Measure C 2006 Extension Plan. It was designed to boost transit ridership through transit supportive land uses such as compact development and mix uses, and other transit complementary infrastructure development and planning activities. It was intended to provide seed money for transit-oriented development in Fresno County and promote livable, sustainable and healthy communities that are walkable, bikeable and transit friendly.

The TOD program accounts for 1.2% of Measure C funding and is estimated to accrue about \$17 million in the Measure's 20-year lifespan. Cycle 10 has about \$1.44 million available. Fresno COG received three applications totaling \$989,932 in funding requests. These applications are:

1. City of Fresno requested \$450,000 for preliminary engineering on segments of Blackstone Avenue from State Route 180 to Pine Avenue as part of the Blackstone Avenue Smart Mobility Project. The project aims to transform the auto-oriented Blackstone corridor into a people-centered, multi-modal community that is walkable, bikeable and transit-friendly.
2. City of Kingsburg requested \$396,165 to construct pedestrian and bicycle infrastructure improvements in downtown Kingsburg as identified in the Downtown Kingsburg Strategic Plan.
3. City of Fowler requested \$143,767 to fund a bicycle infrastructure project in downtown and surrounding areas to connect key activity centers to transit facilities in Fowler.

The scoring committee met and discussed application's qualifications on March 22. The committee unanimously recommended to fully fund all three projects, as requested.

After an opportunity for public comment, Councilmember Soria (Fresno City) motioned and Councilmember Parra (Flower) seconded to recommend the Policy Board fully fund the projects submitted by the cities of

Fresno, Kingsburg and Fowler, totaling \$989,932, through Measure C's TOD program. 11 yes, the motion passed. Members Huron, Kerman, Orange Cove, Parlier, Fresno County absent.

D. California Inland Port System Project USDOT Regional Infrastructure Accelerator Phase Contract (Braden Duran/Tony Boren) [APPROVE]

Mr. Duran (FCOG) reported that Fresno COG, acting as project manager on behalf of multiple State partners, is leading the effort to develop the California Inland Port Project.

This "system of projects" is designated as an [emerging project](#) under an agreement by the California State Transportation Agency (CalSTA) and the United States Department of Transportation (USDOT) due to its long-term benefits to help the supply chain crisis.

USDOT has designated the project a Regional Infrastructure Accelerator (RIA) under a new demonstration program and will provide \$1 million in funding for continued planning work.

Partnering with the Build America Bureau and the USDOT will widen the pipeline of Inland Port projects eligible for federal Transportation Infrastructure Finance and Innovation Act and/or Railroad Rehabilitation & Improvement Financing programs, which, in turn, will help leverage substantial local and private co-investment.

This RIA-funded Phase Five planning work would include design and preliminary engineering on the intermodal hubs, environmental analyses, developing the pipeline for project funding, and examine implementation. Specifically, this phase would consider an implementing entity, including best practices, legal structure, governance funding, and financing options.

The [application](#), submitted in March 2021, received immense support from partners around the state, [and was awarded late last year](#). This project was one of five that USDOT selected nationwide as the inaugural recipients.

There is no local match required for this award and this phase is 100% federally funded.

CONSULTANT SELECTION - USDOT has authorized Fresno COG to conduct the RIA phase. As a result of the March 2022 Fresno COG Policy Board meeting, an ad-hoc committee convened to further understand the project, meet the project team, and determine the appropriate steps forward.

The committee comprised elected officials and staff from the City of Fresno, City of Clovis, Fresno County, east side cities, and west side cities. It met on April 20 to review project progress and meet with the RIA project team, which includes Fresno COG staff and members of the Global Logistics Development Partners (GLDPartners) team. The committee voiced unanimous support for Fresno COG to move forward with the RIA process using the team led by GLDPartners that includes HPC, Jacobs Engineering, and others.

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Ramsey (Coalinga) seconded authorize the executive director to enter into a contract with GLDPartners for an amount not to exceed \$960,000 to conduct the California Inland Port System Project's RIA phase. 11 yes, the motion passed. Mendota voted no. Members Huron, Kerman, Orange Cove, Fresno County absent.

E. Measure C Renewal Update (Tony Boren) [INFORMATION]

Mr. Boren (FCOG) reported that the poll results in. The TWG voted 24-2 on an alternative. It is the hope that the EC will have a supported alternative to bring forward as well.

F. Caltrans Report (Caltrans) [INFORMATION]

Mr. Navarro (Caltrans) reported:

- **Selma to Fowler Rehab** - Construction is in progress. NB traffic from north of Floral Avenue to Merced Street has been shifted to the median. Currently working on NB lanes and outside shoulder to place CRCP. On and off ramps at NB Manning Avenue are closed. They will be closed till about end of April. Once Manning Avenue is opened up, NB offramp at Merced Street will be closed until July 2022 (tentatively). Traffic advisory was issued about this closure on March 10, 2022. Caltrans presented the project to Fowler City Council on March 1, 2022.
- **South Fresno 99 Corridor Project** - (SR 99/North/Cedar Avenues & SR99/American Avenue Interchanges). Project is in the environmental clearance phase. Draft environmental document was released for circulation on October 14th. A public hearing was held on November 4th (Virtual). Construction is targeted for late 2024. The project development team selected the preferred alternatives to recommend for inclusion into the final environmental document (subject to approval by the District Director). North will be a partial cloverleaf interchange and American will be a diamond interchange. The diverging diamond interchange is no longer being considered at North. A multi-agency team will be working on the 2022 RAISE grant application.
- **Veterans Interchange** - Fresno City Council awarded the project on Nov 4th. Contractor started work in February and a ground breaking event was held.
- **Excelsior Expressway** - The Draft 2022 ITIP has \$23M in new funding. FCOG and FCTA put up a \$23M match. The final STIP will be adopted at the March CTC meeting. The design would be completed by June 2024 and a contractor would be on board by the end of 2024 with work starting after the rainy season (i.e. spring 2025).
- **Mendota SR 33 and SR 180 Slurry Seal and Road Diet** - This Highway Maintenance (HM) project will place a slurry seal on SR 33 between Belmont and Bass Avenues and on SR 180 between Belmont Avenue and SR 33. Both routes will receive a road diet with a center turn lane and bike lanes with green paint. A new marked crosswalks will be installed on SR 180 at 7th Street and 11th Street, and rectangular rapid flashing beacons will be placed at all uncontrolled crosswalks that cross SR 33 or SR 180. Radar feedback signs will be placed on both routes. Project is scheduled for construction this summer. Bids opened yesterday. Funding for the enhancements is from the Clean CA program.
- **State Route 41 Aux Lane for Ashlan to Shaw** - This project constructs an auxiliary lane in Fresno County on Route 41 from the NB Ashlan Ave. on-ramp (PM R27.6) to the NB Shaw Ave. off-ramp (PM R28.3) and widen the Shaw Ave. NB off-ramp to two lanes. As part of the construction of the auxiliary lane a retaining wall (soil nail wall) will be built to accommodate the widened roadbed. It is also proposed to construct a sound wall along the Shaw Ave. off-ramp on NB Route 41 at the north end of the project. No additional right of way is anticipated for this project. This project will be in construction this summer.

This item was informational only; no further action was required.

III. ADMINISTRATIVE CONSENT ITEMS

- A. **AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION]**
- B. **City Selection Committee and COG Board Positions (Robert Phipps) [INFORMATION]**

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Ramsey (Coalinga) seconded to approve the consent agenda as presented. 11 yes, the motion passed. Members Fowler, Huron, Kerman, Orange Cove, Fresno County absent.

VI. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

- A. **Voting Protocols for Officer Elections (Les Beshears/Robert Phipps) [ACTION]**

Mr. Phipps (FCOG) reported that Fresno COG's bylaws specify that the most recent edition of Robert's Rules of Order (RRO) shall constitute the parliamentary authority for the Policy Board.

RRO provides multiple guidelines for officer elections depending on the nomination and voting method used but does not dictate a specific protocol on nominations and elections.

For instance, it provides nominations are customary but not required when voting by ballot or roll call. Any member can vote for any eligible person whether nominated or not. A nomination is not a motion and a second is not required. Nominations are merely treated like a motion to "fill in a blank".

Once all nominations are provided, they may be voted on in the manner prescribed in the agency's bylaws or, in the order nominated, or any other method RRO provides for a vote to be taken. Generally, the most common method is by ballot.

Importantly, Board members can themselves determine how they wish to proceed with an officer election within certain parameters and still be consistent with RRO.

Given those loose parameters, staff has developed a protocol addressing all officer positions for the COG Board and committees, to be codified by resolution, wherein:

The Chair shall open nominations. Any Board/committee member may nominate anyone other member for an officer's position (chair or vice-chair). A second is not required.

After allowing sufficient opportunity for any Board/committee member to make a nomination, the Chair shall close nominations and repeat the names of those nominated. The Chair shall direct the secretary to proceed to a vote by roll call. The secretary shall ask members, in turn, the candidate for whom they wish to vote.

Before voting, the member may request the names of the candidates be repeated. The secretary shall tabulate the votes and announce the candidate with the most votes as the winner. In case of a tie, a run off vote shall be taken between tied candidates.

In the case a tie cannot be broken after repeated votes, the winner shall be determined by coin toss.

Member discussion and consensus to add that any member may nominate themselves.

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Fast (Reedley) seconded to approve Resolution 2022-09 establishing a formal and orderly election protocol. 11 yes, the motion passed. Members Fowler, Huron, Kerman, Orange Cove, Fresno County absent.

B. Oppose position - Assembly Bills 2237 and 2438 (Robert Phipps) [ACTION]

Mr. Phipps (FCOG) reported that two bills working their way through the California Assembly have the potential for serious ramifications to both regional and local transportation projects.

Together, AB 2237 and AB 2438 -- authored by Assembly Transportation Committee Chair Laura Friedman -- require all projects funded through regional plans and programs, such as the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP), be consistent with the California Transportation Plan (CTP) and the California Climate Action Plan for Transportation Infrastructure (CAPTI).

Under AB 2438, these requirements also extend to such state funding programs as the State Highway Operation and Protection Program (SHOPP), as well as multiple SB 1 programs, including: Solutions for Congested Corridors, Trade Corridor Enhancement and the Local Partnership Program within the Road Maintenance and Rehabilitation (RMRA) Program.

Among other issues, the CTP does not meet the definition of "reasonableness" to which regional plans must adhere. Whereas the CTP is "aspirational," regional plans like the RTP are grounded in "fiscal constraint," or a demonstrable degree of certainty regarding consistent funding sources over time.

For example, CalCOG estimates that pricing assumptions in the CTP are equal to a current-day gas tax increase of \$2.25 per gallon. Federal regulations prohibit regional entities from adopting plans that include such unlikely scenarios. Given that the state plan does not have to adhere to regional plan standards, there is a significant risk that a project may be consistent with the vision in one plan but not the other.

In addition, State policies have a tremendous influence on whether or not a region meets its greenhouse gas (GHG) reduction target under SB 375. For example, many of the capacity-increasing projects on the State system are sponsored by Caltrans. There are multiple approaches the State might take to achieve such outcomes. AB 2237 should direct state agencies to look at supporting state actions more closely.

The state must be more accountable for its own actions. In another example, the California Air Resources Board's (ARB) Scoping Plan states that GHG reductions from "SB 375-like" strategies should be 25 percent. Yet ARB's Plan could only set the SB 375 targets at a 19 percent average, acknowledging the limits of what metropolitan planning organizations like Fresno COG could feasibility achieve. ARB stated that the 6% gap (25%-19%) would be achieved by "additional state actions." To date there has been no comprehensive plan to address this issue, or analysis to determine whether actions like CAPTI or SB 743 sufficiently bridge this gap. This kind of analysis is an essential first step in reaching State climate change goals.

Collectively, AB 2237 and 2438 place the full onus of the State's climate change goals and GHG reductions on local and regional transportation projects without addressing additional policies and actions the State Legislature could adopt to help solve the problem. Staff recommends opposing both AB 2237 and 2438.

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Ramsey (Coalinga) seconded to recommend an "oppose" position to the Policy Board for both AB 2237 and AB 2438, and direct the Executive Director to file letters of opposition with the Legislature. 11 yes, the motion passed. Members Fowler, Huron, Kerman, Orange Cove, Fresno County absent.

VI. OTHER ITEMS

A. Items from Staff

- Mr. Boren reported that this would be Jeaneen Cervantes last Board meeting. Her last day with Fresno COG is May 13th.

B. Items from Members

There were no items from members

IV. PUBLIC PRESENTATIONS

A. Public Presentations

There were no public presentations.

The meeting was adjourned at 6:39 p.m.

Respectfully submitted,



Tony Boren

Public:

Adam Wasserman, GLDPartners,

Jennifer Gastelum, Placeworks

Louis Yates, GLDPartners

Sonia Hall, City of Parlier

Staff: Kai Han, Braden Duran, Kristine Cai, Robert Phipps, Les Beshears, Meg Prince, Moses Stites, Janelle Del Campo,
Jeaneen Cervantes