

Fresno COG Policy Board

Date: Thursday, September 29, 2022

Time: 5:30 PM

Place: *Via Zoom Webinar and at COG Sequoia Conference Room*
2035 Tulare St., St

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 MEETING WILL TAKE PLACE
IN PERSON AT THE FRESNO COG SEQUOIA CONFERENCE ROOM AND VIA ZOOM WEBINAR.**

TO JOIN THE ZOOM WEBINAR:

[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_Q3EDIM2RTXICDRUPIKDFXG](https://us06web.zoom.us/join/98112820000)

JOIN BY PHONE: (669) 900-6833

MEETING ID: 893 9203 3082

**IF YOU WISH TO JOIN BY PHONE, PLEASE ENTER THE MEETING ID FOLLOWED BY THE # SIGN. NO
PASSCODE IS NEEDED.**

**IF YOU WISH TO ADDRESS THE POLICY BOARD DURING THE PUBLIC COMMENT PORTION OF THE
AGENDA, CLICK ON THE "REACTIONS" BUTTON AT THE BOTTOM CENTER OF YOUR COMPUTER SCREEN.
SELECT THE HAND ICON, CLICK THE ICON TO "RAISE HAND". YOUR DIGITAL HAND WILL NOW BE RAISED
AND FRESNO COG STAFF WILL PROMPT YOU TO UNMUTE.**

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

**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 LANDLINE
PHONE OR CELL PHONE.**

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

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

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

Exhibits: September 29, 2022 FCRTA Agenda FCRTA Meeting Minutes September 29, 2022 Meeting Documents

COG POLICY BOARD agenda and annotated agenda in PDF format - ALL EXHIBITS ARE ATTACHED BELOW

Exhibits:

FCOG September 29, 2022 Agenda FCOG September 29, 2022 Annotated Agenda

SITTING AS THE CITY SELECTION COMMITTEE (Excludes County of Fresno)

1. **Call Meeting to Order and Roll Call**

Exhibits:

September 29, 2022 CSC Agenda

2. **Approval of Resolution 2022-03 in the Matter of AB 361**

Exhibits:

CSC Resolution 2022-03

Approve and adopt resolution finding that the City Selection Committee meeting is being held during a proclaimed state of emergency and determining that as a result of the proclaimed state of emergency, meeting in person would present an imminent risk to the health and safety of attendees and authorizing the City Selection Committee to conduct its meetings remotely in compliance with Government Code section 54953(e)

3. **Approval of Meeting Minutes for June 30, 2022**

Exhibits:

CSC June 30, 2022 Minutes

4. **Airport Land Use Commission**

Appoint (1) Member to the Airport Land Use Commission, term effective immediately, to replace Robert Beck, who vacated his position on July 31, 2022, and whose term will expire May 1, 2023.

5. **Public Presentations**

This portion of the meeting is reserved for person desiring to address the City Selection Committee on any matter the committee has jurisdiction over which is not on this agenda.

6. **Adjournment**

I. **TRANSPORTATION CONSENT ITEMS**

About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

A. **Executive Minutes [APPROVE]**

1. **July 28, 2022 [APPROVE]**

Exhibits:

July 28, 2022 Minutes

2. **September 1, 2022 [APPROVE]**

Exhibits:

September 1, 2022 Minutes

B. Transportation Development Act (TDA) Claims

1. **City of Parlier Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**

Exhibits:

2022-35 Parlier TDA Claim Resolution Parlier TDA Claim 2022-23

Action: Approve Resolution 2022-35 adopting the City of Parlier's 2022-23 Transportation Development Act claims totaling \$884,122.

2. **City of Orange Cove Fiscal year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**

Exhibits:

2022-36 Orange Cove TDA Claim Resolution Orange Cove TDA Claim 2022-23

Action: Approve Resolution 2022-36 adopting the City of Orange Cove's 2022-23 Transportation Development Act claims totaling \$557,220.

3. **City of Firebaugh Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**

Exhibits:

2022-38 Firebaugh TDA Claim Resolution Firebaugh TDA Claim 2022-23

Action: Approve Resolution 2022-38 adopting the City of Firebaugh's 2022-23 Transportation Development Act claims totaling \$511,946.

4. **City of Mendota Fiscal Year 2022-23 Transportation Development Act Claims (Les Beshears) [ACTION]**

Exhibits:

2022-39 Mendota TDA Claim Resolution Mendota TDA Claim 2022-23

Action: Approve Resolution 2022-39 adopting the City Of Mendota's 2022-23 Transportation Development Act claims totaling \$755,839.

C. Fiscal Year 2022-2023 Measure C Claims (Les Beshears) [ACTION]

Exhibits:

2022-34 Measure C Resolution MC Claims 2022-23

Summary: Measure C funds totaling \$2,703,469 are available in 2022-23 for programs Fresno COG administers. In accordance with Fresno County Transportation Authority procedures, Resolution 2022-34 adopts claims for the ADA/Seniors/Paratransit (\$871,731), Farmworker Vanpools (\$640,005), Rideshare/Vanpools (\$640,005), and Administrative/Planning programs (\$551,728).

Action: Adopt Resolution 2022-34 approving Measure C claims for the ADA/Seniors/Paratransit, Farmworker Vanpools, Rideshare/Vanpools, and Administrative/Planning programs.

D. **AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION]**

Summary: On Sept. 15, 2021, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agency councils, boards and committees to continue conducting public meetings remotely during a state of emergency after Oct. 1, 2021, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied. Under the Brown Act, the Policy Board, TTC and PAC and other Fresno COG committees are considered "legislative bodies," according to the Fresno County Counsel's office.

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

- There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- 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
- 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 video/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.

The recommended finding under this option would be that "The Board, meeting during a proclaimed state of emergency, has determined by majority vote, pursuant to AB 361 subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees."

While the Committee 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.

Action: Staff recommends three actions:

1) That the Policy Board issue the following findings: (a) The Board has reconsidered the circumstances of the state of emergency; and (b) As a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

2) Reaffirm Resolution 2022-01 from Jan. 6, authorize the Board and subordinate legislative bodies to conduct their meetings in accordance with remote participation by teleconference in the manner provided by Government Code section 54953, subd. (e) through October 28th, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG committee and Board meetings through October 28th.

II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **Fresno State Transportation Institute (FSTI) Contract Extension (Tony Boren) [ACTION]**

Summary: The Fresno State Transportation Institute (FSTI) receives Measure C New Technology grant funding under a five-year contract set to expire in February 2023. Unfortunately, over the past two-and-a-half years, the COVID pandemic and resulting lockdowns -- in combination with supply chain and workforce issues -- have significantly disrupted almost all aspects of the original FSTI plans and operations. Due to these unavoidable impacts, FSTI Director Dr. Aly Tawfik outreached to Fresno COG and the Fresno County Transportation Authority (FCTA) requesting a three-year, no-cost extension of its contract. If the extension were to be approved, the contract will expire in February 2026 instead of February 2023. Under the contract, FSTI Has four primary missions:

1.) Education

- Provide hands-on education to K-12 students on contemporary practices and systems in advanced multi-modal transit systems;
- Provide hands-on education to college students on contemporary practices and systems in advanced multimodal transit systems;
- Provide training for high school teachers on contemporary practices and systems in advanced multimodal transit systems;
- Develop undergraduate and graduate courses in advanced transportation technologies for workforce development;

2.) Research

- Support Fresno County communities in identifying existing local and regional transportation challenges;
- Provide innovative and customized solutions to identified local and regional transportation challenges;

3.) Technical Services

- Support Fresno County communities in identifying existing local and regional transportation challenges;
- Provide innovative and customized solutions to local and regional challenges;

4.) Outreach

- Training for high school teachers on contemporary practices and systems in advanced multimodal transit systems;
- Provide innovative and customized solutions to the local and regional transportation challenges;

Over the two years between FSTI signing the contract in February 2018 and the lockdown in March 2020, FSTI made significant progress in all four of the identified mission areas. However, since March 2020, the pandemic has understandably limited FSTI's ability to deliver many of the originally scheduled projects and programs. It is anticipated that with the re-opening of the CSUF campus and a return to more normal operations, FSTI will be able to continue to build on its earlier work and meet the goals identified for each of the targeted areas. Based on our conversations, FSTI is excited grow the Institute to serve our community as originally proposed.

Action: Fresno COG and Fresno County Transportation Authority staff, along with TTC/PAC, recommend the Policy Board approve a three-year contract extension for the Fresno State Transportation Institute due to unforeseen circumstances surrounding the COVID pandemic.

B. **2022-23 Overall Work Program and Budget Amendment #1 (Les Beshears) [ACTION]**

Exhibits:

Summary: 2022-23 Overall Work Program and Budget Amendment #1 is proposed to reconcile carryover balances from the 2021-22 Fiscal Year to actual cost incurred and make changes to funding estimates per Caltrans guidance. This amendment therefor is mainly administrative. The budget decreased \$918,494 to \$47,234,183.

WE 154 – Regional ATP Update –The federal Bipartisan Infrastructure bill requires 2% of the existing Federal Highway administration apportionment (FHWA-PL) to be used for Complete Streets Planning. Ideally we would have been notified of this requirement when the 2022-23 OWP was under development, however Caltrans has advised staff that WE – 154 contains eligible task and recommends programming \$54,842 in FHWA-PL apportionment in this work element to be in compliance with the new requirement. Caltrans also advised there was \$4,702 in additional RMRA formula funds available which are also programmed in this work element. The total work element is now \$379,544.

WE 165 – SJV Valley Travel Survey – Response to the initial survey was underwhelming so RSG proposed a follow up survey early in 2023. The cost of the additional survey including outreach to valley housing authorities will be \$96,500. The Valley COG directors concur with the extra work and have committed to funding the extended survey if necessary, however Kings County Association of Governments (KCAG) proposes to fund the extra work with carry over FHWA PL funds set to expire and has begun the process to transfer \$96,500 to FCOG. After making this change and adjusting for work completed in 2021-22 the total work element decreases \$806,198 to \$710,837.

WE 168 – California Inland Port Phase III – This work element was adjusted down \$138,251 to \$346,749 reflecting actual work done in 2021-22.

WE 170 - Regional Transportation Plan – Changes were made to various funding sources to perfect the transfers in WE 154 discussed above. The net total of this work element remains unchanged at \$456,885.

WE 173 – Regional VMT Mitigation Program - This work element was adjusted down \$33,475 to \$197,698 reflecting actual work done in 2021-22.

Action: Adopt Resolution 2022- 37 approving 2022-23 Overall Work Program and Budget Amendment #1.

C. **San Joaquin Valley Regional Early Action Planning (REAP) Technical Assistance Contracts (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 May, REAP delivered its 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 with Affirmatively Furthering Fair Housing (AFFH) requirements, zoning codes, infrastructure planning, GIS mapping and other assistance on an as-needed basis. Specifically, requests were issued for the following:

- Valleywide AFFH assistance (by jurisdiction, on an as-needed basis).
- An analysis/report of how the Sustainable Groundwater Management Act (SGMA) will affect residential development in the Valley
- An analysis/report addressing inclusionary zoning policies/practices in the Valley
- An analysis/report regarding condominium development in the Valley, including impediments and best practices

Staff requested abbreviated proposals from its REAP consultant "bench" of firms that included rate sheets and additional detail on eligible planning activities for these projects/activities. Of those proposals, one firm -- Mintier-Harnish -- will engage an existing technical assistance contract to provide AFFH assistance and produce the SGMA analysis/report. Two other firms have been selected to move forward to contract at this time for a combined total cost not to exceed \$275,635. Those consultants are:

1. Raimi Associates for AFFH technical assistance: \$250,000
2. Economic & Planning Systems (EPS) for the separate, inclusionary zoning and condominium analyses: \$125,635

Action: Staff recommends two, separate actions:

1. Staff and TTC/PAC recommend the Policy Board authorize the executive director to sign a contract with Raimi Associates at a cost not to exceed \$250,000 to provide AFFH technical assistance to San Joaquin Valley jurisdictions through the REAP program.
2. Staff and TTC/PAC recommend the Policy Board authorize the executive director to sign a contract with EPS at a cost not to exceed \$125,635 to develop the condominium and inclusionary zoning analyses and reports.

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

III. ADMINISTRATIVE CONSENT ITEMS

About Consent Items:

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

A. Regional Clearinghouse (Robert Phipps) **[ACTION]**

Summary: The Regional Clearinghouse calendar contains "project notification and review reports" for grant proposals.

I. U.S. Housing and Urban Development

	Project	Application
1.	Community Development Block Grant	County of Fresno

	Project	Application
2.	Home Investment Partnership Program	County of Fresno

	Project	Application
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3.	Emergency Solutions Grant	County of Fresno
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Action: Per Board procedure, unless an item is pulled from the Consent Calendar, tacit authorization is given for staff to forward any comment(s) received, or any Committee/Board comment(s) generated as a result of this informational item, to the appropriate agency.

B. Waiver for and Approval of Golden State Cooperative Agreement Amendment No. 1 (Les Beshears) [ACTION]

Exhibits:

Conflict Waiver Golden State Corridor Agreement Amendment #1

Summary: In 2014, Fresno COG, the Fresno County Transportation Authority (FCTA), the cities of Fowler, Selma, Kingsburg, and Fresno County entered into a cooperative agreement to design the Golden State Corridor. The County's Public Works Department has agreed to take over construction management, and FCTA's legal counsel has requested an amendment to the cooperative agreement to make this designation. Since county counsel represents three of the parties to this agreement, County Counsel has requested the Board adopt a waiver adhering to standard conflict-of-interest protocols.

While the design phase has reached 100% completion, the consultant is still working to resolve issues with the Union Pacific Railroad. The project received SB 1 Local Partnership Program funding that must be encumbered by the end of the year; therefore, the project has been broken into two phases to proceed with the grant-funded portion while negotiations with the railroad continue. The County has listed Phase 1. Bids are scheduled to open Sept. 29 and County staff plans to make a recommendation to the Board of Supervisors at its Oct. 25 meeting.

Action: Staff requests the Board (1) adopt the conflict waiver for the Golden State Corridor Cooperative Agreement and (2) authorize the executive director to execute an Amendment No. 1 to the Golden State Corridor Cooperative Agreement, designating Fresno County as the responsible agency for providing the necessary administrative services for construction of the project and not affecting the obligations of FCOG relative to the original Cooperative Agreement.

C. Conflict Waiver for Fresno County Rural Transit Agency and Fresno Council of Governments Regarding Contract for Grant Administration (Les Beshears) [ACTION]

Exhibits:

Conflict Waiver: Representation of the FCRTA and FCOG Contract

Summary: At its July 29, 2022 meeting, the Board authorized a contract between Fresno County Rural Transit Agency (FCRTA) and Fresno COG totaling \$189,000 for wheelchair-accessible vehicles (WAVs). Because County Counsel represents both FCRTA and Fresno COG, conflict-of-interest protocol requires the Board to adopt a waiver directing County Counsel to reassign representation temporarily to eliminate any potential conflict.

Action: Staff requests the Board adopt the conflict waiver for attorney representation regarding the WAV contract between Fresno COG and FCRTA for grant administration.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

V. OTHER ITEMS

A. Items from Staff

B. Items from Members

VI. PUBLIC PRESENTATIONS

A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the Committee on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Committee on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to three minutes.**