

Fresno COG Policy Board  
MINUTES  
Thursday, October 27, 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 Esmeralda Soria, City of Fresno  
Mayor Rey Leon, City of Huron  
Mayor Gary Yep, City of Kerman  
Councilmember Michelle Roman, City of Kingsburg  
Mayor Rolando Castro, City of Mendota  
Mayor Victor Lopez, City of Orange Cove  
Mayor Alma Beltran, City of Parlier  
Mayor Mary Fast, City of Reedley  
Mayor Eli Ontiveros, City of Sanger  
Mayor Julia Hernandez, City of San Joaquin  
Mayor Scott Robertson, City of Selma  
Michael Navarro, Caltrans  
Bryan Rome, Legal Counsel  
Tony Boren, Executive Director

**Absent:**

Supervisor Sal Quintero, County of Fresno

**Quorum:** At the start of the meeting, there were 12 members representing 80.15% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Kerman, Kingsburg, Mendota, Parlier, Sanger, San Joaquin, Selma). Members Huron, Orange Cove, Reedley, Fresno County absent.

The meeting was called to order at 5:33 p.m. by Councilmember Roman (Kingsburg), Chair.

**I. TRANSPORTATION CONSENT ITEMS**

**A. Executive Minutes:**

1. September 29, 2022 [APPROVE]

**B. Transportation Development Act (TDA) Claims (Les Beshears) [ACTION]**

1. City of Firebaugh Fiscal Year 2021-22 TDA Claim.  
**Action:** Approve Resolution 2022-40, adopting the City of Firebaugh's 2021-22 Transportation Development Act claims totaling \$395,224.

**C. Valleywide Household Travel Survey Contract Amendment (Kristine Cai) [ACTION]**

**Summary:** The Valleywide Household Travel Survey has been collecting travel data from households in the eight counties in the San Joaquin Valley. The data will be critical input for updating planning tools such as the traffic model, which has been essential in developing the Sustainable Communities Strategy, the Regional Transportation Plan's environmental impact report, air quality conformity analysis, SB 743 vehicle miles traveled

analysis, corridor studies and others. The project is a partnership among the eight Valley MPOs and is funded by HCD, Caltrans and planning dollars from the state's Housing and Community Development Department. Fresno COG serves as the project manager.

This spring, the consultant team, led by RSG, mailed out around 400,000 invitations to participate in the survey. Unfortunately, due to the size of the hard-to-reach disadvantaged population in the Valley, responses from the spring mailout were lower than expected. To maintain data integrity, which depends on the sample size, the eight Valley MPO directors voted in June to contribute an additional \$80,000 to the project for another round of outreach in January 2023. The cost is expected to be covered by carried over planning funds from Kings County Association of Governments (KCAG). If KCAG's planning funds falls through, the eight COGs are committed to split the \$80,000 on pro rata basis.

**Action:** Staff and TTC/PAC recommend the Policy Board amend the contract with RSG for the Valleywide Household Travel Survey to add \$80,000, for a new contract total of \$1,573,969.87.

**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.

Note that because of Fresno COG's holiday schedule, the Board will need to hold short meetings at 5:30 p.m. on Dec. 15 and Jan. 12, 2023 to issue AB 361 findings for the regular January 2023 meeting. Also, on Oct. 17, Gov. Newsom announced that he would be ending the COVID state of emergency on Feb. 28, 2023, which will necessitate at least a quorum of Board members present to conduct business beginning with the March 23, 2023 meeting.

**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 Nov. 17, and direct staff to continue providing video/teleconferencing provisions for all Fresno COG committee and Board meetings through Nov. 17.

- Chair Roman asked if any member wished to pull any items.
- Robert Phipps (FCOG) requested to pull item I. D. AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION].
- After an opportunity for public comment, Mayor Beltran (Parlier) moved, and Mayor Ontiveros (Sanger) seconded to approve consent items A, B, & C as presented.

**Votes: 12 yes.**

**Absent: Huron, Orange Cove, Reedley, Fresno County.**

**Motion passed.**

- Mayor Lopez (Orange Cove) joined the meeting.
- **Item Pulled: D. AB 361 - COVID Contingency Board/Committee Meeting Format (Robert Phipps) [ACTION].**
- Robert Phipps (FCOG) pulled the item to notify the Board of the following:
  - The holiday schedule will interfere with meeting dates.
  - Governor Newsom signed new bill to return to in person meetings beginning of March.
- Bryan Rome (Legal Counsel) will send a memo to staff in preparation for return.
- After an opportunity for public comment, Mayor Ontiveros (Sanger) moved, and Mayor Jenkins (Firebaugh) seconded to approve consent item D as presented.

**Votes: 13 yes.**

**Absent: Huron, Reedley, Fresno County.**

**Motion passed.**

## II. TRANSPORTATION ACTION/DISCUSSION ITEMS

### A. Measure C New Technology Funding Recommendation (Simran Jhutti) [ACTION]

**Summary:** The Measure C New Technology Program aims to fund technological advances in safety, fuel efficiencies and alternatives, intelligent transportation system (ITS), information dissemination and other areas in the transportation sector. The program can fund projects of regional significance in research, development, demonstration, and deployment that will advance technology in public transit, as well as other transportation areas. The biennial call for application for New Tech funding was released on April 08, 2022. There is \$4.465 million available for the Fiscal Year 22/23 award cycle.

Fresno COG received seven applications requesting approximately \$6.5 million. The scoring committee comprised one representative each from: the County of Fresno, City of Fresno, City of Clovis, eastside cities,

westside cities, Measure C Citizen Oversight Committee, transit, Fresno COG, FCTA, as well as two members of the public. On Aug. 29, the scoring committee met to interview the applicants and discuss the applications. The following applications were recommended for funding:

1. FCRTA - Selma Maintenance Facility Inductive Charging Station. FCRTA plans to install a wireless inductive charging station at its new maintenance facility in Selma. The inductive charging station will provide a fast-charging option that will help FCRTA continue to transition to a zero-emission vehicle fleet.

- Requested funds: \$469,250
- Recommended funds: \$422,325

2. FCRTA - Kingsburg Resiliency Hub. FCRTA plans to construct a resiliency hub in the City of Kingsburg. The project consists of a solar carport, 15 solar-powered, Level II charging stations, and energy storage. The resiliency hub will help FCRTA transition to a zero-emission vehicle fleet and provide EV charging to the public.

- Requested funds: \$568,000
- Recommended funds: \$538,200

3. City of Clovis - Transit Intelligent Technology Project. Clovis proposes to install intelligent technology for fixed-route operations, including a CAD/AVL system that will deliver real-time passenger data via smart phone app and website with bus arrival time, trip planning, alternative routes/buses, and vehicle capacity data. It will provide benefits to all passengers and those with vision and hearing disabilities by increased accessibility with interior signage annunciators.

- Requested funds: \$425,000
- Recommended funds: \$425,000

A fourth application from the City of Fresno for Next Generation Intelligent Transportation Systems -- to include communications with City/Caltrans Advanced Transportation Management Systems (ATMS) and synchronization of corridors at/near congested freeway ramps, as well as safety upgrades along the Friant Road corridor at Audubon Drive -- is still being negotiated and will return for consideration by the January 2023 meeting.

For any questions regarding the New Tech Program, please reach out to staff lead Simran Jhutti at [sjhutti@fresnocog.org](mailto:sjhutti@fresnocog.org).

**Action:** Staff, TTC, and PAC request the Policy Board approve funding the FY 22/23 cycle New Technology applications as recommended by the New Tech Scoring Committee.

- Simran Jhutti (FCOG) reported on the Technology Funding Recommendations.
- Councilwoman Esmeralda Soria (Fresno City) asked what would be left the \$4.465 million.
- After an opportunity for public comment, Councilwoman Soria (Fresno City) moved, and Mayor Lopez (Orange Cove) seconded to approve.

**Votes: 12 yes.**

**Absent: Huron, Reedley, Selma, Fresno County.**

**Motion passed.**

**B. Final Surface Transportation Block Grant and Congestion Mitigation Air Quality Improvement Program Guidelines (Robert Phipps) [ACTION]**

**Summary:** In June 2021, as part of its routine federal and state certification process, FHWA and FTA issued Fresno COG a corrective action to remove suballocations of the Congestion Mitigation and Air Quality Improvement (CMAQ) and Surface Transportation Block Grant (STBG) programs from its project programming

and selection procedures. A similar corrective action was issued for the Caltrans Federal Statewide Transportation Improvement Program in accordance with 23 CFR 450.324(j).

Historically, Fresno COG split the CMAQ and STBG distributions into two programs. The regional competitive bid program was based on scoring criteria developed by a programming subcommittee, evaluated by a scoring committee, and approved by the Fresno COG Policy Board.

The Targeted Performance Program (TPP) -- formerly known as Lifeline -- was directly suballocated to member agencies based on population. While TPP funds were used at an agency's discretion, they were required to be placed on projects also based on criteria the programming subcommittee developed and Fresno COG staff evaluated to ensure they adhered to regional program guidelines and met regional performance planning goals.

Under the corrective action, Fresno COG is mandated to remove the suballocation procedure from the CMAQ and STBG guidelines. Accordingly, staff convened the Fresno COG Programming Subcommittee from January through May to review, develop, and approve new guidelines for both programs. Additionally, staff developed a project delivery policies and procedures document to streamline obligational activities and strengthen coordination across agencies. The Programming Subcommittee approved all three documents, which are included in the agenda packet.

The updated CMAQ guidelines also reflect funding distribution changes the Programming Subcommittee prefers. This new policy directs staff to allocate at least 95% of CMAQ apportionment to fund the regional bid competitive program, with the remainder to be reserved for: projects on the contingency list, post-programming adjustment requests, EPSP requests, or for retainment for future programming cycles.

Additionally, the CMAQ guidelines reflect changes to the scoring process and funding distribution within the regional bid program. Specifically, the Programming Subcommittee and staff are recommending new project category targets as a way to ensure a diverse set of projects is funded each cycle. Staff's proposed targets are indicated in the guidelines but may be subject to change (more on that below).

The updated STBG guidelines also reflect the subcommittee's changes to funding distribution, calling for staff to allocate at least 85% of STBG apportionment to fund the regional bid competitive program, with the remaining apportionment to be reserved for: post-programming adjustments, EPSP requests, pavement management system (PMS) updates, current contingency list projects, or for future programming cycles.

Fresno COG will manage the remaining apportionment of both programs based on fiscal year project delivery to ensure funds are obligated in a timely manner, and will follow Fresno COG's proposed Project Delivery Policies and Procedures.

Guideline updates reflect only the changes needed to specifically address the corrective action. Topics such as: scoring rubrics, applications, STBG scoring process, CMAQ category targets, and others, will be discussed during the normally scheduled CMAQ and STBG call-for-projects cycle, scheduled for summer 2023.

If approved, Fresno COG will circulate the updated guidelines and resolution to Caltrans and FHWA to resolve the corrective action. Staff also notes that Caltrans and FHWA have been patiently and continuously involved in the guidelines update process.

**Action:** Staff, the Programming Subcommittee and the TTC/PAC recommend the Policy Board approve Resolution 2022-41 adopting the updated CMAQ and STBG guidelines.

- Mr. Phipps (FCOG) reported that the Program Guidelines were no longer acceptable and needed to be updated.
- After an opportunity for public comment, Mayor Yep (Kerman) motioned and Councilmember Parra (Fowler) seconded to approve Resolution 2022-41 adopting the updated CMAQ and STBG guidelines.

**Votes: 13 yes.**

**Absent: Huron, Reedley, Fresno County.**

**Motion passed.**

**C. Post-COVID Economic and Demographic Snapshot & 2020 Census Results Update (Shichen Fan)**

**[INFORMATION]**

**Summary:** The U.S. Census Bureau released the 2021 American Community Survey (ACS) one-year estimates on Sept. 15, 2022. ACS is a nationwide, ongoing survey that provides vital social, economic, housing, and demographic statistics on a yearly basis. Staff will provide a summary report focusing on the differences between 2019 and 2021 to compare pre- and post-pandemic conditions. The report will cover topics including: employment, income, housing values, and commute modes across Fresno County, California, and the United States.

The ACS data shows that in Fresno County from 2019 to 2021: (1) unemployment rates increased from 8.3% to 9.1% (2) inflation-adjusted median household income increased 4.4% (3) inflation-adjusted median home values rose 8.6%; inflation-adjusted median rent rose 6.2%, and; (4) the percentage of those working from home doubled.

Staff will also provide a brief demographic data summary from 2020 Census P.L. 94-171 Redistricting Data. Over the last decade, California's population increased 6.1%, which is the slowest growth rate since the 1910s. Eleven of the state's 58 counties experienced population decreases in last decade. Fresno County's population grew 8.4% in last decade to 1,008,654 residents, and remained the 10th most-populous county in California.

For questions or more information, please contact Shichen Fan at [sfan@fresnocog.org](mailto:sfan@fresnocog.org).

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

- Mayor Leon (Huron) joined the meeting.
- Shichen Fan (FCOG) gave a PowerPoint presentation on the Post-COVID Economic and Demographic Snapshot & 2020 Census Results.
- This item is informational only. No action is taken.

**D. Measure C Rideshare and Senior Programs Outreach Contract (Brenda Veenendaal/Jake Martinez)**

**[ACTION]**

**Summary:** Fresno Council of Governments administers three rideshare and one Senior Scrip Measure C programs:

- Carpool Incentive
- Ag Worker Vanpool Subsidy
- Commuter Vanpool Subsidy
- Senior Scrip

Prior to the pandemic, staff had budgeted and planned to allocate some of the programs' reserve funding to outreach and advertise the programs to the Fresno County area, with an emphasis on communities of color. Participation was growing through Fresno COG's fiscally conservative, grass-root outreach efforts. However, a large segment of Fresno County residents remained unaware of the programs. Advertising efforts were paused in March 2020 since incentivizing carpools and vanpools and offering low cost transportation service to seniors (70+) was contrary to pandemic messaging. Participation reduced significantly through the pandemic but is now back on the rise. Since 2020, some of the programs have changed, adding additional public participation benefits. Consequently, staff has revisited plans to use budgeted funds to advertise all four programs, again with added emphasis on reaching communities of color and rural area residents.

In July 2022 staff release a request for proposals to market and advertise the four aforementioned programs. Three reputable, local firms responded with proposals. Staff reviewed each proposal and interviewed each agency. Southwest Strategies was selected for award of the \$300,000 budget to market all four programs between November 2022 and July 2023.

**Action:** Staff and TTC/PAC recommend the Policy Board authorize the executive director to sign a contract with Southwest Strategies at a cost not to exceed \$300,000 to provide marketing and advertising services to the Measure C Carpool, Vanpool and Senior Scrip programs.

- Mayor Fast (Reedley) joined the meeting.
- Jake reported on the Measure C Rideshare and Senior Programs Outreach Contract.
- After an opportunity for public comment, Mayor Flores (Clovis) motioned and Mayor Ramsey (Coalinga) seconded to authorize the executive director to sign a contract with Southwest Strategies.

**Votes: 14 yes.**

**Absent: Fowler, Fresno County.**

**Motion passed.**

**E. Environmental Protection Agency Pending Disapproval of San Joaquin Valley 2018 Particulate Matter 2.5 Plan (Juan Ramirez) [INFORMATION]**

**Summary:** The Environmental Protection Agency (EPA) has proposed disapproval of the 2012 particulate matter (PM) 2.5 Standard elements of the San Joaquin Valley 2018 PM 2.5 (SJV PM 2.5) Plan. The proposed disapproval is published in the Federal Register, which is available on the Government Printing Office's website at: <https://www.govinfo.gov/app/collection/fr> and on Regulations.gov in Docket number EPA-R09-OAR-2021-0884. EPA is accepting comments on this proposed rule.

The proposed rule is expected to be finalized in late January to March 2023. The decision will impact the State Improvement Plan (SIP) for the San Joaquin Valley and affect the project delivery timeline in the Valley. Once the rule is finalized, the Valley will enter a conformity freeze where Federal Transportation Improvement Program (FTIP) amendments types 4 and 5 (formal) will not be able to be processed. However, this action is not expected to impact federal adoption of the 2022 Regional Transportation Plan (RTP) and 2023 FTIP, which is expected in mid-December. It is anticipated that the freeze may last six months or longer.

Given the serious consequences of potential disapproval, the San Joaquin Valley Air Pollution Control District (Air District), which developed the Plan, is working closely with the California Air Resources Board and the Valley MPOs to potentially withdraw it and resubmit it at a later date. The PM 2.5 Plan was submitted last year, earlier than required, and is not due until mid-to-late 2023. By withdrawing the Plan, it allows more time for Valley agencies to amend projects and provides the Air District an opportunity to potentially resolve the issues that the EPA is concerned about.

COG staff has reached out to its member agencies to determine whether there are any type 4/5 amendments needed at this time. It is not clear whether such amendments can be processed at this time.

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

- Juan Ramirez (FCOG) reported on the Environmental Protection Agency's pending disapproval of the San Joaquin Valley 2018 PM 2.5 plan.
- This item is informational only. No action is taken.

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

Mr. Navarro (Caltrans) reported on the following:

- Clean California cycle 2 local grant program with 100 million dollars available  
Caltrans will hold a Virtual Workshop Nov. 3.
- November 9th & 10th Caltrans planning grants program. 34 million available.
- Selma-Fowler rehab work continues.
- Off ramp at Manning Ave is still closed.
- South Fresno 99 corridor Project, plan on finalizing environmental document next month.
- Clean California Beautification Projects in communities of Firebaugh and Mendota.

**III. ADMINISTRATIVE CONSENT ITEMS**

There are no administrative consent items.

**IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

There are no administrative action/discussion items.

**V. OTHER ITEMS**

**A. Items from Staff**

- Tony Boren (FCOG) announced the following:
  - November 1, 2022 is the Golden State Corridor Groundbreaking at 10:30am at the Worship Center in Fowler.
  - The next meeting is advanced to November 17<sup>th</sup> due to the Holiday.
  - Introduced Simran Jhutti and Juan Ramirez, new staff members of FCOG.

**B. Items from Members**

- Councilwoman Roman (Kingsburg) called for a mini murals project. \$30,000 towards the project. If you know anyone or interested, information can be found online.
- Orange cove High School Band has been chosen to participate with 32 bands throughout the state of California in a band review.

**VI. PUBLIC PRESENTATIONS**

**A. Public Presentations**

None.

The meeting was adjourned at 6:38 p.m.

Respectfully submitted,



Tony Boren



Public:

None.

Staff:

Denise Flores; Kai Han; Kristine Cai; Robert Phipps; Moses Stites; Janelle Del Campo; Brenda Veenendaal, Simran Jhutti, Juan Ramirez, Jake Martinez, Shichen Fan, Pankaj Joshi.