

Fresno COG Policy Board
MINUTES
Thursday, October 26, 2023
5:30 PM

The meeting was held at the Fresno COG Sequoia Room

Members Attending:

Mayor Lynne Asbeck, City of Clovis
Mayor Felipe Perez, City of Firebaugh
Mayor Jerry Dyer, City of Fresno
Mayor Pacheco, City of Kerman
Mayor Pro Tem Brandon Pursell, City of Kingsburg
Mayor Victor Martinez, City of Mendota
Mayor Alma Beltran, City of Parlier
Councilmember Mary Fast, City of Reedley
Mayor Frank Gonzalez, City of Sanger
Mayor Julia Hernandez, City of San Joaquin
Councilmember Blanca Mendoza-Navarro, City of Selma
Michael Navarro, Caltrans
Tony Boren, Executive Director
Alison Samarin, Legal Counsel

Absent:

Mayor James Horn, City of Coalinga
Mayor Daniel Parra, City of Fowler
Mayor Rey Leon, City of Huron
Mayor Diana Guerra-Silva, City of Orange Cove
Supervisor Sal Quintero, County of Fresno

Quorum: At the start of the meeting, there were 11 members representing 80.22% of the population. There was a quorum to conduct business. (Clovis, Firebaugh, City of Fresno, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, San Joaquin, Selma). Members Coalinga, Firebaugh, Huron, Orange Cove, County of Fresno absent.

The meeting was called to order at 5:41 p.m. by Mayor Beltran (Parlier), Chair.

I. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of September 28, 2023 [APPROVE]**
- B. Transportation Development Act TDA Claims (Les Beshears)**
 - 1. City of Coalinga TDA Claim FY 2022-23 (Les Beshears) [ACTION]
 - 2. City of Clovis TDA Claim FY 2023-24 (Les Beshears) [ACTION]
 - 3. County of Fresno TDA Claim FY 2022-23 (Les Beshears) [ACTION]
- C. 2023 FTA Section 5310 Funding Application Approval (Brenda Thomas) [ACTION]**

Action: Fresno COG staff, the 5310 Scoring Committee, Social Services Transportation Advisory Council, and the TTC/PAC recommend the Policy Board approve awarding \$1,746,898 in FTA Section 5310 Program funds for vehicle purchases and operations as outlined in the attached 2023 FTA Section 5310 Funding Recommendations Matrix.

D. 2022-23 Obligational Authority Update (Ofelia Abundez) [INFORMATION]

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

E. Transportation Development Act 2022-23 Surplus (Les Beshears) [INFORMATION]

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

F. Fresno COG's 2023-24 Overall Work Program Amendment No. 2 (Les Beshears) [ACTION]

Action: Staff recommend the Policy Board adopt Resolution 2023-34 to approve the 2023-24 Overall Work Program Amendment No. 2, increasing the budget \$1,958,124 to \$56,217,926.

G. Federal Call For Projects/Applications Received (Ofelia Abundez) [INFORMATION]

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

H. Fresno County Mobility Hub Study (Simran Jhutti) [INFORMATION]

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

I. Fresno County Climate Resiliency Plan (Jennifer Rodriguez) [INFORMATION]

Action: Information/discussion. The Committee may provide additional direction at its discretion.

- Chair Beltran asked if any member wished to pull any items.
- After an opportunity for public comment, Mayor Ashbeck (Clovis) moved, and Mayor Dyer (Fresno City) seconded to approve consent items A-I.

Vote: All in favor, no opposed.

Absent: Coalinga, Fowler, Huron, Orange Cove, Fresno County.

Motion passed by acclamation.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Fresno COG Regional Vehicles Miles Traveled (VMT) Mitigation Program Study (Santosh Bhattarai) [ACTION]

Summary: SB 743 requires that level-of-service (LOS), used in measuring transportation impacts in the California Environmental Quality Act (CEQA), be replaced with vehicle miles traveled (VMT).

Fresno COG developed its SB 743 Implementation Regional Guidelines in 2020, which provided tools for local governments to implement SB 743, should they decide to institute the recommendations. However, due to a lack of clear guidance, VMT mitigation remains an outstanding issue within SB 743 implementation. Projects with significant VMT impacts can't move forward due to a lack of defined, quantifiable and feasible mitigation measures.

This study evaluated potential regional VMT mitigation programs to meet the CEQA transportation mitigation needs for the 16 jurisdictions comprising Fresno COG. Existing VMT mitigations that often rely heavily on existing transportation demand management (TDM) options are inadequate to fully mitigate many of the planned land use and transportation projects. As such, this study considers whether a programmatic approach, primarily through fee assessments to pay for VMT-reducing projects, is a feasible solution to address transportation-related CEQA mitigation needs within the Fresno region.

Several programmatic approaches to VMT mitigation, including VMT banking, VMT exchanges, and VMT mitigation impact fee programs were considered and analyzed. After completing the project analyses, outreach, framework evaluations, and reviewing all considerations, consultant Kimley-Horn determined that a fee-based VMT mitigation program is a feasible option for the Fresno COG region, and that VMT banking would be the most appropriate initial program framework. A variation of VMT banking, called VMT banking plus, which allows a project applicant to select a project to implement from a predetermined list, was also considered favorable. All

these programs were identified as being the most appropriate given that they are more easily understood by the public and decision-makers.

Implementing a fee-based VMT mitigation program adds a new fee that may further increase the cost of housing and other development, as well as increase the cost of any capacity-enhancing projects. However, in the absence of more VMT mitigation solutions, significant uncertainty will remain for many projects, including those that might align with other plans and programs, continuing to impede their ability to progress. This regional program will be adopted by individual jurisdictions at their discretion and does not exclude them from doing their own VMT mitigation program.

Kimley-Horn, the consulting firm who conducted the regional VMT mitigation program study, will be offering a brief presentation to the Policy Board. The final report, completed in September 2023, is also attached to this agenda.

Action: Staff and the TTC/PAC recommend that the Policy Board accept the Fresno COG Regional VMT Mitigation Program Study Final Report.

- Paul Herman (FCOG) gave a brief report on the study.
- Michael Schmitt with VMT gave a presentation.
- After an opportunity for public comment, Mayor Pro Tem Pursell (Kingsburg) motioned to return the item in February/March 2024. Mayor Martinez (Mendota) seconded to approve the motion.

Vote: All in favor, no opposed.

Absent: Coalinga, Fowler, Huron, Orange Cove, Fresno County.

Motion passed by acclamation.

B. Fresno County Multijurisdictional Housing Element-Contract Amendment (Juan Ramirez) [ACTION]

Summary: Fresno Council of Governments and Placeworks consultants are requesting an amendment to the Fresno County Multijurisdictional Housing Element (MJHE) contract. The housing element is the only general plan element that requires State Housing and Community Development Department (HCD) approval before being adopted. The general plan covers the planning period from 2023-2031. Each jurisdiction is responsible for completing their own housing element as an appendix to the Fresno County Multi-Jurisdictional Housing Element.

As a result of state requirements, each jurisdiction has faced its own set of obstacles, and has required additional resources to complete their housing element by the Dec. 31, 2023 deadline.

The initial April 29, 2022 agreement included a budget of \$1,895,000. Placeworks is proposing a contract change order for additional funding to remaining tasks, including additional housing element land inventory analyses, more time to address new HCD requirements, and additional project administration costs, all totaling \$210,125.

Due to HCD requirements new to this cycle, participating jurisdictions have needed additional time and resources to meet the Dec. 31, 2023, deadline. Fresno COG proposes to amend the contract to avoid future sanctions for the region. For example, several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. To ensure future funding, it is crucial that the multi-jurisdictional Housing element follows HCD requirements by the deadline.

All participating jurisdictions will require additional funding to complete the public review draft documents for various reasons, including: staff turnover and/or additional modifications such as sites inventories, GIS maps, etc.

Up to \$1 million in funding for the MJHE and this amendment will come from Fresno COG's share of the Regional Early Action Planning (REAP) program; however, each jurisdiction may be responsible for its own expenses incurred for any work that is required beyond this amendment.

Action: Staff and the TTC/PAC recommend the Policy Board authorize the executive director to approve a contract amendment with Placeworks for the multijurisdictional housing element in an amount not to exceed \$210,125.

- Juan Ramirez (FCOG) gave a summary of the contract amendment.
- After an opportunity for public comment, Mayor Pacheco (Kerman) motioned to table. Mayor Hernandez (San Joaquin) seconded to approve the motion.

Vote: All in favor, no opposed.

Absent: Coalinga, Fowler, Huron, Orange Cove, Fresno County.

Motion passed by acclamation.

C. **Fresno COG REAP 2.0 Call for Applications (Brenda Thomas/Robert Phipps) [INFORMATION]**

Summary: Fresno COG is accepting applications for the Regional Early Action Planning (REAP 2.0) program. Administered by the California departments of Housing and Community Development (HCD), Air Resources Board (ARB), Strategic Growth Council and the Governor's Office of Planning and Research, REAP 2.0 seeks to accelerate infill housing, reduce vehicle miles traveled (VMT), and affirmatively further fair housing through innovative projects. Fresno COG received \$13.6 million in funding for this effort. Fresno COG's member agencies and subconsultant partners can apply Oct. 1–Dec. 15, 2023.

Eligibility

- All of Fresno COG's member agencies are eligible to apply
- Community-based organizations and developers can apply as a subconsultant to a member agency

Project Eligibility Requirements

Projects must meet HCD's strict criteria and demonstrate adherence to all REAP 2.0 program objectives:

- Accelerate infill housing development
- Reduce vehicle miles traveled (VMT)
- Increase housing supply at all affordability levels
- Affirmatively further fair housing
- Facilitate the implementation of adopted regional and local plans

Key Dates

- Oct. 1, 2023: Project application opens to all Fresno COG member agencies
- TBD November: Fresno COG will hold virtual office hours for prospective applicants to learn more and ask questions.
- Dec. 15, 2023: Project application period closes
- December 2023-January 2024: Scoring Committee convenes to review and score applications received
- January-February 2024: Recommendations to be finalized and submitted to the Board for consideration.

Learn More - Visit Fresno COG's REAP 2.0 program Community Engagement Hub to learn more.

Join the Scoring Committee: Applications will be evaluated by a panel of affordable housing stakeholders representing communities not seeking funding via a transparent, inclusive, and equitable process. If you are interested in serving on the panel, please click here to join the interest list.

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

- Brenda Thomas (FCOG) gave a brief update.
- **This item is informational only. No action is required.**

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

Summary: Over the last several months, a group of 10 proponents and opponents of the recent Measure C renewal effort have been meeting in an effort to determine if there was enough “trust” between both sides to continue work on a new renewal effort. Based on several conversations with stakeholders who participated, collectively, there does not appear to be consensus for the 2024 election cycle.

One of the challenges with a sales tax renewal effort is that the public sector is responsible for developing the expenditure plan, but once that plan has been approved by the appropriate public sector bodies, the process moves into the hands of the private sector, which must raise campaign funds to help ensure passage.

Keep in mind, when it comes to sales tax measures, the public sector can only “educate”, not “advocate.” It is up to the private sector to raise the campaign funds to “advocate” for passage of the measure.

The immediate issue or concern is that the public sector could develop a Measure C Renewal Expenditure Plan for the 2024 ballot that has strong support among the public sector, but if there is no private sector support to raise the campaign funds necessary for passage, the effort would likely be pointless.

In addition, in analyzing the potential for having a Measure C renewal on the 2024 ballot, there are two very important, related, statewide ballot measures to consider. The first is Assembly Constitutional Amendment 1 (ACA 1), which the State Legislature recently approved for the November 2024 ballot. In summary, ACA 1:

...would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements.

If ACA 1 is approved by the voters (requires 50%+1 to pass), the Measure C renewal would only require a 55% threshold for approval. Keep in mind, the 2022 renewal effort resulted in 58% support despite considerable opposition.

The other statewide ballot measure that has qualified for 2024 is the Taxpayer & Government Accountability Act (TGAA). If passed, this would raise the percentage threshold required for citizen initiative tax increases from the current 50% plus one threshold to a two-thirds (66.1%) vote.

FCTA and COG staff do not believe that sufficient time exists to develop a “new” Measure C Renewal Expenditure Plan with the requisite public outreach and community participation process, and still have time for the private sector to raise campaign funds.

In terms of the renewal planning process, ideally the expenditure plan would be approved by the Board of Supervisors (BOS) sometime in early spring (April/May) 2024. The earlier BOS approval date would then allow the private sector to begin its campaign and fundraising efforts much sooner and increase the chances of passage.

Arguably just as important, the results of ACA 1 and TGAA will not be known until after the November 2024 election, so the question when developing an expenditure plan for the 2024 ballot becomes - what is the

necessary threshold for passage - 55% or 66%? An expenditure plan that requires 55% voter support for passage will likely look much different than one that requires 66% support.

One of the issues that affected the outcome of the 2022 renewal effort was the last-minute rush to obtain concurrence from each of the cities and the County Board of Supervisors (BOS). Changes offered to the plan near the end of that process led to wavering support from critical constituents and ultimately voter confusion.

Further, as noted above, BOS final approval did not occur until mid-August, which hampered efforts to raise the funds necessary to pursue a successful campaign. As a result, staff believes that a 2026 target for renewal is more appropriate. Given the existing time constraints, the only way to consider a renewal effort in 2024 would be to simply rerun the plan presented in November of 2022.

Somewhat independent of renewal, but critical to identifying the pavement needs within our region, Fresno COG will be hiring a consultant to update our existing countywide pavement condition survey. The last pavement survey was conducted before last year's significant winter storms.

Based on all three surveys FCTA commissioned, it remains clear that fixing roads remains the public's No. 1 priority. Data from this new countywide pavement condition survey will be critical for determining the level of investment necessary to bring roads throughout Fresno County from poor/fair to good condition.

Recommendation: Fresno COG and FCTA staff are recommending that both agencies begin preparing for a November 2026 renewal of Measure C. The first step should be a Fresno COG/FCTA review of the summary report of the group of 10 meetings. That would be followed by engaging a survey firm to reassess voter priorities as they relate to renewing Measure C.

- Tony Boren (FCOG) gave an update of the Measure C Renewal Process. Handouts from Leadership Counsel were provided.
- Veronica Carrabay and Sandra Alvarez with Leadership Counsel presented a PowerPoint presentation.
- Public comments:
 - Henry Perea – asked the Board to read the plan carefully before placing it on the agenda.
 - Elizondo – stated that this process is just a framework. He voted no on the ballot because he felt they were not part of the process.
 - Gloria Hernandez (Mothers Helping Mothers) – was one of the group of ten that met. Stated that we need to invest in a measure that is not going to fail.
 - David Rivas (Carpenters Union) – also served as one of the group of ten. Thanked all who participated, and he is grateful for the process.
 - Miguel Arias (Councilmember) – stated that the community needs to be a part of the process.
 - Adolfo Lemus (Youth Leadership Institute) – stated that young people and families rely on transportation, and they need to be a part of the process.
- **This item is informational only. No action is required.**

E. Caltrans Report (Caltrans) [INFORMATION]

- Michael Navarro (Caltrans) gave the following updates:
 - Clean California announced recipients. 6 awards were given in our district.
 - Caltrans Planning workshop was held on Wednesday.
 - The climate adaptation grants deadline is in January.
 - Murals on 41/99, City staff is to coordinate with the city to see if there is an opportunity for revitalization.

- This item is informational only. No action is required.

III. ADMINISTRATIVE CONSENT ITEMS

- None.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Fresno COG's 2024 One Voice Advocacy Trip to Washington D.C. Priority Submittals (Brenda Thomas) [INFORMATION]

Summary: Fresno COG began its “One Voice” effort in 2003 to seek federal funding for projects of broad, community benefit to Fresno County. For 16 years Fresno COG's public-private delegation selected prioritized projects and visited Congressional and federal departmental representatives in Washington, D.C. to pursue funding and grant opportunities. Due in large part to the COVID pandemic, Fresno COG has not hosted a One Voice advocacy trip since 2019. At its Sept. 28 meeting, the Policy Board directed staff to move forward with a 2023 One Voice Trip Call For Priorities.

One Voice Advocacy trips focus on a core group of regional projects and priorities around which the broadest group within the county can unite. The One Voice delegation advocates for funding programs crucial to regional projects that may collectively seek hundreds of millions of dollars through federal discretionary grant programs. Each year from 2003 through 2019, Fresno COG’s One Voice delegation sought funding sources for projects that appealed to federal decision makers and advocated for congressional and federal agency support during the competitive grant process. By advocating for policy and regulatory reform, Fresno COG's One Voice effort was responsible for legislation that today streamlines the way federal and state agencies work together while eliminating unnecessary procedures so government agencies and the business community can work together seamlessly toward job creation for our communities.

Staff developed the attached Regional Priority Submittal Form, which was released to the public on Oct. 3. Any public or private entity is welcome to submit a priority for consideration by the One Voice Steering Committee and the Fresno COG Policy Board. Submitting entities must commit to sending or assigning a representative to Washington D.C. with the delegation to speak on the priorities' behalf. The trip is tentively set for March 16-20, 2024, which includes travel days. The date will not be publicized until hotel block reservations are secured. Travel and trip costs will not be covered by Fresno COG. Trip cost estimates and participant reservation forms will be released as soon as possible.

Fresno COG is also seeking sponsors to help cover the costs of hosting and executing the trip. Sponsorship opportunity information will be posted to Fresno COG's One Voice and Get Involved webpages immediately. A consultant will also be sought to help the delegation plan and execute the advocacy trip.

Past One Voice trip information is available on Fresno COG's website. Contact Fresno COG Deputy Director, Robert Phipps at rphipp@fresnocog.org or Brenda Thomas at bthomas@fresnocog.org with any questions.

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

- Brenda Thomas (FCOG) shared that the One Voice call for priorities needs to be in by the end of November. Travel trip cost is not covered by FCOG.
- This item is informational only. No action is required.

V. OTHER ITEMS

A. Items from Staff

- Ofelia Abundez (FCOG) announced that FCOG hosted its 2nd Annual Sock Drive. Socks were distributed to Sierra Vista. Starting in November FCOG will also be hosting a non-perishable can food drive.
- Robert Phipps (FCOG) reminded the board that next month the meeting will be on November 30th after Thanksgiving week.

B. Items from Members

- None.

VI. PUBLIC PRESENTATIONS

A. Public Presentations

- None.
- Break at 8:13pm
- Closed session called to order at 8:25pm.
 - Quorum: 9 at 76.39%
 - Absent: Coalinga, Fowler, Huron, Orange Cove, Fresno County, Sanger, Mendota.

VII. CLOSED SESSION -- Public Employee Appointment. Government Code§ 54957(b); Appointment of Executive Director

VIII. RETURN TO OPEN SESSION – REPORT ON ANY ACTION

- **Motion:** to appoint Robert Phipps as Interim Executive Director; contingent upon salary; effective December 23, 2023, while hiring a recruitment agency until the position is filled.
- Mayor Ashbeck (Clovis) motioned. Mayor Dyer (City of Fresno) seconded to approve the motion.

Vote: All in favor, no opposed.

Absent: Coalinga, Fowler, Huron, Orange Cove, Fresno County, Sanger, Mendota.

Motion passed by acclamation.

IX. ADJOURNMENT

- The meeting was adjourned at 8:41 p.m.

Respectfully submitted,



Tony Boren

Public:

Sandra Alvarez

Claudia Vera

David Rivas

Gabriela Zarate
Kristina Mansfield
Edward Smith
Monique Brown
Mandip Johal
Adolfo Lemus
Guadalupe Borja
Jayson Martinez
Gloria Hernandez
Juan Dominguez
Gurpreet Ayla
Simon Biasell

Staff:

Denise Flores; Robert Phipps; Moses Stites; Janelle Del Campo; Brenda Thomas; Ofelia Abundez; Juan Ramirez, Jennifer Rodriguez; Paul Herman.