

Policy Advisory Committee
MINUTES
Friday, November 3, 2023
10:00 AM

The meeting was held at FCOG Sequoia Conference Room.

Ben Gallegos, City of Firebaugh
Eric Rocha, City of Fowler
Greg Barfield, City of Fresno
Bernard Jimenez, County of Fresno
Alexander Henderson, City of Kingsburg
John Jansons, City of Kerman
Nicole Zieba, City of Reedley
Elizabeth Cabrera, City of San Joaquin
Christopher Xiong, Caltrans District 6
Tony Boren, FCOG
Moses Stites, FCRTA

The meeting was called to order at 10:01 a.m. by Mr. Barfield (City of Fresno), Chair. With 8 members present, there was a quorum to conduct business.

JOINT Transportation Technical/Policy Advisory Committee

- A. **Caltrans Report (Caltrans) [INFORMATION]**
David Padilla reported the following:
- Grant workshop was held last week on October 26th.

I. TRANSPORTATION CONSENT ITEMS

- A. **Executive Minutes of October 13, 2023 [APPROVE]**
B. **First Quarter Work Element Report 2023-24 (Les Beshears) [INFORMATION]**
C. **Threshold for Capital Equipment and Leases (Les Beshears) [ACTION]**
D. **Replica Contract Extension: Data Support for Activity Based Model Update (Santosh Bhattarai) [ACTION]**
E. **Upcoming Grant Opportunities (Robert Phipps) [INFORMATION]**

- Mr. Barfield called for any items wishing to be pulled by members or the public.
- After an opportunity for public comment, Mr. Jimenez (Fresno County) motioned, and Mrs. Zieba (Reedley). seconded to approve the consent agenda items A-E as presented.

**All in Favor, no opposed.
Motion passed.**

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

- A. **2024 State Transportation Improvement Program (Les Beshears) [ACTION]**
Summary: Staff proposes allocating \$42.35 million in State Transportation Improvement Program (STIP) funding to the State Route 99/American Avenue interchange for construction in 2025-26. This proposal follows staff's August Policy Board advisory setting up the American Avenue interchange as the primary candidate for this year's STIP target given its status as the next Rural Tier 1 Measure C project in line for funding.

In June, the California Transportation Commission (CTC) issued STIP guidelines and fund balance estimates. The STIP is an important, five-year transportation funding program that provides the Fresno County region \$8-10 million a year for major transportation improvements. The CTC conducts biennial calls for projects, adding two years each cycle. The STIP has a regional component directed to the regional transportation planning agencies known as the RTIP and a statewide component administered by Caltrans known as the Interregional Transportation Improvement Program (ITIP). Fresno COG has \$43.4 million in the 2024 RTIP target available to program in the 2024/25 – 2028/29 cycle.

The CTC guidelines require the RTIP recommendation to be adopted by the Fresno COG in November for submittal to the CTC by Dec. 15 to allow for public hearings and adoption in March 2024. In August staff advised the board the current strategy was to coordinate with Caltrans to develop the application to include the American Avenue interchange as the primary candidate for this year's target. That strategy is in play; however, Caltrans headquarters issued a belated determination that inflationary cost adjustments should be added to estimates for state highway projects. District 6 is in the process of incorporating those factors into their cost estimates. This does not affect the staff recommendation to program the STIP target given that the requested funds will not change when the cost estimates are final. Staff is concurrently working on updating the Measure C Regional Transportation Programs expenditure plan and favorable sales tax receipts provide an adequate cushion to offset inflationary adjustments. The current construction estimate for American is \$51 million.

Both the American Avenue and North Cedar interchanges on SR 99 have already been environmentally cleared.

In the 2020 STIP cycle, Fresno COG programmed \$42.3 million in Regional Improvement Program (RIP) funding against the North Cedar interchange for construction in 2023-24. However, a lawsuit against the environmental document and the City of Fresno has forced Caltrans to request a STIP amendment, moving the construction phase back to 2024-25. In addition, the City of Fresno has delayed adopting a freeway service agreement with Caltrans, pending settlement of the lawsuit. This has, in turn, prohibited Caltrans from acquiring right of way. It is appropriate to move the project back to 2025/26. The City of Fresno has hired a consultant to address the issues related to the lawsuit and is hopeful the issues can be resolved and the freeway service agreement executed soon.

Since North Cedar and American avenues were environmentally cleared on the same document, the lawsuit also affects the schedule for American. However, Caltrans does not require a freeway service agreement with the County, so the right-of-way phase for American can proceed while the lawsuit progresses.

The CTC also allows the regional transportation planning agency (Fresno COG) to include Project Programming and Management (PPM) funding in the target. This recommendation programs \$545,000 in PPM for 2027/28 and 2028/29 (\$1.09 million total) to cover monitoring of CTC activities and overall administration of federal and state projects that make up FCOG's Federal Transportation Improvement Program.

The 2024 STIP proposal totals \$114.8 million, which includes \$71.36 million in projects carried forward from previous STIP cycles that are ongoing, such as: \$6.86 million for landscaping the SR 180 west freeway, \$12 million for the SR 41 Excelsior gap closure project, \$45.3 million for the North Cedar interchange, \$4.76 million previously programmed for American Avenue and \$2.4 million in PPM.

Recommendation: Adopt Resolution 2023-36, programming \$43,443,000 as the 2024 STIP Regional Transportation Improvement Program target.

- Les Beshears (FCOG) provided an update of the 2024 State Transportation Program.
- After an opportunity for public comment, Mrs. Cabrera (San Joaquin) motioned, and Mr. Jimenez (Fresno County) seconded to approve the action as presented.

**All in Favor, no opposed.
Motion passed.**

B. Measure C Renewal Update (Tony Boren) [INFORMATION/DISCUSSION]

Summary: Over the last several months a Group of Ten proponents and opponents of our recent Measure C renewal effort have continued to meet in an effort to determine if there was enough "trust" between both sides to continue work on a Measure C Renewal effort. The summary results of that effort are included as an attachment with the title:

Moving Forward Together: Securing Fresno County's Transportation Future

The purpose of the document is to provide an outline and a framework for the next Measure C Renewal effort. Participants in the Group of Ten process were as follows:

1. Alma Beltran, Mayor Parlier, Fresno COG Policy Board Chair
2. Gloria Hernandez, Community Organizer and Activist
3. Henry Perea, Former Fresno County Supervisor/Fresno City Councilmember
4. Jerry Dyer, Mayor of Fresno
5. Lynee Ashbeck, Mayor of Clovis
6. Sandra Celedon, Fresno Building Healthy Communities
7. Veronica Garibay, Leadership Counsel for Justice, and Accountability
8. Scott Miller, Fresno Chamber of Commerce
9. Travis Alexander and David Rivas, Northern California Carpenters Union
10. Kato Prado, Youth Leadership Institute

COG staff's presentation identified the following 3 reasons as to why it would be prudent to wait until 2026 to attempt another renewal effort:

1. Inadequate time to develop a new Expenditure Plan with adequate public outreach, gain the necessary local city councils and regional board (Fresno COG/FCTA) and Board of Supervisors approval and still have enough time to raise the necessary campaign funds from the private sector to increase its chances of passage.
2. There are two statewide ballot measures on the November 2024 ballot that will have a very important and direct impact on the Measure C renewal effort. The first is Assembly Constitutional Amendment 1 (ACA1). ACA1 was recently approved by the State legislature for inclusion on the November 2024 ballot. In summary, ACA 1 would lower the threshold for voter approval of sales tax measures that address public infrastructure and housing from its current 66% to 55%. If ACA 1 is approved by the voters (requires 50%+1 to pass), the Measure C renewal would only require a 55% threshold for passage. 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 for passage, up to two-thirds (66%) for passage.

Given that the results of on ACA1 and TGAA will not be known until after the November 2024 election, it would not make sense to develop a new Measure C expenditure plan without knowing what the voter threshold will be 55% or 66%, as a expenditure plan that that requires 55% voter support for passage will likely look much different than one that requires 66% support.

3. Post election polling was very clear that Fresno County voters' highest priority is addressing the street and road maintenance needs of our communities. Independent of the renewal effort, but critical to identifying the pavement needs within our region, Fresno COG will be hiring a consultant to update our existing county wide pavement condition survey. The last pavement survey was done before last year's significant winter storms. Based upon all three polls commissioned by FCTA, it remains clear that fixing roads remains the public's number one priority. Data from this new countywide pavement condition survey will be critical in determining the level of investment necessary to bring roads throughout Fresno County from poor/fair to good condition.

Following staff's presentation and a PowerPoint presentation by the Leadership Counsel on the background and process used to develop the Moving Forward Together: Securing Fresno County's Transportation Future document, there was robust discussion involving public and Policy Board comments ultimately resulting in direction being given by the Fresno COG Board to the Executive Director to meet with the Group of Ten to help "fine tune" the Moving Forward Together: Securing Fresno County's Transportation Future document based on his administrative experience with the 1986 and 2006 Measure C processes.

Recommendation: Information/Discussion. Direction may be provided at the discretion of the Fresno CPOG Policy Board.

- Tony Boren (FCOG) provided background information and updates on the renewal.

- This item is informational only; no action is needed.

C. Safe Route to Schools Update (Jennifer Rodriguez) [INFORMATION]

Summary: Beginning in August 2023, Fresno COG staff has been reaching out to and meeting with rural and urban school districts in Fresno County, per the direction of the FCOG Policy Board. FCOG has been collecting an inventory of Safe Routes to School needs for all the school districts in the county through an interactive map survey. This inventory of needs will be incorporated into our Regional Active Transportation Plan Update. Documented in the chart below is the list of which school districts we have met with, which school districts have responded to the map survey, and which school districts we have not met with.

We have reached out to all the school districts through multiple emails, a letter, and phone calls, and have successfully met with 24/32 school districts; however, there are still a few school districts that have not gotten back to us (see list below).

We plan to start reaching out to local jurisdictions this month to discuss overlaps between their ATP projects and the SRTS inventory submitted by school districts. Once SRTS projects are incorporated into our ATP Update, member agencies can apply for funding through COG (ATP funds, Measure C, etc.). Our intent is that school districts and local jurisdictions will work together and share resources for the local match requirement to guarantee the development of the projects.

This project comes in response to the Measure C renewal process. Voters that were opposed to the measure felt that Measure C has not adequately supported safe routes to schools within our community. Our goal is that this cross-jurisdictional (transportation-education) regional planning process will help ensure that safe routes to schools are implemented in our communities.

School District	Met W/	Survey Submitted/ Inventory Collected	Local Jurisdiction/SOI
Alvina Elementary	X	X	County of Fresno (Unincorporated)
Big Creek Elementary*			County of Fresno (Unincorporated)
Burrel Union Elementary	X	X	County of Fresno (Unincorporated)
Caruthers Unified*			County of Fresno (Unincorporated)
Central Unified	X		Fresno
Clay Joint Elementary	X		County of Fresno (Unincorporated)
Clovis Unified	X		Clovis
Coalinga-Huron Unified	X		Coalinga, Huron
Firebaugh-Las Deltas Unified	X	X	Firebaugh
Fowler Unified	X	X	Fowler
Fresno Unified	X		Fresno
Golden Plains Unified	X		County of Fresno (Unincorporated)
Kerman Unified	X	X	Kerman
Kings Canyon Joint Unified*			Reedley, Orange Cove
Kingsburg Elementary Charter	X		Kingsburg
Kingsburg Joint Union High	X		Kingsburg
Laton Joint Unified	X	X	County of Fresno (Unincorporated)
Mendota Unified	X	X	Mendota
Monroe Elementary*			County of Fresno (Unincorporated)
Orange Center School	X		Fresno
Pacific Union Elementary*			County of Fresno (Unincorporated)
Parlier Unified	X	X	Parlier
Pine Ridge Elementary	X	X	County of Fresno (Unincorporated)
Raisin City Elementary*			County of Fresno (Unincorporated)
Riverdale Joint Unified	X	X	County of Fresno (Unincorporated)
Sanger Unified*			Sanger
Selma Unified	X		Selma
Sierra Unified	X	X	County of Fresno (Unincorporated)
Washington Colony Elementary	X	X	County of Fresno (Unincorporated)
Washington Unified	X	X	Fresno
West Park School District*			County of Fresno (Unincorporated)
Westside Elementary	X		County of Fresno (Unincorporated)

*have not met with us

Action: Information/Discussion. Direction may be provided at the discretion of the Fresno COG Policy Board.

- Jennifer Rodriguez (FCOG) gave an update of the projects process. Met with 25 of the 32 school districts. 13 of the school districts have submitted survey data.
- This item is informational only; no action is needed.

III. ADMINISTRATIVE CONSENT ITEMS

A. 2024 Fresno COG Meeting Calendar (Denise Flores) [ACTION]

Summary: Staff annually provides a listing of all anticipated Policy Board and committee meetings, as well as office holidays, for the coming calendar year.

Action: Staff requests the PAC recommend the Policy Board adopt the 2024 Fresno COG meeting calendar.

- Mr. Barfield called for any items wishing to be pulled by members or the public.
- After an opportunity for public comment, Mr. Jimenez (Fresno County) motioned, and Mr. Henderson (Kingsburg) seconded to approve the consent agenda item A as presented.

All in Favor, no opposed.

Motion passed.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. One Voice D.C. Consultant Agreement (Brenda Thomas) [ACTION]

Summary: Fresno COG's One Voice D.C. trip is scheduled for March 17-21, 2024, including travel days. For many of the previous trips, Fresno COG has contracted with Simon and Company to provide representation at the federal level, advocate before the Executive and Legislative branches and serve as our liaisons to the Administration, members of Congress, and other stakeholders in Washington, DC.

In operation since 1987, Simon and Company, Inc. is a boutique intergovernmental affairs firm based in D.C. that specializes in federal representation for local government including cities, counties, and other public agencies. The firm provides expertise across public policy areas.

Simon and Company's primary responsibility for the One Voice trip will be to support the mission of Fresno COG by working to advance legislative, regulatory, and funding priorities identified and approved by the "One Voice" delegation, working in partnership with the Administration and our Congressional delegation. In that regard, they have the responsibility to undertake the following activities on our behalf:

1. Developing a Federal agenda
2. Enhancing intergovernmental relationships
3. Advocating for legislative interests
4. Identifying Federal funding
5. Monitoring regulatory actions

At Fresno COG's request, Simon and Company has proposed a professional services agreement of \$15,000 to perform the scope of work outlined above. This is proposed as a sole-source contract due to the short timeline and the fact the contract is not subject to Federal procurement rules.

Action: Staff requests that the PAC recommend the Policy Board authorize the executive director to approve a contract with Simon and Company for One Voice D.C. trip planning and implementation services not to exceed \$15,000.

- Robert Phipps (FCOG) provided information on the One Voice Program consultant agreement.
- After an opportunity for public comment, Mr. Jansons (Kerman) motioned, and Mrs. Cabrera (San Joaquin) seconded to approve the action as presented.

All in Favor, no opposed.

Motion passed.

V. OTHER ITEMS

A. Items from Staff

- Tony Boren (FCOG) announced that Robert Phipps will serve as the new Interim Executive Director effective December 23, 2023.

B. Items from Members

- None.

VI. PUBLIC PRESENTATIONS

A. Public Presentations

- None.

VII. ADJOURNMENT

The meeting was adjourned at 10:51 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive, flowing style.

Tony Boren

Public:

None.

Staff:

Denise Flores, Robert Phipps, Shichen Fan, Pankaj Joshi, Les Beshears, Jennifer Rodriguez.