

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

The meeting was held at the Fresno COG Sequoia Room

Members Attending:

Mayor James Horn, City of Coalinga
Mayor Felipe Perez, City of Firebaugh
Mayor Daniel Parra, City of Fowler
Mayor Jerry Dyer, City of Fresno
Mayor Rey Leon, City of Huron
Mayor Pacheco, City of Kerman
Mayor Pro Tem Brandon Pursell, City of Kingsburg
Mayor Victor Martinez, City of Mendota
Mayor Diana Guerra-Silva, City of Orange Cove
Mayor Alma Beltran, City of Parlier
Councilmember Mary Fast, City of Reedley
Mayor Julia Hernandez, City of San Joaquin
Mayor Scott Robertson, City of Selma
Supervisor Sal Quintero, County of Fresno
Michael Navarro, Caltrans
Tony Boren, Executive Director
Alison Samarin, Legal Counsel

Absent:

Mayor Lynne Asbeck, City of Clovis
Mayor Frank Gonzalez, City of Sanger

Quorum: At the start of the meeting, there were 14 members representing 85.17% of the population. There was a quorum to conduct business. (Coalinga, Firebaugh, Fowler, City of Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Selma). Members Clovis and Sanger absent.

The meeting was called to order at 5:48 p.m. by Mayor Beltran (Parlier), Chair.

I. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of November 30, 2023 [APPROVE]**
- B. First Quarter Work Element Report 2023-24 (Les Beshears) [INFORMATION]**
- C. Threshold for Capital Equipment and Leases (Les Beshears) [ACTION]**

Recommendation: Staff and TTC/PAC recommend the Policy Board authorize Resolution 2023-31, increasing the threshold for capitalizing equipment and leases with a useful life of one year or more to \$10,000.

- D. Replica Contract Extension: Data Support for Activity Based Model Update (Santosh Bhattarai) [ACTION]**

Action: Staff and TTC/PAC recommend the Policy Board authorize the executive director to extend the original contract with Replica by six months for an amount not to exceed \$24,000.

E. Fresno COG 2022-23 Financial and Compliance Audit (Les Beshears) [ACTION]

Action: Receive and file Fresno COG’s 2022-23 Financial and Compliance Audit.

F. Upcoming Grant Opportunities (Robert Phipps) [INFORMATION]

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

- Chair Beltran asked if any member wished to pull any items.
- Les Beshears (FCOG) pulled item C for a typo correction (amount should state \$100,000 not \$10,000).
- Mayor Fast (Reedley) pulled item D for clarification.
- After an opportunity for public comment, Mayor Leon (Huron) moved, and Mayor Pro Tem Pursell (Kingsburg) seconded to approve consent items A-F (not including D).
- Mayor Martinez (Mendota) moved and Mayor Fast (Reedley) Seconded to approve consent item D.

Vote: All in favor, no opposed.

Absent: Clovis and Sanger.

Motion passed by acclamation.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. 2024 State Transportation Improvement Program (Les Beshears) [ACTION]

Summary: In June 2023, the California Transportation Commission (CTC) issued guidelines and fund balance estimates for the 2024 State Transportation Improvement Program (STIP). The STIP is an important five-year transportation funding program that provides the Fresno region \$8-10 million a year for major transportation improvements. The CTC conducts biennial calls for projects, adding two years each cycle. The STIP includes a regional component directed to the regional transportation planning agencies known as the Regional Transportation Improvement Program (RTIP), and a statewide component Caltrans administers known as the Interregional Transportation Improvement Program (ITIP).

In previous STIP cycles, \$64.1 million was programmed in the Fresno region, including \$59.34 million in the 2022 RTIP and \$4.76 million in COVID funding during a mid-STIP cycle. In August, staff advised the Policy Board that the funding strategy was to coordinate with Caltrans to include the American Avenue interchange as the primary candidate for the 2024 RTIP target.

Prior-adopted RTIP

\$64.1 million in projects are carried forward from previous STIP cycles.

SR 41 Excelsior gap closure	\$12,000,000
North Cedar Interchange	\$45,346,000
Planning, Programming & Monitoring (PPM) funds	\$1,995,000
Total RTIP	\$59,341,000
Mid STIP COVID	
American Avenue Interchange	\$4,760,000

2024 RTIP Target

There is \$43.44 million in the 2024 RTIP target available for the 2024/25 – 2028/29 cycle, bringing the total to \$114.8 million.

American Avenue	\$42,353,000
PPM (2027/28 & 2028/29)	\$1,090,000
Total	\$107,544,000

The North Cedar and American Avenue interchanges were environmentally cleared in the same document. In the 2020 STIP cycle, Fresno COG programmed \$42.34 million in Regional Improvement Program funds against the North Cedar Interchange for construction in 2023-24. However, a lawsuit against the environmental document has created delays for both projects.

The City of Fresno has hired a consultant to address issues related to the lawsuit and is hopeful the issues can be resolved. City staff have placed a freeway service agreement with Caltrans for North Cedar on the Dec. 7, 2023 council agenda. When this agreement is in place, Caltrans can begin acquiring right of way.

The freeway agreement for American is already in place, so Caltrans can begin acquiring right of way now; however, considering the complications from the lawsuit, it is appropriate to program construction funding for both North Cedar and American in 2025/26.

Recommendation: Staff and the TTC/PAC recommend the Policy Board adopt Resolution 2023-36 programming a \$107.5 million 2024 Regional Transportation Improvement Program request and submit it to the California Transportation Commission.

- Les Beshears (FCOG) gave a brief report on the Program.
- After an opportunity for public comment, Mayor Fast (Reedley) motioned, Mayor Beltran (Parlier) seconded to approve the motion.

Vote: 10 Yes, 4 No.

Absent: Clovis and Sanger.

Motion passed 10 Yes at 80.52%.

B. 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 Policy Board. Fresno COG has been collecting an inventory of Safe Routes to Schools' 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 staff has met with, which school districts have responded to the map survey, and which school districts staff has not yet reached.

Staff has reached out to all the school districts through multiple emails, a letter, and phone calls, and have met with 25 of 32 school districts; however, there are still a few districts that have not responded.

Fresno COG plans 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 the regional ATP update, member agencies can apply for funding through COG (ATP funds, Measure C, etc.). The intent is that school districts and local jurisdictions will work together and share resources for the local match requirement to guarantee project development.

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

*Have not met with Fresno COG

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

- Jennifer Rodriguez (FCOG) gave an update on the safe routes to schools.

This item is informational only. No action is needed.

C. 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 brief update.
- After an opportunity for public comment, Mayor Martinez (Mendota) motioned, Mayor Leon (Huron) seconded to approve.

Vote: 13 all in favor. 1 opposed (Kingsburg).

Absent: Clovis and Sanger.

Motion passed by acclamation.

D. Caltrans Report (Caltrans) [INFORMATION]

- Michael Navarro (Caltrans) gave the following updates:
 - Planning grants applications are due January 18, 2024.
 - Cleaning restorations to restore murals on 41 and Jensen will begin soon.
 - Fowler 99 to Second street closed until April 2024.
 - Mendota roundabout will begin Spring 2024.

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

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 and PAC recommend the Policy Board adopt the 2024 Fresno COG meeting calendar.

- Chair Beltran asked if any member wished to pull any items.
- After an opportunity for public comment, Mayor Martinez (Mendota) moved, and Mayor Guerra Silva (Orange Cove) seconded to approve consent item A.

Vote: All in favor, no opposed.

Absent: Clovis and Sanger.

Motion passed by acclamation.

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 and 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.

- Brenda Thomas (FCOG) proposed to assign Simon & Company.
- After an opportunity for public comment, Mayor Fast (Reedley) moved, and Mayor Leon (Huron) seconded to approve.

Vote: All in favor, no opposed.

Absent: Clovis and Sanger.

Motion passed by acclamation.

B. Interim Executive Director Appointment and Contract (Tony Boren) [ACTION]

Summary: In October 2023, Board members voted to appoint Deputy Director Robert Phipps as Fresno COG's interim executive director -- contingent upon reaching an agreement on compensation -- beginning Dec. 23, 2023. The Board also voted to hire a consulting firm to conduct a search for a permanent replacement.

Negotiations resulted in a contract that is substantially identical to the existing executive director's contract, with a 10 percent increase in Mr. Phipps' salary. The only other changes include adjusted language to reduce the contract term from three years to no more than one year, and to eliminate the requirement for 10 weeks' severance pay in the event of contract termination.

Action: Approve and authorize the Chairwoman to execute a contract with Robert Phipps to serve as interim executive director for up to a one-year term beginning Dec. 23, 2023 at an annual salary of \$187,959.

- Tony Boren (FCOG) gave a brief update.
- After an opportunity for public comment, Mayor Pacheco (Kerman) moved, and Mayor Martinez (Mendota) seconded to approve.

Vote: All in favor, no opposed.

Absent: Clovis and Sanger.

Motion passed by acclamation.

V. OTHER ITEMS

A. Items from Staff

- Ofelia Abundez (FCOG) gave an update on the OA.
- Robert Phipps (FCOG) reminded the board that there are no meetings in December.

B. Items from Members

- The Policy Board recognized Tony Boren for his 30 years of dedicated service to the Fresno Council of Governments.

VI. PUBLIC PRESENTATIONS

A. Public Presentations

- Jason Martinez – Carpenters Union, expressed his support for moving forward on the Measure C plan.
- Gloria Hernandez – stated that the group of 10 needs to get back together to collaborate on Measure C.

VII. ADJOURNMENT

- The meeting was adjourned at 7:37 p.m.

Respectfully submitted,



Tony Boren

Public:

Jason Martinez
Gloria Hernandez
Nayam Martinez
Natalie Delgado
Marianne Kast
Josh Ders
Emily Ruiz
Alex Chavez
Leticia Gonzalez
Kristina Mansfield
Daniel Gonzalez
Rocio Madrigal
Kristine Cai
Ivanka Saunders
Ameer Brooks
Kevin Capehary
Phoebe Seaton

Staff:

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