

**Fresno COG Policy Board
MINUTES
Thursday, February 28, 2019
5:30 PM**

Members Attending:

Mayor Bob Whalen, City of Clovis
Mayor Ron Lander, City of Coalinga
Mayor Marcia Sablan, City of Firebaugh
Mayor David Cardenas, City of Fowler
Councilmember Caprioglio, City of Fresno
Mayor Rey Leon, City of Huron
Mayor Pro Tem Gary Yep, City of Kerman
Mayor Michelle Roman, City of Kingsburg
Mayor Robert Silva, City of Mendota
Mayor Victor Lopez, City of Orange Cove
Mayor Alma Beltran, City of Parlier
Councilmember Robert Beck, City of Reedley
Councilmember Jose Ornelas, City of San Joaquin
Mayor Frank Gonzalez, City of Sanger
Mayor Scott Robertson, City of Selma

Gail Miller, Caltrans
Kyle Roberson, Legal Counsel
Tony Boren, Executive Director

Absent:

Supervisor Sal Quintero, County of Fresno

The meeting was called to order at 5:38 p.m. by Mayor Cardenas (Fowler), Vice Chair.

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

Quorum: At the start of the meeting, there were 14 members representing 81.44% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma).

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Presentation to Amarpreet Dhaliwal Service to the Fresno COG Policy Board 2011-2017

Quorum: Firebaugh entered. 15 members present representing 82.26% of the population.

I. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of January 31, 2019 [APPROVE]
- B. Second Quarterly Work Element and Financial Report (Les Beshears) [APPROVE]
- C. Fresno COG Fiscal Year 2017-18 Audits (Les Beshears) [INFORMATION]
- D. Preliminary Estimates (Les Beshears) [INFORMATION]
 - 1. Fiscal Year 2019-20 Preliminary Local Transportation Fund (LTF) Estimates (Les Beshears) [INFORMATION]

2. Fiscal Year 2019-20 Preliminary State Transit Assistance Fund (STA) Estimates (Les Beshears) [INFORMATION]
3. Fiscal Year 2019-20 Preliminary State of Good Repair Fund Estimates (Les Beshears) [INFORMATION]
4. Fiscal Year 2018-19 Preliminary Low Carbon Transit Operations (LCTOP) Estimates (Les Beshears) [INFORMATION]
- E. Appointments to the Fresno COG Social Services Transportation Advisory Council (SSTAC) (Todd Sobrado) [APPROVE]
- F. Fresno COG Transit Productivity Evaluation for Fiscal Year 2018 (Todd Sobrado) [APPROVE]
- G. Sustainable Infrastructure Planning Grant Program Cycle 2 Contract Award (Jennifer Soliz) [APPROVE]
- H. Senate Bill 2 Planning Grant Final Guidelines (Meg Prince) [INFORMATION]
- I. Call for Nominations - 2019 San Joaquin Valley Blueprint Awards (Trai Her-Cole) [INFORMATION]
- J. Save the Date - San Joaquin Valley 14th Annual Policy Conference (Trai Her-Cole) [INFORMATION]
- K. DRAFT 2019 FTIP Amendment No. 3, 2018 RTP Amendment No. 1, and 2015 Ozone Conformity Analysis (Kristine Cai) [APPROVE]

After an opportunity for public comment, Mayor Lopez (Orange Cove) motioned and Councilmember Beck (Reedley) seconded to approve the balance of the consent agenda as presented. The motion passed.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Housing Element Annual Progress Report New Form and Instructions (Meg Prince) [INFORMATION]

Ms. Prince (FCOG) reported that the California Department of Housing and Community Development (HCD) released its new Housing Element [Annual Progress Report \(APR\) form](#) and [instructions](#). Cities and counties must use the new APR form when submitting their 2018 reports, **which are due April 1, 2019**.

The new APR form and instructions include feedback from stakeholders who attended HCD's 2018 open house forums or sent comments during the public comment period. The data in the new APR form will allow for a more complete understanding of California's housing production. SB 35 and AB 879 (2017) added new data requirements to the Housing Element APRs.

Cities and counties with a compliant housing element and up-to-date APR submissions gain access to SB 2 Building Homes and Jobs Act funds and SB 1 Caltrans Transportation Planning Grants.

HCD recorded a webinar on January 29, 2019, for those who want to learn more about the new APR form and provide input on tools for completing reports. The recording should be available on HCD's website soon. For more information, please visit HCD's [Housing Elements webpage](#) or email questions to APR@hcd.ca.gov.

This item was informational only; no further action was required.

B. Circuit Planner and Circuit Engineer Programs Call for Projects (Meg Prince) [INFORMATION]

Ms. Prince (FCOG) reported that Fresno COG has active contracts with VRPA Technologies, Inc. (VRPA) and Willdan Associates (Willdan) to provide planning and engineering services through Fresno COG's Circuit Planner and Circuit Engineer Programs. The Circuit Planner and Circuit Engineer teams provide mechanisms for agencies to identify and help eliminate obstacles in project funding or delivery and possibly complete smaller transportation-related projects that support the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). This way, an agency's own staff/consultant teams can remain focused on larger or higher-profile projects as identified by their respective agency.

To initiate a new round of projects, VRPA (Circuit Planner) and Willdan (Circuit Engineer) are available to meet with each city's administration, planning, and public works/engineering staff to discuss potential services. They will also discuss previous year projects, potential funding sources, and the project evaluation process.

A handout with additional information and example project types was provided. To learn more or propose a potential project, please contact Meg Prince at mprince@fresnocog.org or 559-233-4148 x203.

This item was informational only; no further action was required.

C. 2019 Active Transportation Program Regional Project and Funding Recommendations (Jennifer Soliz) [APPROVE]

Ms. Soliz (FCOG) reported that Active Transportation Program (ATP) funds are separated into three main components: the statewide competitive program, the small urban- and rural-area competitive program (managed by the state), and the large, urbanized area competitive program [managed by Metropolitan Planning Organizations (MPOs) – also known as the Regional Competitive ATP]. Large MPOs such as Fresno COG have the option of developing their own policies, procedures and project selection criteria that differ from those the California Transportation Commission (CTC) adopted, provided the CTC approves them. The Policy Board approved the regional guidelines and the Multidisciplinary Advisory Group (MAG) on June 28, 2018.

The Cycle 4 Fresno COG Regional Competitive ATP will cover four years of funding -- FY 19-20 through FY 22-23. Fresno COG's share provides about \$4.77 million over four years. At least 25 percent of program funds must benefit projects in disadvantaged communities.

The State initiated its ATP call for projects from May 16, 2018 through July 31, 2018. ALL applications must be submitted to the state competition in order to be eligible for the regional competitive program. The Fresno region submitted 18 applications with a total project cost of \$13,098,000. The statewide evaluations took place from July 31, 2018 through December 31, 2018. Supplemental regional applications were submitted to Fresno COG by October 31, 2018.

The regional scoring committee convened on January 22, 2019 to score and deliberate on the recommended program of projects. The scoring committee comprised representatives from: City of Fresno, County, east side, west side, Caltrans, FCOG, a bike expert and a non-government organization. The non-government organization representative was originally a member from Leadership Counsel however, that person resigned and was replaced by a member from California Rural Legal Justice, Inc. The west side city representative was unable to attend the committee at the last minute and the scoring committee decided to move forward without the west side representative's scores. The recommended program of projects is attached to this item and can also be found on Fresno COG's ATP website: <https://www.fresnocog.org/project/active-transportation-program-atp/>. Please note that the programming years can vary based on funding capacity for each year.

To summarize the proposed recommendations:

- The scoring committee recommended that a total of \$4,772,000 in ATP funds be programmed for nine projects in Fresno County valued at \$6,142,000.
- All nine of the recommended projects are located within and directly benefit disadvantaged communities, well exceeding the 25 percent minimum.
- There are three bike and pedestrian projects proposed, totaling \$1,547,000. The six remaining projects are Safe Routes to School projects, totaling \$3,225,000.
- The City of Fresno relinquished \$350,000 to fund additional projects.
- The City of Coalinga will reduce the scope of its project based on funds awarded but will still include the fully disadvantaged segments of the project.

Below are the proposed schedule for adoption of the Cycle 4 Program of Projects:

- Draft project list to TTC/PAC for recommended approval: February 8, 2019
- Draft project list to Fresno COG Policy Board for recommended adoption: February 28, 2019
- Deadline to submit the DRAFT program of projects to CTC staff: February 15, 2019
- Deadline to submit the program of projects to CTC staff: April 30, 2019
- CTC adoption of the various MPO program of projects: June 2019 meeting
- Fresno COG 2019 FTIP amendment to incorporate the approved Cycle 4 ATP projects: Fall 2019

Philip Cervantes, volunteer in the community of Biola, addressed the Board. The Special Districts within the County of Fresno should have representation on the Fresno COG Policy Board. Mr. Boren responded that the County of Fresno Supervisor is the representative for the Fresno County which includes the Special Districts.

After an opportunity for public comment, Councilmember Caprioglio (Fresno City) motioned and Mayor Lander (Coalinga) seconded to approve the Cycle 4 Regional Competitive Active Transportation Program of Projects as recommended by the ATP Scoring Committee by adopting resolution 2019-04.

D. Reverse Triangle Study Consultant Selection (Kristine Cai) [APPROVE]

Ms. Cai (FCOG) reported that Fresno COG, in partnership with City of Fresno and Fresno County, received a Caltrans' grant to conduct a study and develop a plan for the Industrial Triangle (commonly known as the Reverse Triangle) area bounded by State Route (SR) 41 to the west, SR 99 to the east, Church Avenue at the north and American Avenue to the south. This is an industrial area that is home to the Amazon and Ulta distribution centers. It is also the potential location for the California High-Speed Rail heavy maintenance facility.

The project's primary goal is to study and mitigate the impacts from the growing industrial centers.

Fresno COG issued an RFP on October 2018 and received a proposal from GHD. A scoring committee comprising representatives from COG, City of Fresno, County of Fresno, Fresno County Rural Transit Agency (FCRTA) and Malaga Water District interviewed the consultant team. The GHD team will bring combined expertise in engineering, transportation planning, outreach and economic development. GHD has an office in Fresno, and the project manager is also based in Fresno.

The scope of work for the study was provided as an attachment. The scoring committee unanimously recommended that GHD be selected as the consultant to conduct the Reverse Triangle Study.

After an opportunity for public comment, Mayor Pro Tem Yep (Kerman) motioned and Councilmember Beck (Reedley) seconded to recommend approval to the Policy Board to authorize the Executive Director to enter into a contract with GHD for an amount not to exceed \$295,935.18.

Mayor Cardenas (Fowler) asked how long the study will take. Ms. Cai responded that it will be a twenty month project. The project will kick-off in March.

E. Fiscal Year 2019-20 draft Overall Work Program 45-Day Review (Robert Phipps) [APPROVE]

Mr. Phipps (FCOG) reported that for fiscal year 2019-20 Fresno COG's budget 19.3 million, which is a three percent decrease in expenditures from the previous year. The budget reflects a decrease in federal revenue by twelve percent and state revenue decrease of one percent. There are no new positions and \$6,000 decrease in salaries.

Mr. Boren (FCOG) stated that the Governor has taken a position on housing and the State is looking to get more involved in land use decisions. California has 482 cities the State will use the regional agencies to deliver the State's message. The Policy Board members discussed a meeting with the Governor that some of the member agency Mayors attended. The topic was brought up for discussion because Fresno COG may have a possible role for in the enforcement mechanism that will come down from the State.

After an opportunity for public comment, Mayor Whalen (Clovis) motioned and Mayor Leon (Huron) seconded to recommend approval to the Policy Board to authorize Fresno COG staff to release the draft Fresno Council of Governments fiscal year 2019-20 Overall Work Program and budget for a 45-day review and comment period.

F. High Speed Rail Developments (Tony Boren) [INFORMATION]

Mr. Boren (FCOG) reported that the future for high speed rail is uncertain after the Governor Newsome's State of the State speech. Within our region we will carry forward the message to the High Speed Rail (HSR) Authority that one, the Veterans Boulevard project has \$26 million of HSR funding and if the funding goes away, there will be a \$26 million hole in the project and second, that there are no partially completed projects.

This item is informational only, no further action was required.

G. Caltrans Report (CALTRANS) [INFORMATION]

Mr. Navarro (Caltrans) reported:

- State Route (SR) 99 realignment to accommodate High Speed Rail – The contractor's critical path is still the construction of the retaining wall that runs parallel to SR 99 between the Caltrans right-of-way and the HSR

right-of-way and the final northbound SR 99 to Goldenstate off ramp. The delay in the paving of the ramp is due to the construction of the retaining way and the construction delay is due to weather.

- Kings Canyon Expressway SR 180 Segment 3; structure work is nearing completion at four locations, China Slew, Kings River, Cameron Slew and Bird Slew. Grating work is progressing on the main line. The project has been delayed due to weather but remains on schedule. SR 180 concrete base and paving is scheduled for March. A detour is in place and is working well.
- San Joaquin River Bridge seismic retrofit. All work is complete except for final restriping. The end of construction is scheduled to be complete by the end of May.
- Caltrans is working with the City of Fresno and the County of Madera on the relinquishment of the bridge. To relinquish it to the City and County of Fresno.
- Interstate 5 – Pavement preservation from Tuolumne Avenue crossing to north of the State Route 33 and Interstate 5 separation. This is a SHOPP project. The project will begin then go into winter suspension and will continue in the spring. Completion is anticipated for summer 2019.
- State Route 269 Bridge – Construction began mid-January. There is temporary detour that is planned to be constructed in March.
- Shaver to Huntington – Asphalt overlay on 168. Project is winter suspension and will begin when weather is better. Anticipated completion is summer 2019.
- Shepherd/168 – Rumble strips. Project was awarded and construction will begin when the weather is better.
- Zero Emission Vehicle Charging Stations at various locations in Fresno, Tulare, Kern Counties along SR 99 and I-5. It is scheduled for CTC for a vote of funds.

This item is informational only, no further action was required.

III. ADMINISTRATIVE CONSENT ITEMS

- A. 2019 Legislative Platform (Trai Her-Cole) [APPROVE]
- C. Monthly Legislative Report (Trai Her-Cole) [INFORMATION]

Mayor Leon (Huron) pulled Item III-B for discussion.

After an opportunity for public comment, Mayor Pro Tem Yep (Kerman) motioned and Councilmember Beck (Reedley) seconded to approve the consent agenda as presented. The motion passed.

- B. Rejection of Claim for Personal Injury/Wrongful Death - Regarding Carlos Garibay (Robert Phipps) [APPROVE]

Mr. Phipps (FCOG) reported that On February 4, 2019, Fresno COG received a claim for personal injury/wrongful death from the law firm Morey & Upton, LLP of Costa Mesa regarding the case of Carlos Garibay of Huron. Claimants allege Mr. Garibay was killed after being struck by a pickup while in a pedestrian crosswalk at the Lassen Avenue/State Route 269 and Huron Avenue intersection on August 4, 2018. Among the respondents named are: the City of Huron, County of Fresno, Caltrans and the Fresno County Transportation Authority.

In consultation with legal counsel, staff recommends denying the claim based on Fresno COG's lack of ownership or control of the subject roadway, the limitations of liability reserved in the joint powers agreement, and other applicable immunities. Rejecting the claim and serving notice of that action imposes a six-month statute of limitations to file action in Superior Court.

After an opportunity for public comment, Mayor Pro Tem Yep (Kerman) motioned and Mayor Silva (Mendota) seconded to approve Resolution 2019-05 rejecting the claim for damages submitted by Attorney John H. Upton on behalf of Enequina Garibay and other named clients.

IV. ADMINISTRATIVE ACTION/DICUSSION ITEMS

A. 2019 One Voice Priorities (Robert Phipps) [APPROVE]

Mr. Phipps (FCOG) reported that Fresno COG's One Voice Steering Committee has recommended 13 regional priorities for the 2019 One Voice D.C. trip, scheduled for May 4-9. A summary table and white papers exploring each of the topics is attached to the agenda.

In a change of strategy, staff has divided the priorities under three major headings: grant requests, appropriations requests and policy requests. This will allow for the contingent to more nimbly spend less time on issues that recur annually and more time on those priorities that are more complex in nature. The priorities are:

Transportation/Infrastructure

- Veterans Boulevard funding (City of Fresno)
- Funding interchanges critical to economic prosperity in Fresno (City of Fresno)
- Millerton Road funding (County of Fresno)
- Cross-Valley rail station in Huron (Fresno COG)
- U.S. DOT: Categorical exclusions for C-listed projects (Fresno COG)

Workforce Development

- Regional Fire Training Center (City of Fresno)
- Establishing a Central Valley Forestry Corps (Fresno Workforce Development Board)
- U.S. DOT: Transportation training facility/workforce (Fresno Economic Opportunities Commission & Fresno County Economic Development Department)
- U.S. DOT: Consistent policies for targeted hiring programs and related workforce training funds (Fresno Workforce Development Board)
- Connecting People with Jobs (Fresno Economic Opportunities Commission)
- Technician and pilot training grant assistance (CALSTART)

Economic Development

- Updating FEMA HMA funding guidelines (Fresno Workforce Development Board)
- Modernizing the federally authorized (airport) passenger facility charge (PFC) (City of Fresno)
- Community Services Block Grant/Community Economic Opportunity Act (Fresno EOC)

After an opportunity for public comment, Mayor Robertson (Selma) motioned and Mayor Lopez (Orange Cove) seconded to approve Fresno COG's 2019 One Voice regional priorities.

V. OTHER ITEMS

A. Items from Staff

There were no items from staff.

B. Items from Members

- Mayor Leon (Huron) thanked the members of the community of Biola for attending today's meeting. He also congratulated Mr. Felipe Perez as he is now the General Manager of Biola.
- Mayor Whalen (Clovis) reported that the City of Clovis will have their election for Mayor next week and regardless of the outcome he may no longer serve as he Policy Board representative for Clovis.

VI. CLOSED SESSION

A. Conference with Legal Counsel - Potential Initiation of Litigation - Government Code § 54956.9(d)(4) [ONE CASE]

VI. OPEN SESSION

No action

VIII. PUBLIC PRESENTATIONS

A. Public Presentations

There was no public comment.

Adjourn to FCRTA at 7:20 p.m.

Respectfully submitted,



Tony Boren

Public

Amy Hance, City of Clovis
Jeff Roberts, Assemi Group
Gabriel Cervantes, Biola
Phillip Cervantes, Biola
Rudy Hernandez, Biola
Sally H, Biola
Lucio Avila, Leadership Counsel for Justice and Accountability
Felipe Perez, Biola
Mike Ratajski, QK
Martha Madera, BCSD
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