

Fresno COG Policy Board
MINUTES
Friday, May 27, 2021
10:00 AM

Members Attending:

Mayor Jose Flores, City of Clovis
Mayor Pro Tem Ray Singleton, City of Coalinga
Mayor Alfredo Valdez, City of Firebaugh
Mayor David Cardenas, City of Fowler
Mayor Jerry Dyer, 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 Pro Tem Beverly Cho, City of Selma
Supervisor Sal Quintero, County of Fresno
Michael Navarro, Caltrans
Bryan Rome, Legal Counsel
Tony Boren, Executive Director

Absent:

Mayor Julia Hernandez, City of San Joaquin

Quorum: At the start of the meeting, there were 15 members representing 99.59% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, Selma and Fresno County).

The meeting was called to order at 5:31 p.m. by Mayor Cardenas (Fowler), Chair.

I. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Amendment No. 6 Measure C Transportation Improvement Expenditure Plan (Les Beshears) [ACTION]

Mr. Beshears (FCOG) reported that last month, COG staff gave a detailed presentation (attached) on a proposed amendment to the (2006) Measure C Expenditure Plan. If the Fresno COG and FCTA boards, adopt Amendment No. 6, it would place the SR 41 South project (Elkhorn Avenue to Excelsior Avenue) into the Measure C Regional "Rural" Tier One program. As discussed extensively over the last several months, SR 41 South is a long-awaited safety project to complete the last six-mile gap in the four-lane divided expressway in Fresno County. As highlighted at last month's Policy Board meeting, there are many reasons to consider amending the SR 41 South project into the Measure C Expenditure Plan. To summarize those reasons:

- Widening SR 41 from two to four lanes was an identified project in the original 1987 Measure C Plan.
- Following the 1986 Measure C Expenditure Plan, a six-mile unimproved gap between Elkhorn and Excelsior avenues still remained.
- The project was not included in the 2006 Measure C Expenditure Plan because all parties understood that Caltrans was responsible for the project and would provide funding.

- The Caltrans-proposed project fell out of the State Transportation Improvement Program (STIP) due to funding issues at the state level.
- Serious accidents along the unimproved corridor have increased over time, including five fatal accidents over a three-month period in late 2020.
- To date, the state and region have committed \$10 million to completing design work and right-of-way acquisition.
- Caltrans/CTC have expressed support for developing a comprehensive funding partnership with the region to fund construction.
- Given the continual erosion of state transportation funding and a shifting focus by the state away from highway projects, this may represent a last chance to secure significant state funding to complete the gap closure project.
- The cost of the construction project is estimated at \$61 million.
- Caltrans has advised that \$14.5 million in State Highway Operations Protection funding may be used to reduce the unfunded amount to \$46.5 million.
- When STIP estimates come out in June, FCTA/COG staff would like to begin to negotiate an equitable state and regional funding plan to fund the project.
- COG/FCTA staff have identified several funding sources and strategies to be used in combination with regional Measure C funds to leverage future state and federal funds to ensure the schedules of existing projects in the

Measure C Regional "Rural" Program are not impacted. These funds include:

1. Interregional Transportation Funds (ITIP)
2. Regional Transportation Improvement Program Funds (RTIP)
3. Federal COVID Relief Funds
4. Federal RAISE and INFRA grants
5. President Biden's \$2.3 trillion American Jobs infrastructure initiative.
6. State Road Maintenance and Rehabilitation Account (SB 1) competitive and formula grants
7. Congressional earmarks

Given the upcoming funding negotiations with Caltrans/CTC and the uncertainty of what the final funding package will look like, the SR 41 South project would be amended into the 2006 Measure C Expenditure Plan in a "generic" manner with no defined funding at this time. Once the FCTA/COG staff have negotiated the funding plan, actual dollars amounts will be provided for each phase of the project consistent with historical practice. Following Fresno COG's action on the proposed 2006 Measure C Amendment No. 6, it will move forward to the FCTA Board for their consideration in June.

Public comments received by those effected by traffic accidents in this are. Assemblymember Patterson spoke to the need for the project to be include.

After an opportunity for public comment, Mayor Yep (Kerman) motioned and Mayor Beltran (Parlier) seconded to approve Amendment No. 6/Resolution 2021-14, understanding the action is advisory to the COG Policy Board. The motion passed.

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

Mr. Boren (FCOG) provided a brief update on the status of the Measure C renewal efforts underway with the various boards and committees.

Dr. Richard Bernard (FM3 Research), reported and presented on the Fresno County Transportation Baseline Issue survey.

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

C. Regional Transportation Plan/Sustainable Communities Strategy

1. SCS Strategies and Indicator Public Engagement Survey (Brenda Veenendaal) [INFORMATION]

Ms. Veenendaal (FCOG) reported that Fresno COG's Sustainable Communities Strategy (SCS) Strategies and Indicators Survey was open from March 26-April 25. It outlined five scenario concepts, asking the public what they liked and didn't like about each one. It also asked participants to prioritize groupings of SCS indicators. The online, interactive survey, was available in English and Spanish -- with hard copy versions available to download in English, Spanish, and Hmong. All survey options were accessible through direct links or through the [PlanFresno.com](https://www.planfresno.com) website.

The surveys was publicized using the following strategies: Videos, Multiple e-newsletters, Hard-copy surveys in three languages, Email-share requests sent from COG staff, Hosted a public Zoom webinar and a Facebook Live meeting, Website posts with videos and Organic and boosted posts.

The survey was viewed 1,326 times receiving responses from 421 respondents. Links to the Participant Demographics and Strategies/Indicators Comments are posted on www.PlanFresno.com. Fresno COG staff will provide a presentation regarding the survey respondent demographics during the Policy Board meeting.

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

2. Sustainable Communities Strategy Scenario Selection (Seth Scott) [ACTION]

Mr. Scott (FCOG) reported that the 2022 Sustainable Communities Strategy (SCS) will include three scenarios, each of which will be fully analyzed and compared to one another by way of performance indicators. The five scenario concepts that the COG Policy Board approved for consideration were presented to the public for input in the SCS public outreach survey, and the results of that effort were just presented to this body.

COG staff is seeking approval for three of these five scenario concepts to be included in the 2022 SCS for full analysis. The Board is welcomed to consider the results of the public outreach survey as a guide in this recommendation. The three scenarios selected will be modeled, and further analyzed; and their performance results will be presented in the fall, at which point a preferred scenario will be chosen from among them. The performance results for all three scenarios will be published in the 2022 Regional Transportation Plan, SCS chapter.

After an opportunity for public comment, Mayor Leon (Huron) motioned and Mayor Ontiveros (Sanger) seconded to recommend the Policy Board include scenarios A, B and C for analysis in the 2022 RTP/SCS. The motion passed.

3. Performance Indicator Selection (Seth Scott) [ACTION]

Mr. Scott (FCOG) reported the ability to choose a preferred scenario from the three that will be analyzed in the 2022 Sustainable Communities Strategy (SCS) depends on a robust suite of data that clearly and comprehensively represents how each scenario performs. These metrics, called performance indicators, are the chief points of comparison that will inform selecting a preferred scenario. As such, the indicators chosen for analysis should be thorough enough to tell the complete story of a scenario's performance and concise enough to allow for meaningful and informed engagement from decision makers, stakeholders and the public.

COG staff is asking for a recommendation of a suite of performance indicators that tell the most complete story in the most concise way. The indicators chosen will form the basis of how scenarios are analyzed and compared to one another and will be reported in addition to seven fixed indicators that have been determined essential in describing the nature of each scenario. There will also be one environmental justice indicator recommended by the EJ Subcommittee. This body is welcome to consider the results from the SCS public outreach survey in making this recommendation.

Due to input from the RTP Roundtable on 5/26, staff has requested that the EJ indicator approval be tabled until the EJ Subcommittee can revisit the issue and provide clarification and/or amend their recommendation.

After an opportunity for public comment, Mayor Valdez (Firebaugh) motioned and Mayor Flores (Clovis) seconded to recommend the following performance indicators be included in the 2022 RTP/SCS (in addition to the seven fixed indicators): net years of life gained, air pollution levels, accessibility to jobs, environmental resource land consumed, active transportation infrastructure, and road maintenance improvements. One additional EJ indicator will be approved for inclusion at a later date. The motion passed.

D. 2021-22 through 2023-24 Disadvantaged Business Enterprise Goal (Les Beshears) [ACTION]

Mr. Beshears (FCOG) reported that The Fresno Council of Governments, in accordance with 49 CFR Part 26, adopts a triennial disadvantaged business enterprise (DBE) goal to apply to Fresno COG awarded contracts funded with federal or state grants. The goal applies to a variety of technical transportation and air quality related studies funded by Federal

Highways, and Federal Transit Administration programs itemized in the Fresno COG Overall Work Program and Budget. Also included is a Federal Transit Administration 5339 grant passed on to Fresno County Rural Transit Agency.

During the 2020-21 fiscal year we did 14 procurements totaling \$2,049,593. Overall DBE participation was \$623,391 or 30%.

The 2021-22 Overall work program and budget identifies \$16 million in contracting opportunities that will be subject to procurement during the fiscal year. This represents a significant increase in contracting opportunities from previous years resulting from a \$10 million FTA 5339 grant and a \$10 million State REAP grant and also represents a major expansion of the NAICS categories of vendors in our procurement market.

Request for proposals will be solicited from qualified consultants at various times during the 2021-22 through 2023-24 fiscal years. Any firm with technical qualifications to perform these studies or projects may apply to be added to Fresno COG's RFP listing. Firms wishing to qualify as a DBE must provide a current certification in compliance with 49 CFR Part 26, issued by the State of California, Department of Transportation, the National Economic Development Administration, the City of Fresno, the County of Fresno or some other certifying governmental agency.

The triennial DBE goal takes into consideration the availability of certified DBE's in Fresno COG's market area. It also considers Disparity Studies done by the state Department of Transportation in 2016 and 2019 which determined three groups exhibited disparity indices substantially below parity and are presumed to be disadvantaged; Black American, Hispanic American and Native American. Two additional groups displayed disparity indices below parity but did not reach the threshold considered substantial; White Woman-Owned Business and Subcontinent Asian American.

Staff obtained a copy of the state California Unified Certification Program (CUCP) database for the purposes of analyzing our procurement market by NAICS Code. This analysis was compared to the U.S. Census Bureau's County Business Patterns to determine the availability of DBE's willing and able to perform services in our market area. With this data FCOG calculated the Step 1 Base Goal required by federal regulations at 7.14%.

Regulations also provide for a Step 2 adjustment that may consider other factors to fine tune the goal to our procurement market including Disparity Studies.

In setting their 2020-2022 DBE Goal the Caltrans Department of Rail and Mass Transit (DRMT) did a Disparity Study and calculated a Step One Base Goal of 1.7%. After considering additional factors reflecting on the current capacity of DBE's to do work in their market DRMT determined a Step Two adjustment was appropriate to set the goal at 4.6%. Currently DRMT's goal is 4.8%

Fresno COG staff performed a major update to our Bidder's List soliciting NAICS codes, DBE Certifications and purging inactive vendors. The result of this effort has been tabulated and our database now has 258 companies including 13 DBE's, of which 5 are Asian Pacific American, 3 are women, 4 are Hispanic Male and 1 is Subcontinent Asian Male, resulting in a ratio of DBE's to non DBE's of 5.04%. However, as both the DRMT Disparity Study and our bidders list calculations are less than the goal calculated using the CUCP and U.S. Census Bureau's County Business Patterns, staff proposes a 7.14% goal is a valid reflection of DBE's willing and able to do business in our market area.

1. The public hearing was opened, no comments received, the public hearing.
2. After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Beltran (Parlier) seconded to adopt Resolution 2021-15 setting the triennial disadvantaged business enterprise goal at 7.14%. The motion passed.

C. Caltrans Report (Caltrans) [INFORMATION]

II. TRANSPORTATION CONSENT ITEMS

- A. Executive Minutes of April 29, 2021 [APPROVE]
- B. City of Kingsburg Transportation Development Act Claim (Les Beshears) [APPROVE]
- C. City of Selma Transportation Development Act Claim (Les Beshears) [APPROVE]
- D. SB 743 Modeling Service Preferred Consulting Firms Recommendation (Kristine Cai) [APPROVE]
- E. Amendment No. 1 to Agreement to Provide Taxi Scrip Sales and Application Processing Services to Fresno Council of Governments (Esperanza Velazco) [APPROVAL]

- F. FCOG/FCRTA Contract Negotiations for FTA 5339 Grant (Les Beshears) [APPROVE]
- G. FTA Section 5339 - Bus and Bus Facilities Projects (Peggy Arnest) [APPROVE]
- H. 2021 FTA Section 5310 Funding Recommendations/Program of Projects (Peggy Arnest) [APPROVE]
- I. New Member Appointment and Re-appointments to the Social Services Transportation Advisory Committee (Todd Sobrado) [APPROVE]
- J. Fresno COG Unmet Transit Needs Assessment for Fiscal Year 2021-22 Update (Todd Sobrado) [INFORMATION]
- K. Measure C Citizen Oversight Committee Vacancies - Now Accepting Applications (Brenda Veenendaal) [INFORMATION]
- L. Updated Guidance from HCD to Affirmatively Further Fair Housing (Meg Prince) [INFORMATION]
- M. Circuit Planner and Engineer Program Update (Meg Prince) [INFORMATION]
- N. Local Housing Planning Grants Program Awards (Meg Prince/Trai Her-Cole) [ACTION]
- O. California Inland Port Study Phase Two Consultant Selection (Braden Duran/Tony Boren) [ACTION]
- P. Delegated Authority Authorization for Upcoming FTIP/RTP Amendment and Corresponding Conformity Analysis (Suzanne Martinez / Braden Duran) [ACTION]

After an opportunity for public comment, Mayor Beltran (Parlier) motioned and Mayor Ontiveros (Sanger) seconded to approve the consent agenda as presented. The motion passed. The motion passed.

III. ADMINISTRATIVE CONSENT ITEMS

There are no Administrative Consent Items.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Final Fiscal Year 2021-22 Overall Work Program (Robert Phipps) [ACTION]

Mr. Phipps (FCOG) reported that The final fiscal year (FY) 2021-22 Overall Work Program (OWP), totaling just over \$35 million, is submitted for Board and public review. The final document increased \$55,000 from the draft budget release in February to cover the cost of a required Triennial Performance Audit.

The proposed budget increased \$7.22 million from last year. The largest part of the increase is attributed to a \$5 million FTA 5339 grant awarded to FCRTA for its maintenance facility. Another significant factor affecting this increase is that the budget contains fully funded multi-year projects, and as these “one-time” funds are spent they are not reflected in subsequent years’ budgets. Generally, operating expenses are not affected this way.

Federal revenues increased 19 percent (\$2 million), mostly associated with the previously mentioned FTA 5339 grant. However, an additional \$1.1 million in FTA 5310 apportionments will also be distributed to transit operators for bus procurement. Kings County Association of Governments, (KCAG) agreed to transfer \$325,000 in FHWA planning funds to perform a Valleywide household travel survey.

State revenues decreased 257 percent (\$4,588,834). The largest portion of this decrease centers around the State Regional Early Action Planning grant (REAP), which this year provided \$10 million to Fresno and Central Valley MPOs to assist local governments with housing plans and produce Valleywide activities for housing as well. Staff anticipates spending approximately \$3 million of that and carrying over the balance into next year’s budget. Specific budget and activity highlights follow.

Staffing & Benefits - There are no new Fresno COG planning positions included in this year’s proposed budget. Contingencies are carried for merit-based salary increases as well as for anticipated health insurance increases. The overall proposed budget for salaries increased by 4 percent and benefits by 3 percent.

Consulting -The overall consulting budget is \$10.7 million, which is a decrease of \$107,450, corresponding to projects associated with revenue reductions discussed above regarding multi-year projects. New consulting projects are discussed below under the work element discussion.

Measure C Commuter Vanpool Subsidy - The budget decreased \$228,000 reflecting reduced activity from COVID restrictions.

Measure C Farm Worker Vanpool Subsidy - The budget decreased \$175,000, reflecting reduced activity from COVID restrictions.

FTA Section 5339 - This is a new \$10.2 million budget for FCRTA's maintenance facility infrastructure. FCRTA will match the federal funds with \$5.1 million.

Agency Pass Through - This account decreased by \$3.2 million related to the State REAP funds paid to Valley COGs.

After an opportunity for public comment, Mayor Ontiveros (Sanger) motioned and Mayor Yep (Kerman) seconded to approve Fresno COG's FINAL 2021-22 Overall Work Program and budget. The motion passed.

V. OTHER ITEMS

A. Items from Staff

There are no items from staff.

B. Items from Members

There are no from members.

VI. PUBLIC PRESENTATIONS

A. Public Presentations –

There are no public presentations.

The meeting was adjourned at 8:46 p.m.

Respectfully submitted,



Tony Boren

Public:

Jim Patterson, Assemblymember
Kevin Hall
Alisa Gallon
Chris Smith
ABC 30
Liz Barron, KMPH
Andrew Russell
Joel Carrillo
Lorna Roush, Schultz Ranch Inc
Leslie Martinez, LCJA
Richard Bernard, FM3 Research
Matthew Woodward
Karla Martinez, LCJA

Keith Bergthold
Mike Leonardo, FCTA
Denise DiBenedetto, FCTA
Rose Willams, FCTA
Mariana Alvarenga
Silvia Zamora
Kathy Rathburn
Misty Atkins
Ian Coolbear
Suzannah Lawrence
Terry Davis
Ester Espinoza
Casandra Angel

Staff:

Kai Han, Braden Duran, Trai Her-Cole, Les Beshears, Kristine Cai, Robert Phipps, Seth Scott, Brenda Veenendaal, Jen Soliz, Meg Prince, Suzanne Martinez, Peggy Arnest, Esperanza Velazco, Moses Stites, Janelle Del Campo, Todd Sobrado, Jeaneen Cervantes