

**Fresno COG Policy Board
MINUTES
Thursday, September 30, 2021, 5:30 PM**

Members Attending:

Mayor Pro Tem Lynn Ashbeck, City of Clovis
Mayor Ron Ramsey, City of Coalinga
Mayor Alfredo Valdez, City of Firebaugh
Mayor David Cardenas, City of Fowler
Councilmember Esmerelda Soria, 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 Alma Beltran, City of Parlier
Mayor Mary Fast, City of Reedley
Mayor Pro Tem Daniel Martinez, City of Sanger
Mayor Scott Robertson, City of Selma
Supervisor Sal Quintero, County of Fresno
Michael Navarro, Caltrans
Bryan Rome, Legal Counsel
Tony Boren, Executive Director

Absent:

Mayor Victor Lopez, City of Orange Cove
Mayor Julia Hernandez, City of San Joaquin

Quorum: At the start of the meeting, there were 14 members representing 98.65% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, Sanger, Selma and Fresno County).

The meeting was called to order at 5:30 p.m. by Mayor Cardenas (Fowler), Chair.

I. Fresno COG Sitting as the Fresno County Mayors Selection Committee (Includes the County of Fresno)

A. Measure C Measure C Citizen Oversight Committee Appointments (Brenda Veenendaal) [APPOINT]

Ms. Veenendaal (FCOG) reported that Fresno Council of Governments' Policy Board, acting as the Fresno County Mayors' Select Committee, along with the chairman of the Fresno County Board of Supervisors, is tasked with appointing members to the Measure C Citizen Oversight Committee (COC) consistent with the November 2006 voter-approved Measure C Expenditure Plan.

The COC informs the public and ensures that Measure C program revenues are spent as promised. The Measure C Expenditure Plan specifies that the COC shall comprise 13 members, including six at-large public members who respectively reside in each of the five Fresno County supervisorial districts. Three of the six must reside in the Fresno-Clovis metropolitan area and two must reside in the unincorporated rural area of the county (east and west). The remaining seven members must be representatives drawn from a diverse mix of interested community organizations.

Members serve four-year terms, with a maximum limit of eight years on the committee. Appendix G of the Measure C Extension Expenditure Plan (attached) states the Committee's duties and responsibilities. There are seven vacancies with four-year terms to begin July 1, 2021:

- Four positions for community organization representatives (organization/agency/service clubs/chambers of commerce, etc. must provide an applicant with a letter of recommendation.)

- Two public-at-large positions representing the unincorporated rural area west of State Route 99 (supervisory district 1) and unincorporated rural area east of State Route 99 (supervisory district 5)

The following applications were received from residents who wish to be appointed to the Oversight Committee:
 Community Organization Representative, Applicant Roshonda Cureton
 Community Organization Representative, Applicant Carla T. Stanley
 Unincorporated rural area west of SR 99, Applicant Jonathan Leiva Castillo

Mr. Castillo lives in an incorporated area west of SR 99, rather than unincorporated. The Unincorporated rural area west of 99 position has been vacant for four years, despite vigorous attempts to recruit applicants. Fresno COG and Transportation Authority staff will continue recruiting new members until all the positions are filled.

After an opportunity for public comment, Mayor Yep (Kerman) motioned and Mayor Pro Tem Ashbeck (Clovis) seconded to appoint Roshonda Cureton and Carla T. Stanley as members to the Measure C Citizen Oversight Committee. 14 yes, members Orange Cove and San Joaquin absent. Motion passed.

Fresno COG Sitting as the Fresno Council of Governments Policy Board

II. TRANSPORTATION CONSENT ITEMS

- Executive Minutes of July 9, 2021 [APPROVE]
- City of Parlier 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]
- City of Mendota 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]
- City of Orange Cove 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]
- City of Sanger 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]
- City of Clovis 2021-22 Transportation Development Act Claim (Les Beshears) [ACCEPT]
- Circuit Planner and Engineer Program Update (Meg Prince) [INFORMATION]
- Fresno COG CMAQ and STBG Programs Application Deadline (Braden Duran) [INFORMATION]

After an opportunity for public comment, Councilmember Soria (Fresno City) motioned and Mayor Leon (Huron) seconded to approve the consent agenda as presented. 14 yes, members Orange Cove and San Joaquin absent. Motion passed.

III. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Overall Work Program Amendment No. 2 (Les Beshears) [ACTION]

Mr. Beshears (FCOG) reported that Fresno Council of Governments' 2021-22 Overall Work Program Amendment No. 2 decreases the budget \$213,111 to reconcile amounts carried over from the last fiscal year. FHWA Planning funds decreased \$108,406 and FTA 5303 Planning funds decreased \$33,984. Staff transferred local funds in place of the reduced federal funds to keep programmed projects intact across several work elements. In addition, staff also adjusted work elements funded with State Road Maintenance and Rehabilitation Account (RMRA-SB 1) funds and FTA 5304. As a result, net local funds programmed in the budget increased \$118,360.

Work Element 120 Public Transportation – Staff shifted local funds totaling \$124,584 to the Human Services Plan update.

Work Element 170 Regional Transportation Plan – Staff adjusted and transferred various federal funds to other work elements, netting out to a change of \$806. Projects programmed in the work element remain unchanged.

Work Element 172 Congestion Management Program – Approximately \$20,000 in local funds were shifted to the Congestion Management Plan Update.

Work Element 148 Regional Safety Study Phase I – The balance of the Kittleson contract was \$103,980, reducing RMRA and local match funds programmed by \$26,061.

Work Element 160 Better Blackstone Design Phase II – The balance of the Fresno Metro Ministries contract was \$83,013, reducing FTA 5304 and local match funds by \$141,575.

Work Element 161 Fresno/Madera Sustainable Corridor Study – The balance of the IBI contract was \$52,332, reducing RMRA and local match funds programmed by \$3,226.

Work Element 162 Regional Safety Study Phase III – The balance of the Kittleson contract was \$225,097, reducing RMRA and local match funds programmed by \$46,565.

Work Element 167 Sustainable Communities Grant Program 2021-22 – The work element was eliminated to transfer \$233,382 in RMRA and local match funds to Work Element 173.

Work Element 173 – Regional Vehicle Miles Traveled Mitigation Program – Approximately \$220,000 is programmed for a consultant to perform the VMT study and \$17,768 for grant administration.

After an opportunity for public comment, Mayor Fast (Reedley) motioned and Mayor Leon (Huron) seconded to adopt Resolution 2021-44, approving Fresno COG's 2021-22 Overall Work Program Amendment No. 2. 14 Yes, Members Orange Cove and San Joaquin absent. The motion passed.

B. Regional Vehicle Miles Traveled Mitigation Program Study (Kristine Cai) [INFORMATION]

Ms. Cai (FCOG) reported that SB 743 (2013) requires that level-of-service (LOS), used in measuring transportation impacts in the California Environmental Quality Act, be replaced with another metric that will “promote the reduction of greenhouse gas emissions, the development of multi-modal transportation systems and a diversity of land use development.” The state's Office of Planning and Research has selected vehicle miles traveled (VMT) as that metric to replace LOS.

In partnership with multiple stakeholders, Fresno COG developed the SB 743 Implementation Regional Guidelines in 2020, which provides tools for local governments to use in instituting SB 743, should they decide to endorse recommendations in the guidelines. Since July 1, 2020, when SB 743 took effect, many jurisdictions in Fresno County have approved policies regarding SB 743 implementation. Fresno COG has received many requests to conduct VMT analysis based on the procedures recommended in the Regional Guidelines and has run the activity-based model (ABM) to produce VMT results for development projects. However, due to limited mitigation measures with quantifiable VMT reduction credits, it is hard for projects to move forward if the project is found to have a VMT impact that is higher than the established threshold.

A regional VMT mitigation program may be the most effective means of addressing VMT requirements on future development. The proposed VMT mitigation study will explore options such as: a VMT mitigation bank, a VMT mitigation exchange, regional VMT impact fees, etc., and to identify pros and cons for the various techniques. The study may also establish some framework for instituting such a program. It will serve to reconvene stakeholders and begin the conversation about VMT mitigation, which is a mystery to a many of those in the development realm.

Fresno COG will use SB 1 formula planning funding for the study. It is anticipated that a request for proposals will be distributed in early fall and the study will be completed in a year.

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

C. Sixth Cycle Housing Elements (Meg Prince) [INFORMATION]

Ms. Prince (FCOG) provided a brief update regarding Fresno COG's support for developing the sixth-cycle housing elements.

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

D. State Route 41 South Expressway Funding Strategy (Tony Boren) [INFORMATION]

Mr. Boren (FCOG) provided a brief update on the funding strategies under discussion for the State Route 41 South Expressway Elkhorn to Excelsior gap closure project. A specific funding has not been identified, but Caltrans District 6 is negotiating with the State a \$23 million request. Hope is to report back next month with the State's decision

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

E. Caltrans Report (Caltrans) [INFORMATION]

Mr. Navarro (Caltrans) reported:

- **Kingsburg to Selma SR 99 Rehab** - The final stage of the project is almost complete. The contractor is currently removing the K-rails. The contractor will fill the gaps in the median concrete barrier at south of Sierra and north of Bethel and will install the permanent stripe before end of July. The contractor will cold plane 0.25' AC and pave HMA (A) 0.25' along with restriping at Mountain View Ave OC between the off-ramp termini in both directions, and will replace the guardrails that were damaged by the public in the first week of August. Ribbon cutting was September 9th.
- **Selma to Fowler Rehab** - The project started construction phase on June 27th.with actual construction starting on August 1st. Reconstruction of the shoulders is complete. Striping for southbound is currently being done. This will be followed by NB striping and then installation of k-rail in the median. All of this is night work. Once the k-rail is installed

for northbound and southbound, all-day work will start. We recognize the need for continued communication throughout.

- **South Fresno 99 Corridor Project** - (SR 99/North/Cedar Avenues & SR99/American Avenue Interchanges). Project is in the environmental clearance phase. Draft environmental document is targeted for next week. There will be public hearing on November 4th (Virtual). Construction is targeted for late 2024.
- **Veterans Interchange** - Bids were opened September 28th. Should be awarded in about a month. Contractor could begin work by the end of the year. Project has Federal BUILD grant funding.
- **Excelsior Median Barrier Update** – Construction is complete. Temporary crash cushions were recently replaced with the permanent crash cushions.
- **Excelsior Expressway** - Construction funding is being sought for the \$60.7M project. To date, \$14.8M in funding has been identified as coming from the SHOPP and \$10M from the Measure. The federal infrastructure bill has the potential to bring \$20M. If this is successful, then the unfunded need would be \$15.9M. District 6 has request the ITIP funding but there may also need to be a regional amount from the STIP.
- **Mendota SR 180 - Mendota Ped Safety Project** - In collaboration with the City we are initiating the design of a Road Diet Project on SR 180 from Belmont to just south of SR 33. This would complement the future roundabout. It will include Rectangular Rapid Flashing Beacons at all marked crosswalks and at the request of the City we will be adding a crosswalk at 7th. We are aggressively targeting next spring/summer for construction and funding with our minor program. Potential for Clean CA enhancements. Setting up meeting with Cristian for potentially next week.
- **State Route 41 Aux Lane for Ashlan to Shaw** - This project constructs an auxiliary lane in Fresno County on Route 41 from the NB Ashlan Ave. on-ramp (PM R27.6) to the NB Shaw Ave. off-ramp (PM R28.3) and widen the Shaw Ave. NB off-ramp to two lanes. As part of the construction of the auxiliary lane a retaining wall (soil nail wall) will be built to accommodate the widened roadbed. It is also proposed to construct a sound wall along the Shaw Ave. off-ramp on NB Route 41 at the north end of the project. No additional right of way is anticipated for this project.

This project will be in construction this summer.

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

IV. ADMINISTRATIVE CONSENT ITEMS

- A. Triennial Performance Audit Consultant Selection (Jennifer Soliz) [APPROVE]
- B. Regional Clearinghouse (Jennifer Soliz) [APPROVE]
- C. Amendment to and Restatement of the San Joaquin Valley Regional Policy Council Memorandum of Understanding -- San Joaquin Joint Powers Authority (Robert Phipps) [ACTION]
- D. San Joaquin Valley Regional Policy Council Legislative Advocacy Contracts (Robert Phipps) [ACTION]

Staff pulled Item E for discussion.

After an opportunity for public comment, Mayor Pro Tem Ashbeck (Clovis) motioned and Mayor Robertson (Selma) seconded to approve the balance of the consent agenda. 13 yes, members Orange Cove, San Joaquin and Fresno County absent. Motion passed.

- E. Regional Early Action Planning (REAP) Contract with HDR/Calthorpe (Robert Phipps) [ACTION]

Mr. Phipps (FCOG) pulled item from the consent agenda to point out a change from the report to the Policy Advisory Committee (PAC). The change in the amount of \$75,000 of the contact from \$250,000 to \$325,000 to include the modeling suite, Urban Footprint.

After an opportunity for public comment, Mayor Beltran (Parlier) motioned and Mayor Castro (Mendota) seconded to approve a contract with HDR/Calthorpe for a Valleywide housing scenario analysis not to exceed \$325,000 and authorize the executive director to sign. 13 yes, members Orange Cove, San Joaquin and Fresno County absent. Motion passed.

V. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Future Board Meeting Format (Robert Phipps) [ACTION]

Mr. Phipps (FCOG) reported that in September 15, Governor Newsom signed Assembly Bill (AB) 361, amending the Ralph M. Brown Act to allow local agencies to continue conducting public meetings remotely during a state of emergency after October 1, so long as they make specific findings every 30 days, and ensure conditions related to public participation are satisfied.

While the Board has the option of using teleconferencing, as was available prior to COVID restrictions, the Brown Act requires: 1) a quorum of the legislative body to participate from within the boundaries of the agency's jurisdiction, 2) the public agency to post notice of each teleconference location, and 3) the public be allowed to address the legislative body from each teleconference location. These requirements place a significant burden on both Board members and staff. Although the Governor waived AB 361's applicability until October 1 local agencies retain the option of meeting beforehand to make the required findings under AB 361 to hold future meetings remotely.

Under the urgency legislation, a local agency may use the more "relaxed" Brown Act teleconferencing/videoconferencing requirements in any of the following circumstances:

1. There is a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
2. There is a proclaimed state of emergency, and the local agency's meeting is to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. There is a proclaimed state of emergency, and the local agency has determined, by majority vote, that as a result of the emergency meeting in person would present an imminent risk to the health or safety of attendees.

AB 361 defines a "state of emergency" as a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act. Importantly, this includes the Governor's proclaimed state of emergency due to the COVID-19 pandemic.

To continue to rely on the relaxed teleconferencing provisions, the local agency must reconsider the circumstances of the state of emergency and make the following findings by majority vote, *every 30 days*:

- The state of emergency continues to directly impact the ability of members to meet safely in person; or
- State or local officials continue to impose or recommend measures to promote social distancing.

After an opportunity for public comment, Councilmember Soria (Fresno City) motioned and Mayor Leon (Huron) seconded to approve to continue meeting via teleconferencing/videoconferencing finding that a state of emergency continues to directly impact the ability of members to meet safely in person as Fresno County transmission rates far exceed the State's and our vaccination rates are far below the State. 12 yes, members Orange Cove, Parlier, San Joaquin and Fresno County absent. Motion passed.

VI. CLOSED SESSION

- A. Public Employee Performance Evaluation - Executive Director (Government Code Section 54957)
- B. Conference with Labor Negotiators (Government Code § 54957.6)

VII. OPEN SESSION

Mr. Rome (County Counsel) reported that there were no reportable actions taken in closed session.

A. Discussion & Approval of Executive Director Employment Contract [APPROVE]

Mayor Yep (Kerman) reported that the recommendation of the Policy Board subcommittee is an increase of 6% increase in year one and 6% year two with no increase in the third year.

After an opportunity for public comment, Mayor Yep (Kerman) motioned and Councilmember Soria (Fresno City) seconded to authorize the Policy Board Chair to extend the contract with Tony Boren, Executive Director 6% increase in year one and 6% year two for the amount of no increase in year three. \$226,470.

VIII. OTHER ITEMS

A. Items from Staff

- Ms. Cervantes (FCOG) mentioned to the Board the importance of Board roll call. With the hybrid meeting method. It is always ok to announce yourself when you join the meeting or speak up if your name is missed during roll call at the beginning of the meeting or during any roll call voting.

B. Items from Members

There were no items from Members.

IX. PUBLIC PRESENTATIONS

A. Public Presentations –

There were no public presentations.

The meeting was adjourned to FCRTA at 8:03 pm.

Respectfully submitted,



Tony Boren

Public:

Laura North, City of Kingsburg

Jacob Watts

Nick Cheney

Mrs. Angie

Staff:

Kai Han

Braden Duran

Kristine Cai

Robert Phipps

Brenda Veenendaal

Meg Prince

Moses Stites

Janelle Del Campo

Jeaneen Cervantes