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**Fresno COG Policy Board
MINUTES
Thursday, August 28, 2025
5:30 PM**

The meeting was held at the Fresno COG Sequoia Room

Members Attending:

Mayor Vong Mouanoutoua, City of Clovis
Mayor Nathan Vosburg, City of Coalinga
Mayor Freddy Valdez, City of Firebaugh
Mayor Juan Mejia, City of Fowler
Mayor Dyer, City of Fresno
Mayor Maria Pacheco, City of Kerman
Mayor 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
Mayor Matthew Tuttle, City of Reedley
Mayor Adam Cornejo, City of San Joaquin
Mayor Frank Gonzalez, City of Sanger
Mayor Scott Robertson, City of Selma
Supervisor Garry Bredefeld, County of Fresno
Jim Perrault, Caltrans
Robert Phipps, Executive Director
Bryan Rome, Legal Counsel

Absent:

Mayor Rey Leon, City of Huron

Quorum: At the start of the meeting, there were 15 members representing 99.33% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger Selma, Fresno County). Member Huron absent.

The meeting was called to order at 5:59 p.m. by Mayor Beltran (Parlier), Chair.

I. TRANSPORTATION CONSENT ITEMS

A. Executive Minutes of July 31, 2025 [APPROVE]

- 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: Huron

Motion passed by acclamation.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. 2026 Measure C Renewal Update (Robert Phipps) [INFORMATION]

Summary: At its Aug. 14 meeting, the 2026 Measure C Steering Committee reaffirmed its Vision Statement, approved a new set of Guiding Principles and agreed on General Categories, taking three steps closer to assigning allocations to those categories.

In addition, based on feedback and negotiations with the Fresno County Transportation Authority (FCTA) and the Measure C Facilitation Team, Fresno COG has canceled its contracts with DKS for facilitating the 2026 Measure C Steering Committee and as project manager. New contracts for each of those roles are addressed in agenda items below.

Vision Statement

“Measure C envisions a reliable, safe, equitable and connected infrastructure and transportation system that enables all residents to travel efficiently and safely, regardless of mode.”

Guiding Principles

- **Fix what matters most**
(repair and maintain existing local streets & roads)
- **Keep people safe**
(enhance lighting, road safety & safe routes to school)
- **Get people where they need to go efficiently**
(improve connectivity, accessibility, and affordability to essential services & amenities)
- **Improve transportation alternatives**
(invest in building & maintaining bike ways, pedestrian facilities, and public transit options)
- **Build strong, vibrant communities**
(add shade, trees and other features to combat heat & beautify transportation corridors)
- **Leave no neighborhood behind**
(invest across our county to strengthen all communities)
- **Foster innovation**
(make smart investments that keep our county competitive and connected—now & in the future)
- **Ensure a fair and transparent use of tax dollars**

Under General Categories, the Committee agreed to frame future discussions under the following general headings:

- Existing Neighborhood Roads
- Public Transportation
- Active Transportation
- Regional Connectivity
- Other
- Administration

Additional discussion has centered on subcategories and examples under each General Category to provide greater context and understanding for each broad category. Understandably, the timeline the Board approved at its June meeting has been elongated to accommodate for this lengthier discussion leading up to a vote on allocations by General Category. During its presentation on this item, staff will also update the Board on progress from the most recent Steering Committee Meeting, held Aug. 27.

Action: Information and discussion.

- Robert Phipps (FCOG) reported on the item.
- Board members expressed the need to provide feedback in the process and would like the list to contain more details and/or examples included.

Information item only. No action needed.

B. Measure C Facilitator's Contract – Mark Keppler (Robert Phipps) [ACTION]

Summary: Based on feedback and negotiations with the Fresno County Transportation Authority (FCTA) and the Measure C Facilitation Team, Fresno COG has canceled its contract with DKS for facilitating the 2026 Measure C Steering Committee. Staff anticipates approximately \$60,000 to \$75,000 remaining that may be applied toward a new contract.

Mark Keppler is a professional mediator, arbitrator and former attorney with more than 38 years' experience in complex labor and corporate negotiations. He is also a Professor Emeritus at California State University, Fresno where he taught undergraduate and graduate courses in employment law, labor relations, and human resource management at the Craig School of Business from 1987 to 2023. From 1998 to 2003, he served as the School's MBA Director. From 2004 until 2023, he was the Executive Director of the Maddy Institute, a public policy and public affairs institute in partnership with the University of California, Merced and the California State University campuses in Fresno, Bakersfield, and Stanislaus.

In addition, Mr. Keppler has served on four Measure C steering committees beginning in 2004 and continuing in 2006, 2022 and the current committee, from which he recently resigned. He has also resigned his position as a Board member with Tree Fresno to assume the facilitator's role for Fresno COG and FCTA.

Mr. Keppler assumed his role beginning with the Aug. 14 Steering Committee and led the 32 members present to agreement on guiding principles for the Measure, as well as definitions for the major categories.

His proposal, attached to this staff report, assumes an hourly rate equivalent to the former DKS contractor with a not-to-exceed amount of \$75,000. Staff is recommending this arrangement as a sole-source contract given the accelerated timeline for expenditure plan development.

Action: Authorize the executive director to approve a contract with Mark Keppler for \$75,000 for facilitation services to the 2026 Measure C Steering Committee, and any ancillary services necessary to reach consensus on the key elements of an expenditure plan.

- Robert Phipps (FCOG) reported on the item and read a Bio on behalf of Mark Keppler.
- Mayor Dyer (City of Fresno) recommended \$50,000.
- After an opportunity for public comment, Mayor Martinez (Mendota) moved to approve \$50,000, and Mayor Beltran (Parlier) seconded to approve the motion.

Vote: 9 Yes, 6 No

Absent: Huron.

Motion passed.

Mayor Gonzalez (Sanger) left the meeting. Quorum is now 14 at 96.72%.

C. Measure C Legal Services Agreement - Best, Best and Krieger (Robert Phipps) [ACTION]

Summary: Based on feedback and negotiations with the Fresno County Transportation Authority (FCTA) and the Measure C Facilitation Team, Fresno COG has canceled its contract with DKS for project management over the 2026 Measure C renewal effort. With approximately half of the funding from the DKS contract expended, the draft 2026 expenditure plan will still need to be completed and finalized.

DKS has provided a boilerplate version of an expenditure plan as part of its completed scope of work. Staff was in the process of procuring attorney firm Best, Best and Krieger (BBK) to review the expenditure plan as presented by DKS. With the DKS contract canceled, hiring BBK to both review and assist Fresno COG staff in completing the plan presents the most efficient means of keeping to the accelerated timeline for Measure C's renewal.

BBK has extensive experience drafting and reviewing transportation sales tax measure expenditure plans, including:

Transportation Sales Tax Programs: BBK serves as general counsel to the Riverside County Transportation Commission, providing comprehensive assistance in drafting, implementing, and defending its countywide transportation sales tax programs. In addition, the firm advises the San Bernardino County Transportation Authority, including drafting and reviewing expenditure plan language and defending its sales tax measures against legal challenges. BBK also provides advice related to applicable election law and ballot requirements for both agency sponsored ballot measures as well as well as initiatives.

BBK previously served as general counsel to the Contra Costa Transportation Authority (CCTA), and provided extensive advice on a wide range of legal matters, including board governance, contracts and public works matters, election issues, the Brown Act, the Public Records Act, Conflicts of Interest, and adoption of the Transportation Expenditure Plan and proposed half-cent sales tax. We also provided comprehensive California Environmental Quality Act (CEQA) advice on the CCTA's Transportation expenditure plan and its countywide comprehensive transportation plan and EIR, which assessed GHG emissions in the context of SB 375 GHG reduction targets.

BBK's experience with transportation agencies includes express lanes, acquisition of rail rights-of-way, provision of bus and rail service, and construction of bus and rail passenger stations. The firm regularly provide legal advice on transportation issues such as contract administration, revision and implementation of the transportation expenditure plans and amendments thereto, state and federal procurement requirements, specialized transit, the Federal Transit Act, civil rights litigation, the Ralph M. Brown Act, CEQA, labor negotiations, and human resources policies.

As the current general counsel to Western Riverside Council of Governments (WRCOG), BBK not only provides day-to-day advice on a wide range of legal matters but also advises on CEQA matters. WRCOG administers a \$4-billion transportation mitigation fee, which BBK assisted in developing, administering, and defending. Impact fees are part of the Transportation Uniform Mitigation Fee (TUMF) Program, which ensures that new development pays its fair share for the increased traffic that it creates. Under the TUMF Program, impact fees collected from new development in western Riverside County are remitted to WRCOG and allocated to build new transportation infrastructure to mitigate the impact of development on the regional transportation system. Fresno COG staff will assume all other aspects of project management at this point, including coordinating consultants for public outreach, polling, and Steering Committee facilitation. The cost savings from this effort should provide the resources necessary for BBK to complete the expenditure plan in a relatively short period of time once the Fresno COG and FCTA Boards approve key elements, such as categorical allocations and implementing guidelines.

Because of the extremely specialized legal services involved in the Measure C process, the contracting arrangement in this instance will be sole source. This will further aid in the interest of maintaining the approved timeline. As a legal firm, BBK conventionally provides its hourly rates with a short scope description, which is attached to this staff report.

Staff recommends a not-to-exceed contract of \$150,000 to assist Fresno COG in the completion and review of the 2026 Measure C Expenditure Plan, along with any other ancillary services relating to the Measure C Process that may be required on an as-needed basis.

Action: Authorize the executive director to approve a legal services agreement with BBK for \$150,000 to assist Fresno COG in the completion and review of the 2026 Measure C Expenditure Plan, and any ancillary services necessary for completion of the Measure C process and for presentation of the Measure C Expenditure Plan to the Fresno County Board of Supervisors.

Mayor Cornejo (San Joaquin) stepped out of the room. Quorum is 13 @ 96.37%

- Robert Phipps (FCOG) reported on the item.
- After an opportunity for public comment, Mayor Dyer (City of Fresno) moved to table the item, and Mayor Vosburg (Coalinga) seconded to approve the motion.

Vote: 13 Yes, 0 No

Absent: Huron, San Joaquin.

Motion passed.

D. Caltrans Report (Caltrans) [INFORMATION]

- Jim Perrault (Caltrans) reported the following:
 - 99 Multimodal corridors plan limited review of the draft. Comments due September 12th, final should be late October.
 - Community garden starts in January.
 - Coalinga/Firebaugh 33 completion next month.
 - Selma/Fowler rehab construction complete.

This item is informational. No action is required.

Mayor Cornejo (San Joaquin) returned to the room. Quorum is 14 @ 96.72%

III. ADMINISTRATIVE CONSENT ITEMS

- None.

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

- None.

V. OTHER ITEMS

A. Items from Staff

- None.

B. Items from Members

- None.

VI. PUBLIC PRESENTATIONS

A. Public Presentations

- Guy Kaplinsky, Founder of ASKA flying cars. Introduced himself to the board. He ASKA was founded to develop a road-worthy, electric-hybrid flying vehicle. He recently purchased Eagle Field Airport in Firebaugh and is testing flights and road tests. Asking for support from the Board.

VII. CLOSED SESSION -- Conference with Real Property Negotiators (Gov. Code, § 54956.8)

Conference with Real Property Negotiators (Gov. Code, § 54956.8)

Property: 2035 Tulare St. Suite 201, Fresno, CA 93721

616 & 660 P St, Suite C, Fresno, CA 93721

Agency Negotiator: Robert Phipps

Negotiating Parties: Penstar Group, Newmark Pearson Commercial

Under Negotiation: Lease terms and conditions of tenancy.

Re-opened session at 8:18pm. No action to report.

VIII. ADJOURNMENT

- The meeting was adjourned at 8:18 p.m.

Respectfully submitted,



Robert Phipps, Executive Director

Public:

Mark Keppler

Staff:

Denise Flores, Robert Phipps, Moses Stites, Janelle Del Campo, Brenda Thomas, Les Beshears, Moses Stites.Guy