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**Fresno COG Policy Board
MINUTES
Thursday, October 30, 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
Councilmember Annalisa Perea, City of Fresno
Mayor Rey Leon, City of Huron
Mayor Pro Tem Gary Yep, City of Kerman
Councilmember Laura North, City of Kingsburg
Mayor Victor Martinez, City of Mendota
Mayor Diana Guerra-Silva, City of Orange Cove
Mayor Matthew Tuttle, City of Reedley
Mayor Frank Gonzalez, City of Sanger
Mayor Adam Cornejo, City of San Joaquin
Mayor Scott Robertson, City of Selma
Supervisor Luis Chavez, County of Fresno
Braden Duran, Caltrans
Robert Phipps, Executive Director
Bryan Rome, Legal Counsel

Absent:

Mayor Alma Beltran, City of Parlier

Quorum: At the start of the meeting, there were 15 members representing 98.59% of the population. There was a quorum to conduct business. (Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Reedley, San Joaquin, Sanger Selma, Fresno County). Members Parlier absent.

The meeting was called to order at 5:41 p.m. by Mayor Martinez (Mendota), Vice Chair.

I. TRANSPORTATION CONSENT ITEMS

A. Executive Minutes of September 25, 2025 [APPROVE]

B. State and Federal Grant Announcements/Activities (Robert Phipps) [INFORMATION]

- Vice Chair Martinez asked if any member wished to pull any items.
- After an opportunity for public comment, Mayor Dyer (City of Fresno) moved, and Mayor Tuttle (Reedley) seconded to approve consent items A-B.

Vote: All in favor, no opposed.

Absent: Parlier.

Motion passed by acclamation.

II. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. 2026 State Transportation Improvement Program (Ofelia Abundez) [ACTION]

Summary: The California Transportation Commission (CTC) released guidelines and fund balance estimates for the 2026 State Transportation Improvement Program (STIP) in August 2025. The California Transportation Commission (CTC) adopts a new State Transportation Improvement Program (STIP) every two years.

The STIP is a five-year capital improvement program of transportation projects on and off the State highway system, funded by the State Highway Account and other sources. As part of the STIP development process, each region must produce a Regional Transportation Improvement Program (RTIP). Caltrans is required to produce the Interregional Transportation Improvement Program (ITIP) for the remaining 25 percent of STIP funding.

When voters passed the Measure C renewal in 2006, the ballot promised to leverage Measure C with other sources of state and federal funding. Subsequently, the FCOG board reaffirmed a long-term commitment made after the 1986 Measure Ballot to dedicate a minimum of 75% of the RTIP to leveraging major projects in the Measure Regional Program.

The Regional commitment to major capital infrastructure projects is critical as federal and state grant sources require construction-ready projects that take years to develop and can only be delivered if the design and right-of-way are completed with regional resources. The combination of Regional Measure C and STIP funding has enabled the region to deliver hundreds of millions of dollars in capital improvements to the state highway system in Fresno County.

The Shaw Avenue Multimodal Interchange project is on the voter-approved Tier II list in the 2006 ballot and has been routinely discussed among the City of Fresno, Caltrans, Fresno COG and the Fresno County Transportation Authority. Recently, Caltrans secured \$400,000 to conduct a project study report (PSR), which began in January 2025. The PSR is a required component of the application for STIP funding and will be completed prior to the application due date of Dec. 15, 2025.

Caltrans requests \$9,684,000 in STIP to develop the environmental document, which is anticipated to take three years to complete. Due to the project's complexity, the ready-to-list date is projected for 2037, and a significant inflation factor is being applied. Current estimates place capital costs between \$170 million and \$223 million, with Right-of-Way costs ranging from \$33 million to \$97 million.

The 2026 RTIP will also include projects from the previous 2024 RTIP cycle. These include the:

- South Fresno SR 99 Corridor Project: American Avenue Interchange
- South Fresno SR 99 Corridor Project: North Avenue Interchange
- Excelsior Expressway – State Route 41: Kings County Line to Elkhorn Ave.

These projects are all in progress. The STIP fund estimate includes a 5% limitation for Planning, Programming & Monitoring for the Regional Transportation Planning Agency (Fresno COG).

Both South Fresno Interchange projects are currently programmed in 2027/28. The projects were originally programmed for construction in 2024/25; however, they experienced significant delays pursuant to a lawsuit against the environmental document.

In September, staff requested the Board approve \$4,191,000 in RTIP to complete the funding for SR 41 Excelsior Expressway. The project is now ready to list, and Caltrans will request the final allocation vote at the CTC in October 2026.

The current STIP estimate makes approximately \$14.6 million available for the programming period 2030/31 through 2031/32. Staff proposes that the funding be programmed accordingly:

- \$4,162,000 for SR 41 Excelsior Expressway
- \$736,000 for Planning, Programming & Monitoring, Shaw Avenue Intermodal Interchange
- \$9,684,000 for environmental work, Shaw Avenue Intermodal Interchange.

Staff will coordinate with Caltrans to develop the application so the RTIP can be brought back to the Fresno COG board in November for adoption and submitted to the CTC by the Dec. 15 deadline. The CTC will then conduct public hearings and adopt the STIP in March 2026.

Action: Staff and the TTC/PAC recommend that the Policy Board adopt Resolution 2025-51, programming \$9,684,000 in 2026 STIP county shares for the environmental document for Shaw Avenue Intermodal Interchange and \$736,000 for Planning, Programming & Monitoring.

- Ofelia Abundez (FCOG) reported on the item.
- After an opportunity for public comment, Mayor Vosburg (Coalinga) moved to table the item, and Mayor Pro Tem Yep (Kerman) seconded.

Vote: 15 Yes.

Absent: Parlier.

Motion passed by acclamation.

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

Summary: After an initial allocations vote in September, the 2026 Measure C Steering Committee in October paused its discussions on that topic to focus on receiving additional information of what different funding percentages could “buy” among the general categories.

On Oct. 9, staff and members of the Technical Advisory Committee presented additional information related to each of the major categories — Neighborhood Streets and Roads, Public Transportation, Regional Connectivity, Active Transportation, Other and Administration. The presentations focused on comparing projects submitted to the 2026 Regional Transportation Plan (RTP) to the funding proposed to date for Measure C and the “gaps” that remain.

This staff report includes the PowerPoint presentations from both the Oct. 9 and Oct. 16 meetings, minutes from each meeting, Steering Committee member comments and recommendations for the implementing guidelines, an allocations table (to date) by category and a remaining timeline.

Staff will provide an oral update on the Oct. 29 Steering Committee meeting during the Board meeting discussion on this item.

Action: Information and discussion. The Committee may provide additional direction at its discretion.

- Robert Phipps (FCOG) reported on the item.

Information item only. No action needed.

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

Summary: As the Measure C Steering Committee draws closer to finalizing general category allocations and moves into negotiating implementing guidelines, staff has begun restructuring the guidelines to reflect input received to date. Timing for attorney input and review on those guidelines is now at a critical juncture.

Prior to its contract cancellation in August, project manager DKS 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.

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.

- Robert Phipps (FCOG) reported on the item.
- After an opportunity for public comment, Mayor Dyer (City of Fresno) motion to amend the action to state “Authorize the executive director to approve a legal services agreement with BBK for ***the amount not to exceed*** \$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 Pro Tem Yep (Kerman) seconded to approve the motion.

Vote: 14 Yes, 1 No (Reedley).

Absent: Parlier.

Motion passed by acclamation.

D. Caltrans Report (Caltrans) [INFORMATION]

- Braden Duran (Caltrans) reported the following:
 - Thanked Mayor Martinez for helping make SR33 and 180 roundabout ribbon cutting on October 14th a success.
 - District 6 is doing a project tour with assemblymember Soria on November 12th.
 - The Infrastructure Investment and jobs Act (IIA) will expire in September 2026.
 - California State Transportation Agency/Caltrans IIA Transportation funding sub-working group meeting on November 18th from 3-4pm.
 - California Transportation Commission is hosting two hearings for the 2026 Interregional Transportation Improvement Program draft.
 - Local Assistance Day quarterly webinar is on November 4th from 8:30-11:30am.

This item is informational. No action is required.

III. ADMINISTRATIVE CONSENT ITEMS

- None

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

- None.

V. OTHER ITEMS

A. Items from Staff

- Robert Phipps (FCOG):

- There may be a Board meeting in December
- Counter proposal submitted to Penstar for Building.

B. Items from Members

- None.

VI. PUBLIC PRESENTATIONS

A. Public Presentations

- None.

VIII. ADJOURNMENT

- The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Robert Phipps', is written over a light blue horizontal line.

Robert Phipps, Executive Director

Public:

None

Staff:

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