

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES

Monday, March 4, 2013

County Administration Center, Board of Supervisors Chambers

ADDITIONAL AUDIOCONFERENCE LOCATION:

Caltrans District 1, 2430 6th St., Eureka

The Mendocino Council of Governments (MCOG) meets as the Board of Directors of:
Mendocino Regional Transportation Planning Agency (RTPA) and
Mendocino County Service Authority for Freeway Emergencies (SAFE)

1. Call to Order / Roll Call. The meeting was called to order at 1:33 p.m. with Directors Benj Thomas, Holly Madrigal, John Pinches, Susan Ranochak, and Dan Gjerde present; Chair Gjerde presiding. Director Rex Jackman (Caltrans/PAC) joined by conference phone. Director Terry Hughey arrived soon after. Director Doug Hammerstrom was excused.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director for Administration; and Loretta Ellard, Assistant Executive Director.

2. Convene as RTPA

3. Recess as RTPA - Reconvene as Policy Advisory Committee.

Public Expression. None.

4 - 7. Regular Calendar.

4. Presentation and Discussion: Broadband Alliance of Mendocino County. Mr. Dow referred to his written staff report, then introduced chairman Mr. Jim Moorehead, who made opening remarks about the organization and introduced two other Alliance representatives present, Mr. Brian Churm and Mr. Greg Jirak. Three years ago, Community Foundation of Mendocino County identified broadband as a strategic economic development issue for this rural county, with many residents and businesses underserved. The Alliance was formed, with assistance from Economic Development & Financing Corporation (EDFC) and various other stakeholder agencies. Mr. Moorehead called this a “cohesive and dynamic countywide effort” of mostly volunteers, funded by a small grant from the California Public Utilities Commission (CPUC).

Mr. Jirak, Strategic Planning Chair, gave a slide presentation and distributed print copies. He overviewed vision, mission, goals and strategies; support of elected officials and volunteer professionals; infrastructure projects proposed or under development regionally to install a fiber optic “backbone”; and funding resources. He emphasized transportation impacts and costs (e.g. roads, driving behavior) relative to the lack of broadband services in Mendocino County and how MCOG, Caltrans and the Alliance can work together. One of their recommendations is to install conduit for future fiber optic cable whenever roads and bridges are built or improved.

Director Hughey arrived at 1:50 p.m. during the presentation.

In conclusion, Mr. Jirak and his two colleagues answered questions, including:

- Comparison of fiber to satellite internet services? (Madrigal) This technology has inherent speed limitations, so is not a final solution; fiber optic cable has superior bandwidth, speed and reliability to all other options.
- “Middle and last mile” services? (Thomas) The proposed project for the north state would provide infrastructure for the Internet Service Providers (ISP), who then serve end users.
- ISPs are regulated by CPUC? (Thomas) Very little regulation; CPUC funds infrastructure.
- Would installation of conduit in road or bridge projects be reimbursed by Federal funding? (Pinches) No. (Howard Dashiell, Director of Mendocino County Dept. of Transportation) Mr. Dashiell reported his department’s building procedures for bridges.
- Capacity of “middle mile” fiber? (Thomas) Currently eight terabits per second--very high.
- More description of which areas in Mendocino County would be served by proposed projects.
- What broadband services are offered in the Point Arena area? (Hughey) Mr. Jirak described internet speeds and pricing offered by existing service operators and why a countywide fiber optic network is needed.
- Discussion of utility franchises, coverage areas, and how they are governed by the CPUC. County of Mendocino can impose requirements on franchises for use of County right-of-way, such as taxes or fees and conditions for use. The case of fiber optic trunk line installation on Mountain View Road some years ago was noted, and lessons learned from the experience. County influence or legal authority over these companies’ activities is limited to certain issues such as safety. Further discussion ensued on the Mountain View Road project.

Chair Gjerde thanked the presenters. Mr. Dow noted the Broadband Alliance activities are consistent with MCOG’s greenhouse gas reduction goals, economic development jurisdiction, and transportation focus. The Golden Bear Broadband Project described in the presentation almost exactly matches North State Super Region association territory of 16 northern counties, of which MCOG is a member.

5. Caltrans Fiscal Year 2013-14 Transportation Planning Grant Program. Mr. Dow introduced this agenda item, noting audience stakeholders available for questions. Ms. Ellard then summarized her written staff report on the grant program and actions required if MCOG chooses to support any of the proposals. She noted the several categories of grants under this program. In the case of City of Ukiah, the project began as a proposal for MCOG’s planning program, however funds were insufficient, so staff recommended the City apply for one of these grants. She confirmed that proposals under each grant category (e.g. Community Based Transportation Planning) must compete statewide.

Ms. Ellard then summarized the four proposals listed below, identifying the City and County as qualified to apply on their own yet electing to request sponsorship, and the Alliance and MTA as requiring sponsorship of an eligible agency. All but the MTA request would require staff time for quality assurance and assistance with project management. Each proposal has merit and is appropriate for MCOG sponsorship. Successful proposals would be programmed into MCOG’s Transportation Planning Overall Work Program (OWP). The program requires action by resolution.

- a. Adoption of Resolution Authorizing Application and Local Matching Funds for Environmental Justice Grant: “Bridging the Digital Divide in Mendocino County” – Proposal by Mendocino County Office of Education (MCOE) and Broadband Alliance of Mendocino County
- b. Adoption of Resolution Authorizing Application and Local Matching Funds for Community Based Transportation Planning Grant: “Gateway Streetscape Study” – Proposal by City of Ukiah

- c. Adoption of Resolution Authorizing Application and Local Matching Funds for Community Based Transportation Planning Grant: “Orchard Avenue Extension (Ukiah Area) Feasibility Study” – Proposal by County of Mendocino Department of Transportation
- d. Adoption of Resolution Authorizing Application for Rural or Small Urban Transit Planning Studies Grant: “MTA Countywide Ridership Survey” – Proposal by Mendocino Transit Authority

A motion was made by Director Pinches, seconded by Director Madrigal, to approve the staff recommendation. **Discussion on the motion:** Chair Gjerde invited public comment; no one came forward to speak. **The motion carried** unanimously on roll call vote (7 Ayes – Jackman/PAC, Hughey, Thomas, Madrigal, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom): IT IS ORDERED that the following resolutions are adopted, authorizing applications and approving local matching funds, and staff is directed to work with the requesting agencies to finalize grant applications and budgets for submission to Caltrans by April 2, 2013, recognizing that approval of the local match amounts will require subsequent approval in the Final Fiscal Year 2013-14 Transportation Planning Overall Work Program.

Resolution No. M2013-03

Authorizing Application for Caltrans FY 2013-14
Environmental Justice Grant for
“Bridging The Digital Divide In Mendocino County”
(Reso. #M2013-03 is incorporated herein by reference)

Resolution No. M2013-04

Authorizing Application for Caltrans FY 2013-14
Community Based Transportation Planning Grant for
“Gateway Streetscape Study- City of Ukiah”
(Reso. #M2013-04 is incorporated herein by reference)

Resolution No. M2013-05

Authorizing Application for Caltrans FY 2013-14
Community Based Transportation Planning Grant for
“Orchard Avenue Extension Feasibility Study”
(Reso. #M2013-05 is incorporated herein by reference)

Resolution No. M2013-06

Authorizing Application for Caltrans FY 2013-14
Rural or Small Urban Transit Planning Studies for
“Countywide Transit Ridership Survey”
(Reso. #M2013-06 is incorporated herein by reference)

6. Appointments to Standing Committees: California Association of Councils of Governments (CALCOG) – continued from February 4, 2013. The Council discussed with staff which members may serve according the MCOG’s bylaws and logistics involved in serving as CALCOG delegates.

Upon motion by Madrigal, second by Pinches, and carried unanimously on roll call vote (7 Ayes – Jackman/PAC, Hughey, Thomas, Madrigal, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom): IT IS ORDERED that the Council appoints **Chair Dan Gjerde as the Delegate and Alternate Director Carre Brown as the Alternate.**

7. Adoption of 2013 Board Calendar with Educational Options – *continued from February 4, 2013.* Ms. Orth reported revisions made to the draft calendar as discussed at the December meeting. Staff recommended cancelling the April meeting for lack of business and the absence of a tour location ready to visit for a spring “mobile workshop.” Locations were discussed. Chair Gjerde offered ideas for future best practice tours outside the county, such as Marin’s road maintenance, a different topic from past tours. Staff suggested substituting the Anderson Valley Route 128 Corridor in place of the tentative Hopland tour for October, which would be timely because of the Caltrans grant-funded community planning study that will be underway by then.

Upon motion by Madrigal, second by Ranochak, and carried unanimously on roll call vote (*7 Ayes – Jackman/PAC, Hughey, Thomas, Madrigal, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom*): IT IS ORDERED that the 2013 Board Calendar is adopted as amended.

8 - 9. Consent Calendar. Upon motion by Madrigal, second by Pinches, and carried unanimously on roll call vote (*7 Ayes – Jackman/PAC, Hughey, Thomas, Madrigal, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom*): IT IS ORDERED that consent items are approved:

8. Approval of February 4, 2013 Minutes – *as written*

9. Acceptance of Final Report Presented by Alta Planning + Design on February 4, 2013: Pacific Coast Bike Route / California Coastal Trail Engineered Feasibility Study

10. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee. Upon motion by Ranochak, second by Hughey, and carried unanimously on roll call vote (*6 Ayes – Hughey, Thomas, Madrigal, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Hammerstrom*): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

11. Reports - Information

- a. Mendocino Transit Authority. There was no report.
- b. North Coast Railroad Authority. Ms. Ellard reported Ukiah’s Rail-with-Trail project will be reviewed by NCRA on March 13 in Ukiah. MCOG staff will be present to support the request, as this project is a priority in MCOG’s 2012 Mendocino County Rail-With-Trail Corridor Plan. Mr. Dow reported his concerns and why he plans to attend the meeting.
- c. MCOG Administration & Planning Staff
 1. *Summary of Meetings*. Mr. Dow referred to his written staff report and highlighted two items: conclusion of presentations to MCOG member agencies on the Regional Blueprint project; and one correction that the MTA meeting was not attended by MCOG staff.
 2. *Draft FY 2013/14 Transportation Planning Overall Work Program (OWP)*. Ms. Ellard brief reported on the draft list of work elements for the coming fiscal year. Director Pinches commented that this OWP should be more focused and better reflect MCOG’s priorities. Chair Gjerde noted how the program reflects proposals put forward by member agencies, reflecting their priorities and capabilities. Mr. Dow concurred with the Chair, noting that MCOG as an agency has several mandated tasks and responsibilities that must be part of the program. Ms. Ellard added that staff tasks formerly consolidated under one or two elements now are separated into several work elements at the request of Caltrans, who has the right to comment on the OWP.

Director Ranochak was excused at 3:00 p.m. as planned.

Staff and Director Pinches continued discussion. Director Jackman (Caltrans/PAC) acknowledged Director Pinches' comments as to Caltrans' role in planning and funding.

3. *Executive Committee Recommendations of February 28, 2013.* Ms. Orth reported on the committee's review and recommendation on the first draft FY 2013/14 budget. The County-Auditor Controller's estimate of MCOG's quarter-cent sales tax revenues is over \$3 million for the first time since 2007/08, and up four percent from this time last year. MCOG staff's proposal for Administration, 2% Bicycle & Pedestrian Program, and Planning remains level at status quo, so that MTA's transit claim would receive the benefit of the increase in revenue. The committee also recommended releasing over \$151,000 of the previous year's excess revenue, which was substantial at \$215,528, partially waiving the Reserve policy. Chair Gjerde added that the committee's recommendation on the Reserve was a middle ground with the intent to grow the balance back over the next year or so. He also noted MTA has its own much larger cash reserve, while MCOG's small reserve acts as a buffer against revenue downturns to protect transit services. The budget details will come to the Council for review in May.
4. *U.S. 101 Bypass of Willits Status.* Mr. Dow briefly elaborated on his written report and responded to questions. Director Pinches stated that, while he had no objection to legal protests, once a project is in the construction phase, anyone onsite who is unauthorized will be considered trespassers. He called it inappropriate for Caltrans to have allowed members of the public to enter the bypass construction site, as both unsafe and costly to the taxpayers from resulting delays. The project is important to Mendocino County with approximately \$35 million of regional funds invested to date. Director Jackman (Caltrans/PAC) responded, stating he did not disagree and also was concerned about the trespassing; a planning error allowed this to happen, when a police presence should have been established earlier. Director Madrigal commented on jurisdiction, protocol and public right of way relative to the protests. Mr. Dow reported the California Highway Patrol has jurisdiction in state highway right of way, and City and County law enforcement controls local streets and roads. Director Pinches suggested a letter to Caltrans; Director Jackman said he would convey these comments. The Chair then invited public input.

Ms. Rosamund Crowder of Willits stated the Army Corps of Engineers' letter allowing Caltrans to proceed had not been released to the public, so its specific conditions were unclear. She predicted the next five years of project construction would involve citizen oversight in their right to act as a "watchdog." State Department of Fish & Wildlife had responded to concerns under the Migratory Bird Treaty Act, so construction may have started too soon. Given the long process for public access to documents, it is not inappropriate to call for reconsideration of the construction start date. She hoped that MCOG would be supportive of individuals acting in the public interest.

Mr. J. R. Rose, "retired construction worker teamster," asked the Caltrans representative to clarify roles of Caltrans and the contractor once a contract is awarded. Director Jackman stated Caltrans' responsibilities are oversight and project management, while the construction company is responsible for the zone. Mr. Rose stated that as a former local truck driver, he has waited 50 years for this bypass project and now it should proceed based on all approvals and permits gained to date. He was concerned about security of the site.

Ms. Donna Kerr of Willits, “citizen and taxpayer” concurred with Ms. Crowder’s comments that it was difficult to get documentation. As a taxpayer, she would be glad to pay costs of delays “before throwing a lot of money away.” Protests would be minimized if the process were made more transparent. Questions have not been answered to their satisfaction. It would be helpful to the community, and work would proceed more quickly, if more visibility were provided.

The Council discussed ways that more documentation could be made available for public view and concerns for site security could be addressed. Director Pinches noted that, as Third District Supervisor, he had not received any requests from constituents. It was clarified which documents the speakers were requesting. Director Jackman agreed to pursue the matter. While no action could be taken by the Council today under the Brown Act, Mr. Dow would be able to respond administratively.

5. *Miscellaneous*. Ms. Orth reminded the Council members to file Form 700, Statement of Economic Interest, due April 1, and advised on how to file the statements.
- d. MCOG Directors. Director Madrigal reported driving on Blosser Lane in Willits recently and regretted having given up the improvement project that MCOG had funded. Chair Gjerde was pleased to see a paving project appears to be imminent on Route 20 between Fort Bragg and Willits and hoped those rough patches left from the recent repaving would be repaired soon.
- e. California Association of Councils of Governments (CALCOG) Delegates. Mr. Dow announced the Annual Regional Leadership Forum in April, with Director Gjerde as the Delegate and several staff members planning to attend.

12. Adjournment. The meeting was adjourned at 3:37 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration