

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES

Monday, November 4, 2013

Buffalo Room, Round Valley Tribal Council Offices, 77826 Covelo Road, Covelo

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 . After the Board members' bus tour of Round Valley and Covelo area transportation projects (courtesy of Mendocino Transit Authority) and lunch (approximately 10:45 a.m. to 1:00 p.m.), the meeting was called to order at 1:12 p.m. with Directors Rex Jackman (Caltrans/PAC), Doug Hammerstrom, Holly Madrigal, John Pinches, Lauren Sinnott (Alternate) and Dan Gjerde present; Chair Gjerde presiding. Director Benj Thomas was excused. Director Trevor Sanders was absent.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director for Administration; Loretta Ellard, Assistant Executive Director; Nephela Barrett, Senior Planner; and James Sookne, Regional Project Manager.

2. Convene as RTPA

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

Public Expression. None.

4 - 8. Regular Calendar.

4. Round Valley Non-Motorized Needs Technical Study and State Route 162/Covelo Engineered Feasibility Study. Ms. Ellard introduced this item with a brief overview, noting that two projects had been combined into a single request for proposals and a consultant team engaged. The final report was expected to be included in the December agenda packet for acceptance. Several community workshops had been held as part of the study. State funding was awarded at about \$150,000 for each grant, together making a comprehensive project.

- a. Presentation of Draft Report – GHD, Consultant. Mr. Rob Holmlund, AICP, gave a slide presentation on the draft report, identifying purpose, goals and deliverables, and a chapter-by-chapter review. Workshops were well attended by the community. School students were involved in bicycle maintenance sessions. Coordination with other adopted plans was noted. Environmental and cultural resources were identified. A design “toolkit” was applied to bicycle and pedestrian aspects. Proposed improvements and preliminary cost estimates were reported. Mr. Holmlund responded to questions during the presentation and concluded with suggested ways to approach implementation, including updating planning documents, coordinating among agencies, identifying potential funding sources, and phasing and prioritizing project elements. He and Mr. Merritt Perry of GHD answered questions.

Questions included ways to approach levels of funding to achieve a meaningful result. Highway shoulder widening could cost \$5-7 million. A bicycle and pedestrian trail would be much less expensive. A dirt path would be even cheaper but would not meet standards for funding. The consultants discussed other options to find the best solutions and agreed that community preferences would prevail.

The Chair invited questions and comments from the audience. (Speakers were not asked to identify themselves.) Issues raised included:

- Undergrounding district potential? Mr. Howard Dashiell, Director of Mendocino County Department of Transportation (MCDOT) responded that there are funds for this purpose, however it is very costly and done in the most populated areas; he has a list of countywide entities waiting for this.
- Other areas to prioritize for improvements than those presented.
- Who becomes the lead agency now, and how can the community ensure that Caltrans follows this plan when making improvements? Discussion of ways to coordinate county, tribal, state, and other agency resources and expertise.
- Request for copies of the plan to be made available for viewing locally.

Board discussion included:

- MCOG's formal Memorandum of Understanding with the Round Valley Indian Tribes and community outreach efforts made recently. The Tribes' generous offer of right-of-way for a portion of the trail. Review of various alternatives and steps taken to date between tribal government and Caltrans. Questions remain to be resolved as to which entity would own and maintain facilities. (Dow, Holmlund, Perry)
- The need to work together to implement this plan, possibly with tribal resources to identify funds for the segment of trail on their land. (Pinches)
- Next steps that could include more ongoing formal participation with the tribes, with tribal input in planning going forward, and jurisdictions presenting opportunities. (Hammerstrom)
- MCOG Technical Advisory Committee's standing item on its agendas for tribal issues. Prerequisites for TAC membership including expertise, training, and technical representation. (Dow)
- Priorities to build a trail from north to south along SR-162, then to improve some other specific segments. Priorities may not be built in order, depending on funding that becomes available. (Dow, Holmlund)
- Legal protections for private property owners with a public trail; discussion of indemnification and liability issues. (Madrigal, Dow, audience)
- Acknowledgement and thanks to the Tribes for use of their space today, and thanks to community members for attending; looking forward to improvements in this valley. (Pinches, Sinnott, Dow)

- b. Discussion of Covelo and Round Valley Transportation Planning Projects and Related Matters.
(Refer to Agenda #4a above.)

No action was taken.

Executive Director Dow requested that the Council hear the "Blueprint" presentation next. The Chair called a recess at 2:35 p.m, reconvened the meeting at 2:40 p.m., then proceeded with Agenda #6.

6. Presentation: Vision Mendocino 2030 – Regional Blueprint Plan, Phase 3 – DC&E / The Planning Center, Consultant. Mr. Dow gave background on this issue with an overview of meetings and community input here in Round Valley to date, as well as other locations countywide. A draft plan was complete. He noted regional growth is projected, even if not currently evident, and elaborated on

the purpose of Blueprint planning under the state and federal programs. He emphasized that MCOG is not a land-use planning agency and expressed hope that other appropriate entities will implement this plan. He then introduced Mr. Bruce Brubaker, Associate Principle, and Seung Hong, Project Planner, who gave a slide presentation.

Mr. Brubaker covered the process of this project, including existing conditions, public outreach, five alternative scenarios to accommodate growth over the next 20 years, scoring of these by participants, the resulting preferred scenario (a hybrid of two options), guiding principles, and four key strategies for implementation supported by the plan. A second public hearing will take place at the December MCOG meeting, when the final plan will be approved.

Board discussion included:

- This plan is advisory only and does not replace the legally adopted County General Plan. (Pinches, Dow)
- This is the State's approach to reducing greenhouse gases, and an adopted Blueprint plan will enable transportation dollars to be expended to implement parts of it. Some grant applications now include the question of whether a Blueprint is completed, which may influence a grant award. (Hammerstrom, Dow)
- Whether a project is consistent with the Blueprint is tied to the issue of bicycle and pedestrian improvements in Round Valley. Opportunities were noted. (Gjerde, Sinnott, Madrigal)

Ms. Jessica Stull-Otto of Mendocino County Public Health made comments.

Ms. Barrett wrapped up the discussion with next steps, inviting questions or comments to her attention by email. Copies of the draft plan are available online at www.visionmendocino2030.org. Print copies will be available after adoption of the final document. No action was taken.

5. Request for Proposals (RFP) for Comprehensive Staffing Services Starting FY 2014/15.

(Staff did not speak during this item.) Chair Gjerde described this as a procedural item, noting that about two years ago Executive Director Dow as contracted staff had reminded the Executive Committee to anticipate the need for an RFP process. The Chair and Vice Chair Pinches have approached County staff and identified the County's General Services Agency (GSA) as a qualified entity to coordinate a process with participation by members of MCOG's Joint Powers Agreement, i.e. the County and four cities. (It is understood that Dow & Associates cannot assist or participate, assuming the firm may submit a bid.) A formal action is requested now to designate GSA to conduct the RFP process. He then introduced Mr. Brandon Merritt, Administrative Analyst for the Mendocino County Executive Office.

Mr. Merritt described recommended actions. He noted it has been nearly 15 years since the contract has been updated to reflect current mandated requirements for COGs in California. Chair Gjerde had tasked him with researching the appropriate scope of services and updating the contract language for FY 2014/15 and beyond. As part of this activity, he has consulted with MCOG's Technical Advisory Committee. He expressed willingness on the part of County Executive Office and GSA to be in charge of this process and mentioned the schedule.

Board discussion included issues of proper procedure, legal implications, how County staff would structure the process, who would serve on a review panel, and who should make the final decision of contractor selection. Mr. Merritt reported County Counsel's recommendation that Council members not be involved in selection, so as to maintain impartiality. Chair Gjerde clarified that County Executive Office recommended forming a review panel, however it would be optional to have Council members serve on the panel.

Chair Gjerde described his intent that County staff would facilitate the process with MCOG's Technical Advisory Committee as a resource; then the review panel would make a recommendation to the Council. He agreed with legal counsel's recommendation to not have Council members on the review panel. He alluded to other issues the full board should be made aware of that indicate certain decision points. He recommended a formal decision today to authorize County to start the process, then bring details back to the December meeting, with County staff, rather than MCOG staff, advising the Council for that agenda item, with County Counsel on hand, possibly in a closed session.

Director Sinnott stated that since the COG is a joint powers authority with representation of both the cities and the county, she favored forming a review panel that includes County staff and some COG members, and reserving the Board of Directors' right to select its own staff. Director Madrigal stated that she also was not ready to make County the decision maker. Directors Pinches and Hammerstrom stated they were not willing to serve on a review panel.

- a. Authorization for County of Mendocino General Services Agency to Prepare RFP, Review Bids, and Negotiate Contract. **A motion was made** by Director Madrigal, seconded by Director Jackman (PAC), to designate the County Executive Office to staff this item and prepare more information for the December board meeting.

Discussion on the motion: Director Hammerstrom asked if there are issues other than ministerial ones that may be associated with the definition of staffing a COG. Mr. Merritt responded that the State has standard statements reflecting new laws. Chair Gjerde noted a timeline for the process.

The motion was amended and seconded to clarify that this designation would include preparing the RFP, but would not authorize final selection of a contractor.

Discussion on the amended motion: Director Sinnott asked whether the motion addressed who would review responses to the RFP; Director Madrigal clarified that the motion only allows County staff to issue the RFP and receive responses, then report back to the Council. Director Pinches asked whether the draft RFP would come back to the Council for approval prior to release; Chair Gjerde confirmed the Council would approved it at a subsequent meeting.

Mr. Merritt recapped his recommended actions to 1) authorize County Executive Office and GSA to help facilitate "from beginning to end," and 2) discuss whether or not to have board members on the review panel and negotiation team. At the December meeting, with MCOG staff (Dow & Associates) absent during the item, the Council would decide whether to have any members on the panel. He emphasized the seriousness of potential legal issues associated with the RFP process.

Director Madrigal emphasized that her motion was only to authorize RFP preparation.

Director Pinches encouraged city members to have their attorneys contact County Counsel as to his recommendation.

The Chair reiterated that County representatives would staff the continued agenda item in December.

The motion carried, as amended, unanimously on roll call vote (*6 Ayes – Jackman/PAC, Hammerstrom, Madrigal, Pinches, Sinnott/Alt., and Gjerde; 0 Noes; 0 Abstaining; 2 Absent – Thomas and Sanders*).

- b. Designation of MCOG Board Members to Serve on Proposal Review Panel. The Chair continued this item to December 2, 2013.

7. Discussion/Direction: Technical Advisory Committee Recommendations (TAC) of October 16 and 22, 2013. Mr. Dow gave an overview of the process of these funding cycles.

- a. 2014 Regional Transportation Improvement Program (RTIP) Proposals. He and Ms. Barrett answered questions during discussion.
 - Brooktrails Second Access: This proposal from MCDOT was ranked #2 of 11. Issues discussed included status and route selection; need for more funding of environmental study phase and problem of requesting more funds a third time for this phase from California Transportation Commission (CTC) before further phases can be funded; criteria and basis for ranking; MCDOT's intent to conclude current study; and reasons for the environmental cost increases. Directors Gjerde and Pinches questioned the ability to fund future construction and the wisdom of investing further in Brooktrails Township's transportation infrastructure. There was no consensus to support an effort to appeal to the CTC to fund the increased environmental cost.
 - Baechtel Road-Railroad Avenue Corridor, Phase 1: City of Willits sole proposal was ranked #9. Discussion included reasons for the low score; the middle connecting segment was not proposed for funding yet; instead one existing segment was proposed for widening when not justified by traffic needs on its own. Priorities for the three segments were not in optimal order for a higher ranking, although the project as a whole is the City's highest transportation priority. Staff explained why a revised proposal could not be accepted.
 - South Main Street Bicycle & Pedestrian Access Project: City of Fort Bragg's only proposal was ranked #6. Director Hammerstrom advocated for the project. Available funds did not extend to full funding in the TAC's ranking. Mr. Dow stated that if the Brooktrails project were not funded, then more could be done for Fort Bragg's. Discussion followed on the time frame for construction; staff explained why construction could not be done within the STIP cycle. Chair Gjerde suggested ways to resolve the issue.

Director Jackman left the meeting at 4:00 p.m.

- Acquisition of 1 Heavy Duty All Electric Transit Bus and 1 Heavy Duty Clean Diesel Transit Bus: MTA's two proposals were ranked #7 and #10 respectively. Neither were in the top tier for available funding. These were discussed and Mr. Dow noted fuel savings inherent to the electric bus proposal along with MTA's existing solar canopy.

Ms. Barrett suggested next steps could include asking the TAC to prepare two or three alternative recommendations that do not include funding for the Brooktrails Second Access project. Chair Gjerde suggested the option of reserving funds for later programming of this project after environmental study is completed. Director Pinches was opposed to anything that would stop the Brooktrails study process, as there is too much invested to date and the study should be completed.

Mr. Dow emphasized that this report merely shows the scoring results, and staff has not yet had time to resolve issues or present other options. MCDOT's Redemeyer Road Extension proposal (ranked #8) is in a similar situation as Brooktrails Second Access as regards its chances of funding. Mr. Dashiell reported that on November 12 he would be presenting to the Board of Supervisors his plan of action for the Brooktrails study. The Chair closed discussion. No action was taken.

- b. Local Transportation Fund (LTF) Two Percent Bicycle & Pedestrian Program Proposals. Ms. Ellard gave a brief report of the TAC's ranking of the five proposals received. Awards will be made at the December meeting. No action was taken.

8. Presentation: Safe Routes to School Mini-Grant Project–Round Valley Indian Health Center.

Mr. Dow gave a brief introduction, noting the civic lesson today for several students patiently waiting their turn. MCOG was selected to administer the “mini-grants” by Mendocino County Health & Human Services Agency’s Public Health, Prevention and Planning Unit, under California’s Community Transformation Grant program. Ms. Jessica Stull-Otto of Public Health gave a slide presentation on efforts to date, demonstrating educational aspects, safety and skills training. Mr. Dean Meyer, a former professional racing cyclist, then spoke about his work on the project, teaching bicycle mechanics and leading group rides to school. He emphasized the need for recreational opportunities in the valley. The children spoke about their experience riding and associated hazards.

9 - 11. Consent Calendar. Upon motion by Madrigal, second by Pinches, and carried unanimously on roll call vote (*5 Ayes – Madrigal, Hammerstrom, Pinches, Sinnott/Alt., and Gjerde; 0 Noes; 0 Abstaining; 3 Absent – Jackman/PAC, Thomas and Sanders*): IT IS ORDERED that consent items are approved:

9. Approval of August 19, 2013 Minutes – as written

10. Approval of September 26, 2013 Minutes – as written

11. Technical Advisory Committee Recommendations of October 16, 2013: Approval of Second Amendment to Fiscal Year 2013/14 Transportation Planning Overall Work Program (OWP)

- *Adjusts carried over project budgets and reprograms funding sources (3 work elements)*
- *Programs remaining carryover balance for followup activities by staff in Work Element 15, “Zero Emission Vehicle Project 2012 Update”*
- *Adds new grant-funded project, Work Element 25, “MTA–Countywide Transit Ridership Survey”*
- *Releases placeholders for grant proposals that were not awarded funds*
- *Increases Total OWP funding from \$1,692,968 to \$1,737,770 (increase of \$44,802).*

12. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee.

Upon motion by Pinches, second by Sinnott, and carried unanimously (*5 Ayes; 0 Noes; 0 Abstaining; 2 Absent*): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

13. Reports - Information

- a. Mendocino Transit Authority. There was no report.
- b. North Coast Railroad Authority. Chair Gjerde noted the extensive letter from an outgoing board member in the Council’s information packet.
- c. MCOG Administration & Planning Staff
 1. *Summary of Meetings.* Mr. Dow referred to his written staff report.
 2. *Report of FY 2013/14 Caltrans Planning Grant Awards.* Ms Ellard announced that only MTA received a grant this year, for transit planning. There were no Community Based Transportation Planning grants or Environmental Justice grants awarded in District 1 this

year, so none of the other applications sponsored by MCOG received a grant. Mr. Dow noted two other Caltrans planning projects funded by State Planning & Research that MCOG will administer over the coming year.

3. *State of California's Active Transportation Program*. Mr. Dow referred to his written staff report.
4. *Miscellaneous*. None.
- d. MCOG Directors. Director Pinches asked staff to send a note of thanks to the Tribal Council.
- e. California Association of Councils of Governments (CALCOG) Delegates. No reports.

14. Adjournment. The meeting was adjourned at approximately 4:30 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration