

# MENDOCINO COUNCIL OF GOVERNMENTS

## Approved MINUTES

Monday, June 2, 2014

County Administration Center, Board of Supervisors Chambers

**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 1:36 p.m. with Directors Jackman (Caltrans/PAC), Benj Thomas, Doug Hammerstrom, Larry Stranske, Trevor Sanders, John Pinches, Michael Carter (Alt.), and Dan Gjerde present; Chair Gjerde presiding. It was noted that the PAC member was present in person, so there would be no teleconference with District 1 in Eureka.

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

**2. Convene as RTPA**

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

**Public Expression.** None.

**4 - 10. Regular Calendar.**

**4. Presentation: State Route 128 Corridor Valley Trail Feasibility Study.** Ms. Orth gave a brief overview of the project to date and introduced the consultant Nora Daley-Peng, Project Manager, from Alta Planning + Design; Kristin Maravilla, Senior Planner/Designer, was present as a resource. Ms. Daley-Peng made a slide presentation that included the five corridor segments, goals and expectations, project schedule, Technical Advisory Group, community engagement efforts and activities, challenges and opportunities for bicycle and pedestrian access and connectivity, design options and feasibility for each segment, cost estimates, strategies for short-, mid- and long-term phasing of projects, and funding opportunities. She concluded with a summary of comments received to date on the Public Review Draft and next steps for completion of the study. The public comment period was extended to June 8, for a full 30 days. The final report will be completed by June 30 and agendaized for MCOG's acceptance at the August 18 meeting. Questions and board discussion followed, including (not necessarily in order):

- Why integrate the study with County plans? (Pinches) Proposed improvements for Anderson Valley Way are in the County's right of way, parallel to the new highway and connecting to schools. Near-term county proposals will likely address funding in the State's Active Transportation Program (ATP) more than the General Plan. "County" is a generic term in this context and some appropriate entity eventually would implement proposed projects. (Alta, Dow)
- The process of prioritizing and phasing recommended feasible trail projects on the study corridor was reviewed. Various studies and funding opportunities were noted. (Pinches, Alta)
- Did the study identify mode choices, where on the corridor people want to walk or bike, and ways to accommodate them? (Hammerstrom) People expressed a desire to connect the destinations. Examples of the most cost-effective proposals include improvements 1) between Philo and Hendy Woods State Park, and 2) between Boonville and Philo, where a separated trail would connect residences with schools and services, based on community preferences.

- As it seems unlikely the trail will be developed along the entire corridor, is there expert opinion on where to develop trail versus where bicycles should share the road? The study should state that a continuous trail is infeasible. (Hammerstrom) The scope of work for this study did not provide for that level of detail. The consultant team made conceptual recommendations on the design concepts, and the phasing and prioritization of proposed projects based on a strategy of linking destinations reflects the assessment made. Examples were noted. (Alta, Jackman/Caltrans)
- In Segments 1 and 3, is a four-foot trail the industry standard? (Thomas) No, ten feet, or five feet in the roadway is standard; the trail design for the redwoods considers the natural environment. Anderson Valley Way has inadequate space for the standard width. (Alta)
- Concerning the red-yellow-green GIS coding system for estimating cost, is there an idea of the cumulative magnitude of improvements required? (Thomas) That data could be shown in the study report if desired. (Alta)
- If the trail terminated at US-101 in Cloverdale, would it connect to any bike trail there? (Thomas) The study recommends only a small part of Segment 5 for improvement. (Alta)
- Is there a statewide vision for trails? (Thomas) There is no plan per se, but there are designated routes, such as the Pacific Coast Bike Route. To date there has been no standard established for a statewide bike route. Connectivity between jurisdictions would be useful to document. (Jackman/Caltrans)
- Suggestion to develop the coastal route for bikes and the inland highway for trucks. (Pinches) Discussion of how this planning study was initiated by a local community group, which was approached by other groups in Sonoma County interested in coastal access routes. This study clearly shows there is no feasible trail route east of Boonville in the near term that would connect to the coast. The project team and participants made a realistic assessment of where routes would be most used, not primarily as a tourist attraction. With funding opportunities available only for limited sections at a time, all realized during the process that the study should concentrate on areas that people would use daily. (Dow)
- Suggestion to also list projects that were considered but were determined to be infeasible or did not make sense to pursue. (Hammerstrom)
- The fall community workshop was very well attended. In all, 100-200 people participated, far more than the 12 public comments reported in this presentation. The consultant has done a good job of getting public input and documenting feasibility. (Gjerde) Numbers of participants in various events and a sustained interest in the study were noted. Technical Advisory Group (TAG) members represent various stakeholders. With grant opportunities coming up, it is hoped that this diverse and active TAG will champion proposed projects from the study. (Alta)
- What were the cost and funding sources of this study? (Pinches) The budget of \$150,000 was funded by a Caltrans Community Based Transportation Planning Program grant of \$135,000, matched by \$15,000 of MCOG Local Transportation Funds. (Orth)
- In support of using planning dedicated funds for these kinds of studies: numerous transportation projects are currently being built in Mendocino County, and each of them had a plan first, which qualified them for construction funding. (Gjerde)

No action was taken.

## **5. Consideration of MCOG as Implementing Agency for Active Transportation Program (ATP) Proposals: Covelo/Round Valley Multi-Modal Trail Project and Westport Bike Lanes Project.**

Mr. Dow introduced the issue, referring to his written staff report. He noted the loss of the federal Transportation Enhancements program, which had given Regional Transportation Planning Agencies such as MCOG a share of funds to allocate locally for projects similar to these ATP proposals. Now

the available funds for such purposes are allocated through this new program by competition. He referred to questions raised at MCOG's May meeting and presented the dilemma of how to approach priority projects when agency roles change under the circumstances. In this case Caltrans is unable to implement either of these projects, so an argument can be made for MCOG to act in a new role as implementing agency. A similar situation arose when STIP authority was given to regions by state legislation in 1997. Board discussion included:

- Both pro and con arguments can be made. However, if MCOG wants to win ATP grant funds in future, the agency may need to reorganize its assumptions of ongoing staffing needs. It will be important to continue the flow of funds. (Hammerstrom) Discussion of example of Covelo grant proposal prepared by MCOG staff. Assumed costs of pre-construction preliminary work were identified separately, so that all environmental, design, and project management would be funded entirely from the grant, also including the entire budget for construction management, because of concern for adequate funding. Discussion of how and why a new staff position of Regional Project Manager was created and filled to cover these kinds of non-planning tasks, with the flexibility of charging some of his time under other budgets, to have enough work. (Dow)
- How is the new staff position working out? Are local MCOG member agencies getting assistance, as a first priority so that future funds are not lost? (Pinches) Yes, they are. Meanwhile, the staff person who was hired also has relevant project management experience, such that MCOG has in-house project management capabilities it did not have before. (Dow)

**A motion was made** by Director Pinches, seconded by Director Stranske, to approve staff's recommendation to designate MCOG as the implementing agency for the State Route 162 Corridor Multi-Purpose Trail (Phase I) and Westport Bike Lanes proposed Active Transportation Program projects. **Discussion on the motion:** Mr. Dow remarked that if this motion passes, he would expect these decisions to be made on a case-by-case basis, that the Council should move with caution, and that possibly Caltrans would be able to take on more of these projects in future.

Chair Gjerde invited public comment.

Thad Van Bueren, of Westport Municipal Advisory Council, supported the motion, noting the Westport proposal has a similar scope of work to that described by Mr. Dow for Covelo. They would be doing tasks that lead to a project ready for construction. He noted the Westport cost estimates originated from a previous engineering feasibility study, but were pared down to much smaller segments, just to build four-foot shoulders on both sides of the highway for bicycle lanes in the downtown area. The proposal included a request for grant funds for staffing to administer and manage the project. He urged approval of the motion. He answered a question about Coastal Commission permits.

**The motion carried** unanimously (*8 Ayes; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that designation of MCOG as the implementing agency is approved for the State Route 162 Corridor Multi-Purpose Trail (Phase I) and Westport Bike Lanes proposed Active Transportation Program projects.

**6. Fiscal Year 2014/15 RTPA Budget.** Ms. Orth reported changes since the May budget workshop and the actions required, briefly described each of the allocating resolutions, and advised passing a budget amendment at the first opportunity to document the pending staffing contracts. Total revenues are estimated at \$6,140,220 and total allocations are recommended at \$5,887,318.

Director Thomas stated he was pleased with how well prepared he felt to make this action today because of material covered in prior meetings, and that it reflected the continuity of this process.

**Upon motion** by Pinches, second by Sanders, and carried unanimously on roll call vote (8 Ayes – Jackman/PAC, Thomas, Hammerstrom, Stranske, Sanders, Pinches, Carter/Alt., and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the following four resolutions are adopted.

- a. Adoption of Resolution Finding That There Are No Unmet Transit Needs That Are Reasonable To Meet for Fiscal Year 2014/15.

**Resolution No. M2014-04**

Finding That There Are No Unmet Transit Needs  
 That Are Reasonable To Meet for Fiscal Year 2014/15  
 (Reso. #M2014-04 is incorporated herein by reference)

- b. Adoption of Resolution Allocating Fiscal Year 2014/15 Funds and 2013/14 Carryover Funds for Administration, Bicycle & Pedestrian Facilities, and Planning.

**Resolution No. M2014-05**

Allocating Fiscal Year 2014/15 Funds  
 and 2013/14 Carryover Funds for  
 Administration, Bicycle & Pedestrian Facilities, and Planning  
 (Reso. #M2014-05 is incorporated herein by reference)

Local Transportation Fund (LTF)		
MCOG Administration	400,000	
2% Bicycle & Pedestrian	56,485	
Planning Program – new funds	100,000	
LTF carryover – Planning program	87,942	
Reserve pending contractor selection	4,230	
Total LTF		648,657
Other funding sources - Planning		1,012,428
<b>Total Allocations</b>		<b>1,661,085</b>

- c. Adoption of Resolution Allocating Fiscal Year 2014/15 Local Transportation Funds, State Transit Assistance, and Capital Reserve Funds and FY 2013/14 Carryover Funds to Mendocino Transit Authority.

**Resolution No. M2014-06**

Allocating Fiscal Year 2014/15 Local Transportation Funds,  
 State Transit Assistance, and Capital Reserve Funds and  
 FY 2013/14 Carryover Funds to Mendocino Transit Authority  
 (Reso. #M2014-06 is incorporated herein by reference)

Local Transportation Fund (LTF)		
MTA Operations	2,368,578	
Unmet Transit Needs	0	
Senior Center Operations	439,475	
Capital Reserve Fund	0	
Total LTF		2,808,053
State Transit Assistance (STA)		
MTA Operations	200,000	
MTA & Senior Center Capital	156,086	
MTA Capital - Reclaimed Carryover	31,314	
Capital Reserve Fund	0	
Total STA		387,400

Capital Reserve Program		
Current Year – MTA	0	
Current Year – Senior Centers	16,855	
Long Term – MTA and Seniors	395,526	
Total Capital Reserve		412,381
<b>Total Transit Allocations</b>		<b>3,607,834</b>

- d. Adoption of Resolution Allocating Regional Surface Transportation Program Funds for Fiscal Year 2014/15 MCOG Partnership Funding Program, Local Assistance, and Distribution By Formula To Member Agencies.

**Resolution No. M2014-07**

Allocating Regional Surface Transportation Program Funds  
 for Fiscal Year 2014/15 MCOG Partnership Funding Program,  
 Local Assistance, and Distribution By Formula To Member Agencies  
 (Reso. #M2014-07 is incorporated herein by reference)

MCOG Partnership Funding Program		100,000
Local Assistance - Project Delivery		90,000
Formula Distribution to Members		
Mendocino County DOT	111,601	
City of Ukiah	150,190	
City of Fort Bragg	100,279	
City of Willits	94,121	
City of Point Arena	62,208	
Total Formula Distributions		518,399
<b>Total Allocations</b>		<b>708,399</b>

**7. Technical Advisory Committee Recommendations of May 13, 2014: Adoption of Final Fiscal Year 2014/15 Planning Overall Work Program (OWP).** Ms. Ellard introduced the item and answered questions. The final program funding totals \$1,200,370. **A motion was made** by Director Carter, seconded by Director Hammerstrom, to approve the recommended action.

**Discussion on the motion:** Director Pinches asked about Work Element 4, Study of County Urbanized Area Storm Water System (\$57,000). Howard Dashiell, Director, Mendocino County Department of Transportation, was invited to the podium. He answered questions and stated this is the second phase of a project intended for County roads to comply with the national pollution discharge elimination system addressing water runoff issues. A consultant will complete mapping work within the fiscal year. Ms. Ellard reported that the first phase had been funded at \$65,000. The Chair invited public comment; no one came forward to speak.

**The motion carried** unanimously on roll call vote (*8 Ayes – Jackman/PAC, Thomas, Hammerstrom, Stranske, Sanders, Pinches, Carter/Alt., and Gjerde; 0 Noes; 0 Abstaining; 0 Absent*): IT IS ORDERED that the 2014/15 Final Overall Work Program is adopted as recommended by the Technical Advisory Committee, and the Executive Director is authorized to sign certifications and the OWP Agreement and to forward to Caltrans as required.

Chair called a brief recess at 3:32 p.m. and reconvened the meeting at 3:45 p.m.

Ms. Ellard and Ms. Orth clarified information from their preceding staff reports that a change of documented grant source from state to federal funds in the OWP (Work Elements 21 and 23) will be corrected in both the Budget and the OWP when prepared for final distribution.

**8. Discussion and Direction: Regional Transportation Plan (RTP) 2015 Update – Draft Goals & Policies.** Ms. Barrett reported that staff had begun the update of this major transportation planning document, due in 2015, starting with the Goals & Policies. A substantial rewrite of these had been done for the 2010 RTP, so staff proposed fewer revisions for this update. A draft chapter with additions and strikeouts was provided in the agenda packet. She noted the last RTP had included objectives and policies for preparation of the Regional Blueprint Plan, which is now essentially completed, so those references were removed and a section was added for the resulting Vision Mendocino 2030 Implementation.

Questions and discussion included: Why was Aviation assistance struck out? (Page 29) MCOG used to be involved with Airport Capital Improvement Programs (CIP), but has not had such a role in recent years; proposed language was revised to “support efforts of airport facility owners,” which more accurately reflects the activity. It was agreed to retain the previous policies to leave options open for the future. (Pinches, Barrett, Thomas)

In further discussion, Director Hammerstrom asked about the order of priorities under Vision Mendocino. Ms. Barrett stated these were not in any particular order and elaborated on guiding principles in the Regional Blueprint that support the identified preferred growth scenario. She answered questions about how the principles are applied and explained the scenario planning process that was completed; she considered the results a strong set of principles. Director Thomas thought the principles were the important aspect in this context and suggested a rewording of the goal and the second objective.

Ms. Barrett noted other changes listed in her written staff report. This item was not agendized for action. Comments are requested by August 1, and staff will return to the Council with further drafts later on. Staff hopes that early input to the guiding policies will serve to avoid major rewrites near the time for adoption. A public outreach process will be part of developing the RTP. Comments were noted by staff; no action was taken.

**9. Authorization for Staff to Develop Local Agency Sub-Recipient Funding Agreement.** Ms. Orth introduced the matter with an overview of the various funding sources and their requirements, explaining why an agreement is needed. Discussion included:

- Is any standard format or guidance available from Caltrans? No, it would be specific to local use. Rural Counties Task Force has hired a consultant to develop a best practices manual. Staff did survey other like rural agencies and received one example of a local agreement. (Pinches, Ellard)
- A manual is not a legal document. Suggestion to use an indemnification agreement such as the County adopted recently, or the language from it. (Pinches)
- In receiving state and federal funds, MCOG accepts liability and needs to pass down these terms so local agencies are aware of rules and regulations for receiving funds from MCOG. (Dow)
- Make sure the agreement is comprehensive enough. (Hammerstrom)

**A motion was made** by Director Hammerstrom, seconded by Director Thomas, to approve staff’s recommendation to authorize MCOG staff to develop a Local Agency Sub-Recipient Funding Agreement for distribution to local agencies for execution, to be effective July 1, 2014, and to provide a copy of the final agreement template in the next Information Packet.

**Discussion on the motion:** Director Pinches was concerned about legal expertise, advising that staff have County Counsel review. Director Hammerstrom advised that City of Fort Bragg has subrecipient agreements for its federal Community Development Block Grant funds that might serve as an example. Ms. Orth reported that she had overhauled MCOG standard consultant agreement following the Caltrans audit, with many of the same provisions. In further discussion, the motion was amended so that County Counsel would be consulted and the draft agreement would be returned to the Council for approval. The Chair invited public comment; no one wished to speak to the item.

**The motion carried unanimously as amended** (8 Ayes; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that staff is directed to seek County Counsel's advice and to bring a draft Local Agency Sub-Recipient Funding Agreement to the full Council for approval.

**10. Approval of Independent CPA Engagement for MCOG and Mendocino Transit**

**Authority Fiscal Audits – R. J. Ricciardi, Inc.** Chair Gjerde summarized staff's report that Burr, Pilger Mayer, Inc. had terminated the agreements after two years as the firm is leaving government work, so this is a straightforward matter of engaging the second-ranked CPA from the most recent Request for Proposals. R. J. Ricciardi, Inc. was MCOG's previous auditor. Ms. Orth noted time is of the essence to start audits on schedule for the fiscal year ending June 30, 2014. She confirmed that there would be no increase to cost of the audits.

**Upon motion** by Thomas, second by Stranske, and carried unanimously on roll call vote (8 Ayes – Jackman/PAC, Thomas, Hammerstrom, Stranske, Sanders, Pinches, Carter/Alt., and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that staff's recommendation is approved to award the fiscal audit contracts for the year ending June 30, 2014 to R. J. Ricciardi, Inc., and MCOG's Executive Director is authorized to execute the engagement agreements.

**11 - 14. Consent Calendar.** Upon motion by Stranske, second by Carter, and carried unanimously (8 Ayes; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that consent items are approved:

**11. Approval of May 5, 2014 Minutes – as written**

**12. Acceptance of April 14, 2014 Transit Productivity Committee Minutes – as written**

**13. Appointments to Transit Productivity Committee –**

*Charles Bush, Redwood Coast Seniors, Inc., as Senior Centers Representative;*

*Lavonna Silveria, Ukiah Senior Center, as Alternate Senior Centers Representative*

**14. Appointments to Social Services Transportation Advisory Council – Tarney Sheldon, NCO Community Action, as Local Social Service Provider for Persons of Limited Means**

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

**Advisory Committee.** Upon motion by Carter, second by Stranske, and carried unanimously (7 Ayes; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

**16. Reports - Information**

- a. Mendocino Transit Authority. General Manager Dan Baxter reported that MTA's board had approved a fare increase to start July 27. The base fare will increase by 25 cents (from 50 to 75 cents), with no increase to each additional zone (at 75 cents). Fares to Santa Rosa will go up one to two dollars depending on where trips begin. MTA has applied for a federal grant for Route 65 expansion. MTA also has a grant to conduct a survey of riders and non-riders. He answered questions and reviewed the fares. Elderly and disabled passengers receive a discount of 50 percent.
- b. North Coast Railroad Authority. Ms. Ellard reported that NCRA has submitted two federal TIGER planning grant applications, one to do a study on the Humboldt Bay Rail Trail corridor, and the other to extend the rail line from Windsor to Ukiah. She answered questions. NCRA is not selling any assets needed to provide rail services at the Ukiah depot, only excess property. Discussion followed on a Humboldt County group's effort to identify funds for a study of rail service along the east-west State Route 299 corridor to Redding.

c. MCOG Administration & Planning Staff

1. *Summary of Meetings.* Mr. Dow referred to his written staff report.
2. *Cycle 1 Active Transportation Program (ATP) Applications.* Mr. Dow reported that MCOG proposals were submitted by the due date. He will participate with other volunteer teams to review and score the many proposals statewide. He said they are all good projects and expressed hope that this region will be get a fair share of funds. He volunteered to be on a ranking committee to get ideas from other regions so as to be more competitive next time.
3. *Status of Legislative Bills.* Ms. Ellard reported that AB 2119 concerning county sales taxes, which MCOG formally supported in May, had passed from the Assembly on to the Senate, with the most recent action on May 19. Director Pinches asked whether there was any strong opposition to the bill. The Assembly vote was 50 ayes, 22 noes, 7 not voting, with Assemblymember Chesbro in favor; a simple majority is required to pass.

SB 990, concerning a transportation funding set-aside for disadvantaged communities, failed in committee, but a reconsideration was granted. MCOG is on record as opposed. It was amended to not apply to any RTPA without a city of more than 25,000 population, so no longer affect Mendocino County. It was referred to the committee on government and finance.

SB 1077, concerning the Mileage Based Fee Pilot Program, to require a transportation agencies to investigate such a fee to replace the state's excise tax. The fuel tax is not indexed to inflation, more efficient vehicles are on the road, policies are reducing pollution and vehicle miles traveled, all of which are impacting revenues for road maintenance. The bill passed the Senate and moved to the Assembly. Mr. Dow summarized the issue. A brief discussion followed.

4. *Miscellaneous.* None.

d. MCOG Directors. Director Thomas remarked on the quality of work in the agenda packet; recognizing that the work is mandated, he considered it evidence of a complex and ineffective system. Staff "does an amazing job" and he wished conditions were different.

In reference to the report in the Council's information packet on the U.S. 101 Bypass of Willits, Director Pinches requested that this periodic report be returned to the reports agenda. Several members appreciated that the packet is available by email and on MCOG's website.

e. California Association of Councils of Governments (CALCOG) Delegates. There was no report.

**17. Adjournment.** The meeting was adjourned at 4:43 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration