

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES

Monday, August 18, 2014

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 9:36 a.m. with Benj Thomas, Doug Hammerstrom, Larry Stranske, John Pinches, Susan Ranochak, and Dan Gjerde present; Chair Gjerde presiding. Director Jackman (Caltrans/PAC) was present by conference telephone. Director Trevor Sanders was excused.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director for Administration; Loretta Ellard, Assistant Executive Director; Nephele Barrett, Senior Planner; James Sookne, Regional Project Manager; and Douglas Losak, Interim County Counsel. County of Mendocino Deputy CEO Kristi Furman was present for Item #4.

2. Convene as RTPA

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

Public Expression. None.

4 - 6. Regular Calendar.

4. a. Discussion and possible action to adopt the Mendocino County General Services Agency's summary of recommendations from the MCOG Request for Proposal (RFP) evaluation panel regarding the panel's review of bids for the following two contracts for the term of FY 2014/15 through 2018/19: a professional services contract for administrative and fiscal services; and a professional services contract for planning services. Chair Gjerde introduced the item, followed by Executive Director Dow, who welcomed the Board and introduced Douglas Losak, Acting County Counsel, as the lead to report on this item. Mr. Losak requested continuance to the next meeting on September 29 and noted having come into this matter late in the process. He acknowledged that the contractors were dissatisfied with the process; however he needed more time to complete legal procedures. Mr. Dow confirmed that his contract was in effect through September 30, although the proposal going forward was binding only through September 10.

Director Hammerstrom asked for a brief discussion to raise questions; Counsel stated the need for a closed session, which had not been noticed on the agenda. Counsel allowed for board members to contact him individually with questions outside the meeting. He recommended a meeting of the Executive Committee. Discussion followed on dates and process. Mr. Dow expressed concerns both as Executive Director, lacking information on status of the process, and also as a prospective contractor needing time to staff his company in response to the outcome. After discussion, the Chair set the Executive Committee meeting for Wednesday, August 27 at 1:00 p.m. The Chair also polled the members for dates to receive the committee's report and to conclude this process.

Upon motion by Hammerstrom, second by Thomas, and carried unanimously on roll call vote (7 Ayes – *Jackman/PAC, Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde*; 0 Noes; 0 Abstaining; 1 Absent - *Sanders*): IT IS ORDERED that Agenda Items 4a and 4b are continued to the next meeting (September 29, 2014), following the Executive Committee’s meeting and report of August 27, 2014. – *See also Agenda Item #16c9*

- b. Discussion and possible action to adopt two professional services contracts for FY 2014/15 through 2018/19 as presented to the MCOG Board for 1) Administrative and Fiscal Services; and 2) Planning Services.** No action was taken. The item was continued to the next Council meeting.

5. Transit Productivity Committee (TPC) Recommendations. Ms. Orth reviewed her staff report and the committee’s recommendations. Adoption of the recommendations would conclude the annual oversight process and several years’ investigation and research into appropriate standards for Cost per Vehicle Service Hour and Cost per Passenger. The TPC recommended a three-year “CPI Adjusted Rolling Average” that would be updated annually. TPC member Hammerstrom complimented Ms. Orth on her efforts, and she credited MTA staff for their assistance.

- a. Acceptance of May 30, 2014 TPC Minutes
- b. Adoption of Updated Transit Performance Standards – refer to May 30, 2014 TPC minutes
- c. Acceptance of Report - Annual Review of Mendocino Transit Authority Performance Against MCOG Standards – refer to May 30, 2014 TPC minutes

Upon motion by Hammerstrom, second by Thomas, and carried unanimously on roll call vote (7 Ayes – *Jackman/PAC, Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde*; 0 Noes; 0 Abstaining; 1 Absent - *Sanders*): IT IS ORDERED that the Transit Productivity Committee’s meeting minutes are accepted as written and the recommendations are approved, adopting the “CPI Adjusted Rolling Average” update to the MCOG’s Cost per Vehicle Service Hour and Cost per Passenger performance standards, accepting the report, and acknowledging good performance by MTA and the Senior Centers.

6. Approval of Subcontract with Redwood Coast Energy Authority, a Regional Joint Powers Authority, to Coordinate on the “Northwest California Alternative Transportation Fuels Readiness Project” Pursuant to a California Energy Commission Grant. Mr. Dow delegated this report to Ms. Orth, who described how RCEA had initiated the project and received a \$300,000 grant to make an assessment of the barriers and opportunities for regional adoption of various alternative transportation fuels in Northwest California. The targeted issues are as much economic as environmental. The grant included \$16,750 for MCOG, as one of five neighboring regional agencies, to participate mainly by gathering data and stakeholder input. Staff found the proposal consistent with the adopted Mendocino County Regional Transportation Plan, with previous work, and with interregional coordination policies. Ms. Orth anticipated that staff would administer the project and subcontract out most of the work. Discussion included the following (not necessarily in order):

- The private sector will meet these needs; it is not a function of government to be involved. The time is not right for MCOG to take this on, considering all the other duties for staff. Taxpayer dollars should not be used for something the private sector will do. (Pinches)
- As with the electric vehicle plans, there is a need for the planning process to ensure the types of fuels and distribution are considered by private enterprise. MCOG has the authority to take on issues of economic development, transportation, and other powers agreed upon by the members. This project does have a relationship to transportation as well as other aspects; the Council can address this under several roles. (Dow)

- There is a transportation component to the question, so it seems appropriate to contribute something to the effort. (Hammerstrom)
- This is an opportunity to participate in a collective effort involving other agencies, and it dovetails with other work we are already doing. It is an example of an initial investment by government that can benefit the private sector. (Thomas)
- Stakeholders include both public and private sectors; all will have opportunity for input. (Orth)
- How much of the grant funds would go to a consultant and to staff's activities? (Hammerstrom) \$14-15,000 is estimated for a consultant and the remainder would offset costs to administer the project. Another project involving public engagement can be added to make the consultant's effort more cost efficient. A local match of \$3,350 in administrative in-kind time over two years was pledged in support of the proposal. Because of the funding source and the division of labor between administration and planning, this project would not be programmed into the transportation planning work program. (Orth, Dow)
- A group in Fort Bragg is developing an alcohol-based fuel; is this something that would be covered in the project, and would the study provide an economic analysis for private sector use? (Gjerde) Yes, results will be made available; each region is asked to assist with a localized effort. (Orth)

Upon motion by Hammerstrom, second by Thomas, and carried on roll call vote (*5 Ayes – Jackman/PAC, Thomas, Hammerstrom, Ranochak, and Gjerde; 2 Noes – Stranske and Pinches; 0 Abstaining; 1 Absent - Sanders*): IT IS ORDERED that 1) the Executive Director is authorized to sign the agreement as a subcontractor to Redwood Coast Energy Authority (RCEA) for cooperation in the Northwest California Alternative Transportation Fuels Readiness Project funded by the California Energy Commission, to perform a scope of work as approved in the grant award, and 2) staff is directed to include the funding in the Administration budget in the next amendment.

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

- 7. Approval of June 2, 2014 Minutes – as written**
- 8. Approval of May 12, 2014 Social Services Transportation Advisory Council (SSTAC) Minutes – as written**
- 9. Ratification of Required Response to Caltrans Audit – Action Plan due by August 10, 2014**
- 10. Acceptance of Final Report: State Route 128 Corridor Valley Trail Feasibility Study – as prepared by Alta Planning + Design**
- 11. Approval of First Amendment to Fiscal Year 2014/15 Transportation Planning Overall Work Program (OWP)**
 - *Adjusts carried over project budgets from estimates to actual amounts based on 2013/14 fiscal year-end claims paid (12 work elements)*
 - *Increases Total OWP funding from \$1,200,370 to \$1,323,064.*
- 12. Adoption of Resolution Authorizing Executive Director to Execute an Updated Master Fund Transfer Agreement with Caltrans – Effective January 1, 2015**

Resolution No. M2014-08

Authorizing the Executive Director to
Execute a Master Fund Transfer Agreement
With Caltrans for State and Federal Planning Funds
(Reso. #M2014-08 is incorporated herein by reference)

13. Adoption of Resolution Approving Disadvantaged Business Enterprise Program

Resolution No. M2014-09

Adopting a California Department of Transportation
Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies
Pursuant to 49 Code of Federal Regulations 26 and
Adopting Americans with Disabilities Act
Complaint Procedures and Instructions
(Reso. #M2014-09 is incorporated herein by reference)

14. Adoption of Resolution Approving Federal Title VI Program and Limited English Proficiency Plan

Resolution No. M2014-10

Approving a Title VI Program Pursuant to the Civil Rights Act of 1964
and the Civil Rights Restoration Act of 1987;
Approving the Associated Limited English Proficiency Plan;
Authorizing the Executive Director to Execute Said Policy
On Behalf of the Mendocino Council of Governments
and Appoint a Title VI Coordinator
(Reso. #M2014-10 is incorporated herein by reference)

15. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee. Upon motion by Thomas, second by Stranske, and carried unanimously on roll call vote (6 Ayes – Thomas, Hammerstrom, Stranske, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Sanders): 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 was available for questions. In reply to Director Pinches, he confirmed that the eRide volunteer driver program is still active and he would correct an erroneous response from MTA offices to public inquiries.
- b. North Coast Railroad Authority. Ms. Ellard reported on the most recent NCRA meeting. Business included approval of a lease agreement for use of the Willits cell tower on NCRA property, and ongoing negotiations for a division of parcels on the Ukiah depot property, for approval next meeting.
- c. MCOG Administration & Planning Staff
 1. *Summary of Meetings*. Mr. Dow referred to his written staff report. He noted the extensive range of meetings attended and invited questions.
 2. *Vision Mendocino 2030 Regional Blueprint – Phase 4*. Ms. Barrett reported that this final phase of the Blueprint project is now complete. The specific issue that rose to the top from stakeholder engagement for near-term implementation was local food policy development. North Coast Opportunities was hired as a contractor to conduct research and develop recommendations, and two members of the local nonprofit Food Policy Council were hired as sub-consultants. These professionals worked with local agencies, who were pleased with the products and outcome. The informational materials produced will be made available to the public, as provided in the agenda packet. Ms. Barrett answered questions.

Executive Director Dow commented that local food policy was related to other policies of MCOG member agencies, whose planners recently have been receiving a great deal of public input and questions about this. Ms. Barrett discussed various ordinances already in place and how these recommendations would be applied, likely requiring public hearings for local adoption, with opportunities to modify. Director Pinches noted County General Plan procedures. Discussion followed on the local city and county planning staffs' interest in this issue and needs addressed. Ms. Barrett reported status of cottage food law.

Director Pinches asked the cost of all four phases; staff did not have an exact figure. The Phase 4 grant was \$75,000 and a significant portion was returned unused to meet the timeline. Mr. Dow noted state Cap & Trade funds becoming available, some of which will be dedicated to Sustainable Communities grants; the adopted Blueprint plan will help any future MCOG proposal to be eligible and competitive.

Director Thomas noted his involvement with the Food Policy Council and commented on MCOG's positioning to address various aspects of the economy in a positive way. Director Hammerstrom addressed the positive benefits of the Food Policy Council and the value of being able to obtain public input and funding opportunities as a result of this Regional Blueprint. Director Pinches raised the issue of Mendocino County's lack of water infrastructure, and that it should be a higher priority. A brief discussion followed on water infrastructure findings in the Blueprint.

3. *State Active Transportation Program (ATP) Grant Awards.* Executive Director Dow reported that three projects from Mendocino County received grants, including MCOG's Covelo project at \$847,000. He mentioned the Board of Supervisors' meeting in Covelo last week was well attended, when the award was announced. He noted the unusually quick succession of planning study, grant opportunity and funding in the case of Covelo. Director Pinches credited MCOG staff with top-level grant writing. Mr. Dow gave further details of the awards made to Fort Bragg and County Public Health. Director Hammerstrom noted a Fort Bragg corridor will be improved to function as it should have been designed originally. Mr. Dow reported he was on the evaluation team for other proposals and that Mendocino County competed well. MCOG will now need a master agreement with Caltrans for project implementation; staff has met with Caltrans District 1 to initiate the process. Prior to accepting grant funds, an agreement must be executed with Round Valley Indian Tribes for trail maintenance; that process has been started as well. Director Hammerstrom acknowledged Mr. Dow's leadership and benefits of these projects.
4. *Assembly Bill 2119 – Local Taxes: Transaction and Use Taxes.* Mr. Dow and Ms. Ellard reported more good news that this bill was signed by the Governor, enabling counties to pass transportation sales taxes without increasing city sales taxes. Staff noted that MCOG provided funding for polling in a previous year's transportation planning program; another such process would be eligible in the next fiscal year's program, with the application cycle coming up this fall. Chair Gjerde commented that he would support such a ballot measure only if the County dedicates at least \$2 million to roads from its maintenance budget annually, separately from new sales tax funds. Mr. Dow confirmed that maintenance of effort provisions typically are written into such bills. He credited Director Pinches' efforts in public testimony before the legislature. Discussion followed about how best to spend funds to pass a local measure. Mr. Dow noted Pavement Management Program data provided by MCOG showing the relationship between these special taxes and pavement condition.

5. *Climate Change Adaptation Pilot Strategy – Public Workshop August 28, Fort Bragg Library.* Mr. Dow reported this is a State effort from a federal highway grant, with MCOG's participation, looking at impacts of climate change on state transportation infrastructure in the region.
 6. *US 101 Bypass of Willits.* Mr. Dow provided the Caltrans project manager's report. Director Pinches commented that the northern interchange fill material has been approved by County permit to be sourced from the old mill site. Mr. Losak, Acting County Counsel, reported that no restraining orders had been filed yet.
 7. *US 101 Hopland Main Street Corridor Engineered Feasibility Study in Mendocino County.* Ms. Ellard reported that the consultant selection process is nearly done and she hoped to start work soon.
 8. *California Energy Commission Grant Award for "Bringing Electric Vehicle Charging Stations to Mendocino County California State Parks."* Ms. Orth reported that \$498,000 was awarded to install infrastructure in all ten parks, disclosing her involvement on personal time. Pinches raised a question of coastal permit review; it was confirmed it will be required. Chair Gjerde explained State Parks hierarchy, impetus for the proposal by Mendocino Land Trust, local support to advance it, and possible need for advocacy to complete it. He had encouraged them to include two corridor chargers from the ZEV Regional Readiness Plan. Discussion and questions followed about locations and other considerations.
 9. *Next Meeting: September 29 for SR 128 Anderson Valley Transportation Tour with Regular Meeting in Boonville.* In reference to the continued Agenda Item #4, there was a discussion of whether to convene a special meeting prior to this date, or to agendaize an action item on the same day. Chair Gjerde concurred with a suggestion that it would be better if not combined with the Anderson Valley trip. Director Hammerstrom expressed concern about awarding contracts and expecting the contractors to start two days later. The Chair called a special meeting on September 15 at 1:30 p.m. in Ukiah for the continued item. Tour logistics were discussed.
 10. *Miscellaneous.* None.
- d. MCOG Directors. Director Hammerstrom asked for concurrence to spend some MCOG administrative funds budgeted for board travel, for registration at the international Walk 21 conference; he would pay his travel expenses. There were no objections, and no other board members noted any travel plans in the current fiscal year.
 - e. California Association of Councils of Governments (CALCOG) Delegates. Mr. Dow briefly reported on the State's Cap and Trade program. Director Pinches commented on shipping through the Panama Canal to east coast ports and resulting impacts to west coast ports and corridor facilities. Mr. Dow reported his involvement on the California Freight Plan committee over the past 18 months, with details on congestion at southern California ports, changing economic dynamics.

17. Adjournment. The meeting was adjourned at 11:46 a.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director for Administration