

MENDOCINO COUNCIL OF GOVERNMENTS

Approved MINUTES

Monday, December 1, 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 1:38 p.m. with Directors Benj Thomas, Doug Hammerstrom, Larry Stranske, Trevor Sanders, John Pinches, Susan Ranochak, and Dan Gjerde present; Chair Gjerde presiding. Director Jackman (Caltrans/PAC) arrived subsequently. The audioconference was considered unnecessary and therefore not connected.

Staff present: Phil Dow, Executive Director; Janet Orth, Deputy Director/CFO; Loretta Ellard, Deputy Planner; and Nephele Barrett, Program Manager.

The Chair and Executive Director recognized Supervisor Pinches and City Councilman Thomas as attending their final MCOG meeting. Director Pinches, Thomas, Gjerde, Stranske and staff all made appreciative remarks.

2. Convene as RTPA

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

Public Expression. None.

4 - 7. Regular Calendar.

4. Public Hearing: Unmet Transit Needs for Fiscal Year 2015/16.

- a. Finding of Proper Notice. Ms. Orth summarized the annual process and purpose of this hearing as detailed in her written staff report. She requested a finding of adequate notice to hold today's hearing and continue it to the next meeting, as there had not been sufficient time under the recent staffing reorganization for a full 30-day notice as required by the Transportation Development Act. Notice had been made in four newspapers, with proofs of publication up to 20 days prior to the hearing. Additionally, the notice was posted on the MCOG website (www.mendocinocog.org) and was emailed to interested stakeholders on MCOG's list-serve. With no one objecting, the Chair made a finding of adequate notice to receive testimony today.
- b. Staff Report. Ms. Orth reported the Social Services Transportation Advisory Council (SSTAC) recommendations of their meeting on November 10, 2014. Submitted as testimony was a list of 43 unmet transit needs and five additional recommendations for more general transportation matters compiled by MCOG's SSTAC. The list included input received by Mendocino Transit Authority (MTA) from public meetings during the year, and also the concurrent Public Transit - Human Services Coordinated Plan outreach process. Issues identified during outreach included non-motorized transportation modes, access to transit services from remote areas, affordability of transportation, medical trips, and commute challenges for workers and families.

She noted that under restructured staff roles, she would continue to be responsible for the Unmet Transit Needs process and Nephele Barrett was now responsible for staffing the SSTAC. Both had attended the November SSTAC meeting and were available for questions.

- c. Public Hearing. The Chair opened and closed the hearing at 1:52 p.m., with no one testifying. No further written testimony had been received from the public.
- d. Board Action. Board questions and comments included:
 - Discussion of “A dedicated van for transporting veterans to the VA hospitals in Eureka and the Bay Area.” What services currently exist in our area? (Stranske) Alternate board member Michael Carter was invited to the podium and gave a brief report.
 - Discussion of “Service to the old Howard Hospital in Willits (which will be converted into the new mental health facility).” There is no evidence of plans to convert the facility for mental health purposes, so the comment is only speculation. However, MTA does intend to continue serving that route. (Stranske, Orth, Barrett)
 - Discussion of “Volunteer driver programs for remote areas – revitalize funding and partnerships.” MTA’s existing E-ride program could be expanded to take care of this and most of the needs on this list, if it were promoted enough. It would provide door-to-door transportation. (Pinches)

Upon motion by Pinches, second by Stranske, and carried unanimously (*7 Ayes; 0 Noes; 0 Abstaining; 1 Absent – Jackman/PAC*): IT IS ORDERED that the Public Hearing on Unmet Transit Needs for Fiscal Year 2015/16 is continued to February 2, 2015, and staff is directed to issue a 30-day notice of the continued hearing.

5. Public Hearing: Adoption of Resolution Approving Federal Transit Administration (FTA) Section 5310 Grant Program Regional Priority List.

- a. Finding of Proper Notice. Ms. Barrett reported that, while this is a public hearing, it does not require a legal notice. No action was taken.
- b. Staff Report. Ms. Barrett described the program and procedures and answered questions. This is a capital program to fund private non-profit agencies to help provide transportation services to the elderly and people with disabilities. Two applications were received, from the Ukiah and Willits senior centers. A table of scores prepared by staff was included in the board’s agenda packet. Ms. Barrett believed the scores were accurate, as very few of the questions could be answered subjectively given the criteria. Certain findings must be made, by resolution. Applicants are competing for a smaller pot of money this cycle, with less funding available overall; rural and small urban areas are competing for a portion of that. It is difficult to predict whether these scores will result in grants.
- c. Public Hearing. The hearing was opened and closed at 2:15 p.m. with no one testifying.
- d. Board Action. **Upon motion** by Stranske, second by Thomas, and carried on roll call vote (*7 Ayes – Thomas, Hammerstrom, Stranske, Sanders, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Jackman/PAC*): IT IS ORDERED that the following resolution is adopted.

Resolution No. M2014-12

Approving FTA Section 5310 Grant Program
Regional Application Scoring & Priority List
(Reso. #M2014-12 is incorporated herein by reference)

Willits Seniors, Inc.	One minivan (wheelchair accessible)	\$46,000	86 points
Ukiah Senior Center	One Medium Bus (2 wheelchair)	\$67,000	81 points

6. Public Hearing: Election to Prepare Regional Transportation Plan on a Four-Year Cycle with Effect on Housing Element Preparation Schedules by Member Agencies – *continued from November 3, 2014.*

- a. Finding of Proper Notice. Staff circulated a copy of the proofs of publication. **Upon motion** by Hammerstrom, second by Ranochak, and carried unanimously (*7 Ayes; 0 Noes; 0 Abstaining; 1 Absent - Jackman/PAC*): IT IS ORDERED that this public hearing was properly noticed.
- b. Staff Report. Ms. Barrett reiterated information given at the November meeting, and described the new schedule that would be adopted (included in the agenda materials). All of the local planning agencies have been contacted and have concurred with the change, as it would decrease the frequency of Housing Element work. It would somewhat increase the frequency of MCOG staff work to prepare the Regional Transportation Plan.
- c. Public Hearing. The Chair opened and closed the hearing at 2:23 p.m., with no testimony.
- d. Board Action. **Upon motion** by Ranochak, second by Stranske, and carried on roll call vote (*7 Ayes – Thomas, Hammerstrom, Stranske, Sanders, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 1 Absent - Jackman/PAC*): IT IS ORDERED that the following resolution is adopted.

Resolution No. M2014-13

Election to Change to a Four-Year
Regional Transportation Plan Update Cycle
(Reso. #M2014-13 is incorporated herein by reference)

7. Consideration and Possible Action to Adopt Resolution Committing Future Regional Improvement Program Shares for Completion of Phase I of the U.S. 101 Bypass of Willits Project. Executive Director Dow introduced this issue, noting previous indications that this request would likely occur. Caltrans will approach the California Transportation Commission (CTC) on December 10 for an additional allocation to cover a projected shortfall of \$64.7 million. A regional share of 15% has long been established for this project, so MCOG's share would be \$9,705,000. Mr. Dow described the Risk Management Plan required for projects of this size. He pointed out his written staff report as to the major causes of the cost increases. He summarized the purpose of SB 45 and the importance of partnerships with funding agencies such as Caltrans. Mendocino County is at a disadvantage in not being a "self-help county" with a dedicated transportation sales tax. Yet even if one were passed this year, the revenues would not be sufficient to pay for projects of this magnitude.

PAC member Rex Jackman arrived at 2:28 p.m. during the staff report.

The CTC has indicated that Caltrans should submit all of its remaining funding needs for the project all at one time, not in a piecemeal approach. Mr. Dow described options available for programming funds in the State Transportation Improvement Program (STIP). There is no fund estimate to date; it will not be known until adopted by the CTC next August. He recommended committing future shares to the project, which may take more than one two-year cycle to fund, possibly into the 2018 STIP. He noted the Council's adopted Resolution #2011-10 establishing priorities and commitment to the bypass project. This was adopted prior to the 2012 STIP cycle and is still applicable now.

Caltrans District 1 Director Charlie Fielder was invited to address the Council. He described the wetlands mitigation project to go to contract soon, which is not part of this request. For the construction, State "G-12 authority" is available for contingencies, which has been used and depleted. Cumulative delays are the cause of the largest cost overruns. Mr. Fielder referred to a handout [distributed at start of the meeting] with images of the construction in progress, now 55% complete.

Discussion and questions included [not necessary in order of occurrence]:

Cost and Funding Resources

- Whether \$64 million is enough to complete the project; how often supplements are needed elsewhere; this request is more than a 25% increase. (Pinches, Thomas, Hammerstrom)
- Assuming 50% probability, according to the Risk study, the need could be a higher or lower figure. This is the highest confidence number available. Of hundreds of contracts, rarely is there a need for supplemental funds, typically about three percent. (Fielder)
- Unknowns and overruns are typical of construction projects. (Dow)
- In 1998 and twice more thereafter, funds were requested with the expectation it would be enough. Caltrans could have asked earlier for this third supplement. (Gjerde)

Payment Timeline

- Can the regional share be spread over more time? (Hammerstrom) Unknown. The State will need to do some short-term borrowing to meet the project schedule. Cash flow is handled by the State. Only the authority to program the funds is needed now, not the money in hand. (Dow, Fielder)
- Reminder that STIP funding cycles can be unpredictable. For example, in the 1990s, the seismic retrofit program used all STIP funds until completed. Estimated funds do not always materialize. We cannot count on new funds every two years for planned projects. (Dow)

Regional Share, Partnership Commitment and Established Priorities

- Could this request have been predicted in the agreement between MCOG and Caltrans; can the 15% share be reduced? (Thomas, Hammerstrom)
- There is no written agreement between the parties; the partnership understanding has been to continue through to completion. (Dow)
- The adopted resolution in the agenda packet dated 2011 does not mention a 15% commitment. (Hammerstrom) It does appear in a resolution dated 2003, possibly earlier. (Ellard)
- The 2011 resolution refers to both Willits and Hopland bypass projects; later the Hopland project was shelved by Caltrans, so in 2011 those references were eliminated and priorities re-established. (Gjerde, Dow)
- Mendocino County has always been a good partner on transportation projects, going back to membership in the Golden Gate Bridge District formed in 1935. (Pinches)

Responsibilities and Stakeholders

- With reference to other highway projects in northern California, including Humboldt and Shasta counties, this project is as much for Humboldt County as for Mendocino, to relieve congestion on 101. Why not ask Humboldt County Association of Governments (HCAOG) for funds? People in Fort Bragg will not be driving on the bypass. (Gjerde)
- These are usually done as interagency agreements. HCAOG shared with Caltrans in funding the Buckhorn Grade project between 101 and I-5 for goods movement. The reverse argument could be made by Humboldt for MCOG to contribute to their projects. (Dow)
- We are being asked to shoulder a burden that may be unfair, as MCOG has little control over Caltrans choices made along the way. (Thomas)

Project Performance Issues and Complaints

- The job was not planned well by contractors. The 24-hour law enforcement due to protests is the one factor that could not have been anticipated. Caltrans identified a borrow site, but the contractor wanted a different one; Caltrans had a choice to change it. As to redesigning the northern interchange, environmental work needed to be redone. Why must MCOG pay for others' mistakes? (Stranske)

- Clarification of the facts as to the borrow site. Any site would have resulted in lawsuit. (Dow)
- Agreement with Pinches' comments relative to sending a strong message to the CTC. Also send a message to the contractors. While in personal support of the project generally, complaints will be heard in City of Willits' jurisdiction. (Stranske)

Arguments in Favor

- This project started many years ago in the 1950s, with many issues and problems along the way, such as rights-of-way with high real estate costs at the time of acquisition. Early on there was a strong commitment to getting this project done, a commitment that has not wavered. The same discussion was had years ago about why it is important to the whole region. At the same time it is a huge jobs program for Mendocino County. Even with some frustrations, the two contractors' performance is impressive. We as a Council need to support this; it would send the wrong message not to. It was a coup to get CTC approval for the project in the first place, as the funds could easily have gone to southern California. The project is 55% done now, so MCOG needs to put up local share to complete it. Does not see a choice in the matter. Caltrans is very good at handling their budget units to respond to needed adjustments; it is within a manageable scope. Let's send a strong message to the CTC next week. (Pinches)

Future Phase

- Does anyone here think there will be a Phase 2 in our lifetime? Would vote against that if it comes and does not support a resolution prioritizing a second phase. (Gjerde)
- The next federal transportation bill might change dramatically the resources available. Issues such as CEQA and NEPA streamlining may be on the horizon. Roads and transportation are vital and should be more of a priority to the federal government. Hopeful that the next bypass phase comes eventually; glad that right-of-way has already been acquired, so it won't take more land away. (Pinches)

The Chair invited public comment.

Tony Orth, resident of Brooktrails, stated he had been recently re-elected to another term after 24 years on the Brooktrails Township Community Services District board of directors, with a platform of support for the bypass and a second access road for the Township, resulting in the most votes in that district election. He noted his service on the Project Development Team for the bypass project. He credited Caltrans District Director Fielder with delivering the requested viaduct design as an environmental improvement despite the added cost. Mr. Orth further noted Brooktrails-generated traffic congestion at the intersection of Sherwood Road and Main Street/US-101. The bypass will make a much safer and friendlier town of Willits. Answers to many of the public's questions can be found in the Environmental Impact Report. He urged the funding and completion of this project.

Howard Dashiell, Director, Mendocino County Department of Transportation, echoed previous comments and expressed support for the project. Relative to the funding question, he emphasized the backlog of local streets and roads needs awaiting funds, and hoped to get a small share of future STIP funds for County project needs.

Tom Woodhouse, resident of Willits, acknowledged his status as Third District Supervisor-elect and made personal remarks. It has been painful to watch the long process of this project. Yet anyone watching must be impressed with the efforts of Caltrans engineers, Dow & Associates staff, MCOG members, and all who contributed. The project must be completed and will cost money. Mendocino County is not the driver of this project, so there should be some limit on the regional share. MCOG does not have the funds to pay for the next 50 years of mitigation efforts, and the region cannot afford to continue draining money away from other transportation system needs. He hoped there could be a way to spread the regional cost share over time to make the bypass project more affordable.

A motion was made by Director Pinches, seconded by Stranske, “to commit future Regional Improvement Program shares in the amount of \$9,705,000 to the U.S. 101 bypass of Willits.” It was clarified that this was the staff recommendation minus the reference to Resolution #M2011-10.

Discussion on the motion: A question was raised of whether the draft or any resolution needed to be adopted. Executive Director Dow stated a resolution was not required; a formal resolution could be adopted when funds are allocated. Ms. Orth as clerk read the motion back, and Director Pinches as motion maker concurred, noting it was not necessary to reference a future commitment in this action. Mr. Dow indicated a future second phase would be the time to commit further. He confirmed that this motion would meet needs for a CTC decision on December 10. There was further discussion of the exact funding need. Mr. Dow emphasized this request is for funding of construction only, not for any of the mitigation projects. There may be future additional mitigation cost increases, not yet identified, however not to this magnitude.

The motion carried unanimously on roll call vote (8 Ayes – Jackman/PAC, Thomas, Hammerstrom, Stranske, Sanders, Pinches, Ranochak, and Gjerde; 0 Noes; 0 Abstaining; 0 Absent): IT IS ORDERED that MCOG commits future Regional Improvement Program shares in the amount of \$9,705,000 to the U.S. 101 Bypass of Willits.

The Chair called a recess at 3:55 p.m. and reconvened the meeting at 4:10 p.m.
Director Sanders left the meeting at recess. Director Hammerstrom was temporarily absent.

8 - 10. Consent Calendar. Ms. Orth offered one amendment to the minutes (#8), as noted below. She briefly remarked that changes had been made to the budget amendment format for clarity (#9), in response to board members’ comments at the November meeting.

Upon motion by Stranske, second by Pinches, and carried on roll call vote (5 Ayes – Jackman (PAC), Thomas, Stranske, Pinches, and Gjerde; 0 Noes; 1 Abstaining - Ranochak; 2 Absent - Hammerstrom and Sanders): IT IS ORDERED that consent items are approved:

- 8. Approval of November 3, 2014 Minutes** – as amended, correcting motions and votes attributed to Director Ranochak, who was absent, as those of Alternate Director Carter.
- 9. Adoption of Resolution Amending Fiscal Year 2014/15 Budget: Allocating Fiscal Year 2014/15 Funds and 2013/14 Carryover Funds for Administration, Bicycle & Pedestrian Facilities, and Planning – Superseding Resolution #M2014-05** – continued from November 3, 2014

Resolution No. M2014-14

Superseding Resolution No. M2014-05,
Allocating Fiscal Year 2014/15 Funds and 2013/14 Carryover Funds for
Administration, Bicycle & Pedestrian Facilities, and Planning
(Reso. #M2014-14 is incorporated herein by reference)

SUMMARY	Adopted 6/2/2014	Amended 12/1/2014	Amended Total
MCOG Administration			
Local Transportation Fund (LTF)	400,000	404,230	
Regional Surface Transportation Program (RSTP)	0	119,417	
AB 118 – California Energy Commission (CEC)	0	16,750	
Total Administration			540,397
2% Bicycle & Pedestrian	56,485	56,401	56,401
Planning Overall Work Program (OWP) – all funds (includes amendments of Aug. 18 and Nov. 3)	1,200,370	1,203,647	
Reserve pending contractor selection	4,230	0	0
Total Allocations	1,661,085	1,800,445	1,800,445
Staffing Contracts not to exceed: *			
Dow & Associates, Administrative & Fiscal Services	0	429,956	429,956
Davey-Bates Consulting, Planning Services	0	259,844	259,844

* Includes additional Service Authority for Freeway Emergencies (SAFE) funds from separate budget

10. Technical Advisory Committee Recommendation of November 19, 2014: Approval of Third Amendment to Fiscal Year 2014/15 Transportation Planning Overall Work Program (OWP)

- *Reprogram funds for Work Element 10, 2015 RTP Update, to four other existing planning work elements and a new project, County Road Preservation Sales Tax*
- *Revises Work Element 11 – City Surrounded by a Bike Path (City of Fort Bragg)*
- *Corrects Work Element 14 – Training*
- *Results in no net change to Total OWP funding of \$1,203,647.*

11. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee. Upon motion by Ranochak, second by Thomas, and carried unanimously (5 Ayes; 0 Noes; 0 Abstaining; 2 Absent - Hammerstrom and Sanders): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

Director Hammerstrom returned from recess at 4:14 p.m.

12. Reports – Information

- a. Mendocino Transit Authority. After recess, no one was present to report.
- b. North Coast Railroad Authority. There was no report.
- c. MCOG Staff - Summary of Meetings. Mr. Dow referred to his written staff report and briefly answered questions.
- d. MCOG Administration Staff
 1. Affordable Housing & Sustainable Communities (AH/SC) Program - State Cap & Trade. Mr. Dow discussed status of the State's draft guidelines, which he had not yet seen.
 2. Miscellaneous. None.
- e. MCOG Planning Staff. Ms. Ellard reported that today was the deadline for the next fiscal year's Transportation Planning Overall Work Program (OWP) applications. Also, the technical advisory group for the Hopland US-101/Main Street Engineered Feasibility Study had its first meeting on November 19; the project is going well. The firm W-Trans was selected as the lead consultant. The first community workshop is scheduled for February.
- f. MCOG Directors. Director Hammerstrom thanked the Council for funding his registration to the international Walk21 conference and said he would be providing a report later.
- g. California Association of Councils of Governments (CALCOG) Delegates. Chair Gjerde reported on a recent workshop. The purpose was to get feedback from member COGs on priorities for the association; he will forward a summary to staff. He made positive remarks about the two part-time CALCOG staffers and their ability to serve the membership; Mr. Dow concurred.

12. Adjournment. The meeting was adjourned at 4:23 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director/CFO