

# MENDOCINO COUNCIL OF GOVERNMENTS

## Approved MINUTES

Monday, October 3, 2016

County Administration Center, Board of Supervisors Chambers

### ADDITIONAL MEDIA:

*Find YouTube link at <http://www.mendocinocog.org> under Meetings  
or search Mendocino County Video at [www.youtube.com](http://www.youtube.com)*

### **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 1:30 p.m. with Directors Rex Jackman (Caltrans/PAC), Doug Hammerstrom, Steve Scalmanini, Larry Stranske, Susan Ranochak, Alternate John McCowen, and Dan Gjerde present; Chair Gjerde presiding. Director Jim Koogle was excused.

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

### **2. Convene as RTPA**

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

**Public Expression.** Nicole Glentzer, Assistant Superintendent for Human Resources, Ukiah Unified School District, requested that MCOG fund a traffic study in the areas of Bush Street, Low Gap Road, and Despina where school traffic is generated.

Chair Gjerde asked staff to respond. Mr. Dow reported he has been working with the City of Ukiah's Public Works Director and has identified a traffic study review as a near-term solution.

### **4 - 5. Regular Calendar.**

**4. Public Hearing: Approval of Resolution Amending the 2016 Regional Transportation Improvement Program (RTIP) – Ryan Creek Fish Passage Project Funding.** The Chair confirmed with Ms. Barrett that this public hearing did not require a separate legal notice, and that the agenda provided proper notice.

The Chair opened the hearing at 1:37 p.m. Executive Director Dow reviewed his staff report, describing the urgency and constrained timeline for this project. Staff recommends commitment of supplemental funds, from future Regional Improvement Program shares. He noted how Caltrans' process for determining the need for more funds considers various alternatives. He also reported that the Technical Advisory Committee (TAC) had met after the agenda was distributed, and he requested that Caltrans give their report, followed by the TAC recommendation, since the Caltrans presentation would answer some of the questions that would arise.

Mr. Dow then introduced Caltrans representative Mauricio Serrano, Project Manager for the Willits Bypass project, who introduced the other Caltrans staff present: Chris Collison, Senior Environmental Biologist; Richard Melvin, Construction Manager; and Mike Bartlett, Environmental Project Manager. Mr. Serrano reported that construction of the bypass is expected to be complete at end of October, with opening ceremonies scheduled for November 3. He described the advertising procedures for procurement of qualified contractors on this "child project" of the bypass. There was

a mandatory briefing meeting for bidders to review the project requirements. Only three bids were received, all of which came in over budget. The Project Development Team recommended award to the lowest bidder and to request supplemental funds. Mr. Serrano listed reasons for keeping to the existing timeline; it is crucial to complete this project in 2017. The California Transportation Commission (CTC) will meet October 19-20 and consider approval of the funding. He concluded with following steps, starting with tree removal before the bird nesting season March 1, construction June to October, and other details. He handed out visual materials of the mitigation work required by California Department of Fish & Wildlife (CDFW). A project fact sheet was provided in the agenda packet.

Questions and discussion included:

- Describe photograph of 10-foot high culvert? The chosen installation method will reduce impacts to the site. (Gjerde, Serrano)
- Describe design process and cost alternatives? CDFW and other functional units are involved, including Caltrans design, construction, and environmental divisions. Caltrans does not often do work on this very costly scale of culvert size. Research and analysis showed there were no lower cost alternatives. Only a few specialized contractors are available nationwide; nine contractors were expected to bid. Down-scoping the project by removing the north fork portion (Ryan Creek) would cause non-compliance with the permit, as the requirement is to improve both south and north forks of the Outlet Creek Hydrologic Sub-Area. Readvertising would not result in lower bids. (Hammerstrom, Serrano)
- Further questions of project design: Rock weirs for fish passage are part of design. This site blocks approximately five miles of additional fish habitat, between two other county fish passage project investments. (McCowen, Serrano, Collison - Mr. Collison has served on the bypass project more than ten years and was involved with mitigation design)
- Questions of scheduling: If readvertised, it would be after the bypass opening; Caltrans would be compelled to pay whatever the cost of bids submitted. This project was originally scheduled for 2013, to start work in 2015. Typically delays can result in further requirements and delays. If not done in one construction season it will be more expensive. (Gjerde, Serrano, McCowen, Dow)
- Other child projects? Three others: the mitigation lands, relinquishment of Main Street/101, and Sherwood Road intersection, due in 2018. (Gjerde, Serrano)
- What happens to fish species during the year after bypass opening and before completion of the mitigation project? It is not a direct relationship. The species do not depend on Outlet, Davis, Broadus and Baechtel Creeks in the way that Ryan Creek is so important. Ryan Creek is a tributary downstream of the project. While Caltrans strives to alleviate any big impacts during bypass construction, such as working during seasons when the fish are not present, this mitigation project is meant to help species actively recover. The federal permit agencies weigh bypass impacts with needs to restore fish passage, therefore the focus on Ryan Creek. (Scalmanini, Collison)
- So this is an offset or substitute? It is compensation. Fish have been harmed in Little Lake Valley ever since bypass construction started. The species is declining in the Eel River watershed. Every year of delay, the species has a reduced ability to recover. Caltrans is also improving streams directly crossed by the bypass and restoring riparian habitat, but timing is critical now to act on the mitigation. (Hammerstrom, Collison, Serrano)
- Questions of project costs and funding: \$6,324,000 total budget covers Item Work, Supplemental Work, Stated Furnished Materials & Expenses, and a 5% Contingency Fund. This request is for MCOG's 15% share (\$313,000) of the difference between the engineering estimate and lowest bid (\$2,084,000). (Hammerstrom, Serrano)

The Chair invited public comment; no one came forward. Mr. Dow then reported the TAC recommendation to ask for 120 days to seek alternative funding through grants, and staff's concerns about the feasibility of that. He believed the TAC sincerely meant to try and reduce local-share costs. The Executive Director's recommendation had not changed from his written report, which is contrary to the TAC's. In Board discussion, he confirmed there was no viable alternative to staff's recommended action.

The Chair closed the hearing at 2:23 p.m. with no further public comment.

**A motion was made** by Director McCowen, seconded by Stranske, to approve the amendment as recommended by staff, committing \$313,000 of future Regional Improvement Program (RIP) shares for construction cost increases to the Ryan Creek Fish Passage Project.

**Discussion on the motion:**

- Chair Gjerde: Understands that grants can fund enhancements but not required mitigations. One concern is the potential that five to ten years into the wetlands project, mitigation will be reviewed by permit agencies and further work could be required. Can anything be done proactively over the interim to line up grants for wetland restoration and reduce costs for Caltrans and MCOG?
- Mike Bartlett, Environmental Manager: Although the project team is working hard to ensure the projects are successful, there can be unforeseen conditions. As manager of the wetland mitigation properties, Mendocino County Resource Conservation District (MCRCD) has access to grants. There is a fine line between required and enhanced mitigations. Performance criteria could be met with other funding sources than the State Transportation Improvement Program (STIP), such as Caltrans' State Highway Operation & Protection Program (SHOPP) Minor Program. Funds could be set aside in advance, to be able to address problems as they are identified.
- Director Hammerstrom: Acknowledges that a 120-day delay and grants are infeasible, while also recognizing that local jurisdictions are becoming frustrated with commitment of future funding shares. Questions the State's process, where MCOG commits to cost shares without any control of factors, and Caltrans' lack of cost reduction. Other entities can seek grants. MCOG has a moral obligation to stand by the commitment, even if not a legal one. This action will consume funds that would have been available in years to come.

**The motion carried** on roll call vote (*6 Ayes – Jackman/PAC, Scalmanini, Stranske, Ranochak, McCowen/Alt., and Gjerde; 1 No – Hammerstrom; 0 Abstaining; 1 Absent – Koogle*): IT IS ORDERED that the following resolution is adopted.

**Resolution No. M2016-15**

Approving the Second Amendment to the 2016  
Regional Transportation Improvement Program (RTIP)  
(Reso. #M2016-15 is incorporated herein by reference)

**5. Consideration and Possible Action to Oppose Proposition 53, the California Voter Approval Requirement for Revenue Bonds Above \$2 Billion Initiative.** Mr. Dow introduced the issue, referring to his written report. The Technical Advisory Committee (TAC) briefly considered the matter on its September 28 agenda, but took no action. It is to some degree a political issue and unlikely to impact MCOG directly. If passed, it would erode local control of infrastructure project funding. Chair Gjerde made comments to clarify Mr. Dow's remarks. In discussion, Director Hammerstrom noted the League of California Cities, one of numerous entities opposing the initiative, is protective of local control.

**Upon motion** by Hammerstrom, second by McCowen, and carried (*4 Ayes; 0 Noes; 3 Abstaining – Jackman, Scalmanini, Ranochak; 1 Absent*): IT IS ORDERED that the Council opposes Proposition 53, the California Voter Approval Requirement for Revenue Bonds Above \$2 Billion Initiative.

**6 - 7. Consent Calendar.** Upon motion by Ranochak, second by Hammerstrom, and carried unanimously (7 Ayes; 0 Noes; 0 Abstaining; 1 Absent): IT IS ORDERED that consent items are approved:

**6. Approval of August 15, 2016 Minutes – as written**

**7. Approval of Transportation Planning Overall Work Program (OWP) Project Application Update**

**8. Recess as Policy Advisory Committee - Reconvene as RTPA - Ratify Action of Policy Advisory Committee.** Upon motion by Ranochak second by Stranske, and carried unanimously (6 Ayes; 0 Abstaining; 1 Absent): IT IS ORDERED that the actions taken by the Policy Advisory Committee are ratified by the MCOG Board of Directors.

**9. Reports - Information**

- a. Mendocino Transit Authority. Chair Gjerde reported that MTA moved its regular board meetings to the fourth Wednesday of each month, at 1:30 p.m. as usual.
- b. North Coast Railroad Authority. There was no report.
- c. MCOG Staff - Summary of Meetings. Mr. Dow referred to his written staff report.
- d. MCOG Administration Staff
  1. *U.S. 101 Bypass of Willits Update.* Mr. Dow referred to the project manager's written monthly report.
  2. *National Drive Electric Week – September 10-18, Local Ukiah Event September 17.* Ms. Orth briefly reviewed her written staff report, appreciating the Ukiah Main Street Program for hosting electric vehicles in their classic car event, and making suggestions to increase promotion of EVs in future events.
  3. *Miscellaneous.* Ms. Orth reported completion of the triennial performance audit, with very good results, and that the report would come to the Council for acceptance at the next meeting.
- e. MCOG Planning Staff.
  1. *Caltrans Sustainable Transportation Planning Grant Program – Fiscal Year 2017/18 Cycle, Due November 4.* Ms. Ellard reported that \$9.3 million is available statewide, with two grant categories. The application package had been sent to the TAC members.
  2. *FY 2017/18 Transportation Planning Overall Work Program (OWP) Open for Proposals October 15–December 1, 2016.* Ms. Ellard reported on the six-week application cycle for MCOG's planning program. MCOG agency members and MTA are eligible.
  3. *2017 Regional Transportation Plan Update and Active Transportation Plan – Community Workshops October– November.* Ms. Barrett reported that staff has started work on the Regional Transportation Plan (RTP) and that the Active Transportation Plan (ATP) is in progress as a component of the RTP. The effort began in 2014 when RTP policies were revised to change the Regional Housing Needs Assessment to an eight-year cycle and the RTP to a four-year cycle, so that the RTP due date was reset to 2017. Staff is gathering public input in a series of workshops: October 17 in Fort Bragg, October 24 in Ukiah, November 7 in Willits, November 14 in Point Arena, and November 16 in Covelo.
  4. *Miscellaneous.* There were no further reports.
- f. MCOG Directors. There were no reports.

- g. California Association of Councils of Governments (CALCOG) Delegates. Chair Gjerde mentioned the upcoming fall delegates meeting November 14, which he would be unable to attend as Delegate. Alternate Delegate Scalmanini agreed to attend by conference call.

**10. Adjournment.** The meeting was adjourned at 2:52 p.m.

Submitted: PHILLIP J. DOW, EXECUTIVE DIRECTOR

By Janet Orth, Deputy Director/CFO