

Measure M 2 Environmental Cleanup Allocation Committee

February 14, 2013

Meeting Minutes

Committee Members Present:

Vice Chair Garry Brown, Orange County Coastkeeper
John Bahorski, City of Cypress
Scott Carroll, Costa Mesa Sanitary District
Hector B. Salas, Caltrans
Tom Rosales, General Manager, South Orange County Wastewater Authority
Jean Daniel Saphores, UCI
Sat Tamaribuchi, Environmental Consultant
Dick Wilson, City of Anaheim
Marwan Youssef, City of Westminster

Committee Members Absent:

Chair Mary Anne Skorpanich, O. C. Watersheds
Mark Adelson, Santa Ana Regional Water Quality Control Board
Gene Estrada, City of Orange
Chad Loflen, San Diego Water Quality Control Board
Dennis Wilberg, City of Mission Viejo

Orange County Transportation Authority Staff Present:

Alison Army, Senior Transportation Analyst
Marissa Espino, Senior Strategic Communications Officer
Janice Kadlec, Public Reporter
Charlie Larwood, Manager of Planning and Analysis
Abbe McClenahan, Manager of Programming
Dan Phu, Project Development Strategic Planning Section Manager
Monte Ward, Measure M Consultant

1. Welcome

Vice Chair Garry Brown began the Environmental Cleanup Allocation Committee (ECAC) meeting at 10:10 a.m. and welcomed everyone.

2. Approval of the January 10, 2013 Meeting Minutes

Vice Chair Garry Brown asked if there were any additions or corrections to the January 10, 2013 ECAC meeting minutes. Alison Army asked for the following correction to Page 7, Paragraph 7: *Gene Estrada said at one time the ECAC was thinking of increasing the amount for the Tier 1 program from \$100,000 to ~~\$250,000~~ \$200,000 per project.*

A motion was made by Marwan Youssef, seconded by Jean Daniel Saphores, and carried unanimously to approve the January 10, 2013 ECAC meeting minutes as corrected. Scott Carroll abstained from voting because he did not attend the January 10, 2013 meeting.

3. Tier 2 Call for Projects Applications

Dan Phu gave a brief update on the Tier 2 funding status.

Vice Chair Garry Brown brought up a point of clarification. In the point evaluation there is an incentive in the more critical areas in the model. What the Executive Committee is asking is to do more than this; to go out and be more proactive and actually identify cities. Charlie Larwood said they have to do this carefully because it is a competitive program.

John Bahorski said it is important to note they have the first Tier 2 call for projects under their belt and the projects on the list made him rethink his project. In looking at these projects it made him think maybe they should re-evaluate and rethink their position. Therefore when OCTA does the outreach for the next call they need to show what the previous projects look like and maybe it will spur some interest.

Monte Ward said this is similar to the Streets and Roads Program. There have always been attempts to target certain problem areas. This requires there to be an ability and willingness on the part of the local jurisdictions to put those projects forward. Sometimes this is an easy thing to conceive and sometimes it is a challenge, for example, right of way issues, community plans which are not compatible, local opposition, etc. Improvement may not be a high priority for a local community but from a regional perspective it might be a good investment. He believes this will be the case with this project. It makes sense to sharpen up the message; it makes sense to give good examples, but he suspects there will always be tension in the desire to address problems in strategic areas where it makes sense. Whether there is a willingness on the part of the local areas to do it and whether they have the ability to overcome some natural obstacles.

Vice Chair Garry Brown said this begs the question: if it is decided to perform the extra outreach in certain areas, should there be some guidelines developed? Monte Ward said it certainly makes sense for the ECAC to participate in the review and to refine what the message is and in some cases participate and help deliver. It is one thing to have the staff go out and do this and another thing to have someone from the ECAC who represents the ECAC and/or other successful applicants.

John Bahorski said when the ECAC put the program together they suspected there would be questions on the division of funds. This was the point of Tier 1. It was made pretty easy for everyone to get funds. Staff needs to emphasize there are two components to this program: Tier 1 and Tier 2. Monte Ward observed they will

always have the Board Members looking at the recommendations in terms of a geographic mind set. He thought the more important thing is how good communication is with potential applicants on what the opportunities are and how to navigate the process.

John Bahorski said the Board Members may be able to help. If they are not receiving projects from one of the Board Members' districts it might help if he could send a letter to those cities saying both Tier 1 and Tier 2 are good programs and he encourages them to apply. Monte Ward said after they go through two or three more funding cycles and the data set begins to fill out a little more, then they can see if there is systemic problem they can identify. It is a little early to say anything about it because they have such a small sample now. Charlie Larwood suggested creating factsheets which show examples of successful projects.

Vice Chair Garry Brown said they always knew politics would probably come into play with these projects. But sometime before the second round of funding they need to decide how much they want to incentivize. Is just skewing the points through the model enough or is there some other way?

Monte Ward said one of the conceptual trade outs made in M2 versus M1 is in both the Regional Roads funding and Water Quality funding considerable discretion was built into both the advisory process and the policies set by the OCTA Board to steer money toward particular problems. In M1, the Regional Road Program was much more precisely defined in terms of different pots of funding. In M2, it was combined and they were given much more flexibility. This flexibility can be used if a problem is found that is not being adequately addressed. They are able to adjust the criteria, scoring, or policies to steer money in this direction, but it is a better idea to do this on the basis of more information than to try to move the needle. John Bahorski said he feels they have created a good narrative particularly with Tier 2.

4. Tier 1 Call for Projects (CFP)

Dan Phu gave a short synopsis of what was talked about at the January ECAC meeting and introduced Alison Army who reviewed the latest changes to the Tier 1 Program.

Alison Army said on page 5 under Funding Estimates in the first sentence of the second paragraph the maximum amount for the Tier 1 Grant Program had been changed from \$100,000 to \$200,000 per project. Did the ECAC want to change the maximum amount an applicant can receive in a funding period? Currently the maximum amount is \$500,000 (Funding Estimates Page 5, Paragraph 2, last sentence). Dan Phu said there is approximately \$2.8 million available per CFP in Tier 1.

Monte Ward asked if any jurisdiction had received maximum funding. Dan Phu said in the first CFP one jurisdiction received the maximum and in the second CFP no one

received the maximum. Monte Ward said the only cautionary note would be any significant increase in the maximum would counter the ECAC's policy to distribute the money widely. After a discussion among Committee Members it was decided to keep the maximum amount an applicant can receive in a funding period at \$500,000 and the maximum amount an applicant can receive for a project at \$200,000.

Sat Tamaribuchi asked if it would make sense to add language stating any city who has not received funding would go to the top of the list. Dan Phu said the Score Sheet gives bonus points if a city or applicant designates the project as their primary project—they automatically receive 15 points. There are a total of five cities who have not received funding to date. Two of these cities participated in the last CFP. One of these (the City of Rancho Santa Margarita) dropped out during the evaluation process; the second city (La Habra) did not receive funding for their project. The other cities who have not applied are Los Alamitos, Placentia, and Stanton. Staff will meet with each of the five cities before the next CFP and work with them closely to make sure they have the best chance to receive funding.

Sat Tamaribuchi asked if these cities could submit a project and not be as competitive as the other cities. Monte Ward said the 15 points is a good way to get into the running for the project award. There is no evidence there is a significant enough problem to address it as suggested. After the next round of funding they will take another look. Currently, it appears with the proper outreach they may get the numbers down to just a couple of cities and their problems have more to do with the lack of resources. Dan Phu said OCTA staff plans to go over a "mock" application with these cities to get them used to the scoring process. The City of La Habra did not communicate with OCTA staff during the process when they applied. If they would have, staff could have walked them through the process and they would likely have been funded.

Sat Tamaribuchi suggested adding 10 bonus points if a city had never received funds. Jean Daniel Saphores said it shouldn't be a mandate because if they can't even put the application together there is little reassurance they can do the project. Sat Tamaribuchi said his understanding of Tier 1 was to try and get geographical coverage and Tier 2 was to focus on water quality projects. The concern expressed by the elected officials is their area is not receiving their fair share of the funding. Monte Ward said there is not enough evidence at this point that a point shift would address the problem. There are other ways it can be addressed.

Vice Chair Garry Brown said as an evaluator he has noticed some cities have skilled grant writers and some don't. The thing he has heard the most is the cities do not have the resources. Jean Daniel Saphores asked how much staff time does it take to put an application together. Dan Phu said it does not take much time. As long as the city has the resources (staff) to sit down with OCTA staff they can walk them through the application process. They will have to identify the various locations within their jurisdictions. Monte Ward said Jean Daniel Saphores' previous statement is

important – if they are having trouble with the application how are they going to implement and service the improvement? This is a larger concern. He feels the ECAC is at the right balance right now in terms of encouragement and assistance. With some tweaking they may be able to get some of the non participating cities on board.

Vice Chair Garry Brown said question number 2 of the application form is a good example of where a good grant writer would come in. Question 2 wants a list of the pollutants(s) addressed by the project. Some people would say trash and debris and some would say trash and debris and any other pollutant they can think of which would be found on the roadway. If you take this application and give it a point or two per pollutant the applicant can easily score 6 to 8 points more than if they just said trash and debris.

Dick Wilson said he would tend to give the evaluators a little more discretion. He suggested putting a limit on this question of up to 5 points. Jean Daniel Saphores agreed with this.

John Bahorski said since he does not want to list every pollutant it may help to make the distinction between the arterials and residential streets.

Dan Phu said it has always been the challenging part of the Tier 1 application. It is in some way a numbers game. He would suggest the discretion be given to the evaluator to confirm the pollutants described are found where the project is.

Monte Ward said it looked like question 13 would solve most of the problems with a little rewording. The Committee agreed with the following rewording of Application number 13:

13. ~~It is t~~The primary goal of the Tier 1 program ~~to address~~ is the removal of the more visible forms of pollutants such as litter and debris. Projects which address this goal will receive up to 10 points at the discretion of the evaluator. ~~Projects which do not address this goal will receive 0 points~~

Dick Wilson requested the following change to Page 5, Paragraph 2, last sentence: The maximum amount that an applicant can receive in a funding period is up to \$500,000.

Alison Army asked if it was better not to have a point value. Abbe McClenahan said this could be challenged. They do not do it on the Streets and Roads Program and it tends to be more specific. However, this is a new program and is unique in that it does not have as many quantifiable measures as the streets and road program.

After discussion, the ECAC agreed with the proposed changes to the wording.

Marwan Youssef asked a question about Item 2, on Page 3 of the guidelines:

Irrigation system retrofits to reduce runoff: these projects decrease runoff from highway medians by using more efficient irrigation systems and/or replacing existing landscape to reduce the amount of water used in irrigation.

Will this prohibit jurisdictions from applying if the irrigation runoff is from adjacent parks? Dan Phu said this is just a listing of previous projects. The key is if the applicant is replacing an outdated system it should be fine.

A motion was made by Marwan Youssef, seconded by Jean Daniel Saphores, and passed unanimously with the February 14, 2013 amendments to:

- 1) Endorse the approval of the revised Tier 1 Comprehensive Transportation Funding Programs Funding Guidelines and
- 2) Endorse the recommendation to issue the fiscal year 2013-14 call for projects for the Tier 1 Grant Program to be considered for approval by OCTA's Executive Committee and Board of Directors.

Dan Phu said they should be going out approximately March 18, 2013 with a Call for Projects for a two-month period closing on May 17, 2013.

5. Public Comments

There were no public comments.

6. Committee Member Reports

There were no reports.

7. Next Meeting – March 14, 2013

The next regular scheduled meeting of the ECAC will be March 14, 2013 in the OCTA offices.

8. Adjournment

The meeting adjourned at 11:45 a.m.