

Measure M 2 Environmental Cleanup Allocation Committee

March 8, 2012

Meeting Minutes

Committee Members Present:

Chair Mary Anne Skorpanich, OC Watersheds
John Bahorski, City of Cypress
Tim Casey, City of Laguna Niguel
William Cooper, UCI
Sat Tamaribuchi, Environmental Consultant
Dick Wilson, City of Anaheim

Committee Members Absent:

Vice Chair Garry Brown, Orange County CoastKeeper
Mark Adelson, Santa Ana Regional Water Quality Control Board
Gene Estrada, City of Orange
Chad Loflen, San Diego Water Quality Control Board
Tom Rosales, General Manager, South Orange County Wastewater Authority
Hector B. Salas, Caltrans

Orange County Transportation Authority Staff Present:

Alison Army, Sr. Transportation Analyst
Marissa Espino, Senior Community Relations Specialist
Janice Kadlec, Public Reporter
Charlie Larwood, Manager of Planning & Analysis
Abbe McClenahan, Manager of Programming
Dan Phu, Project Development Section Manager

Guests

Ken Susilo, Geosyntec
Wallace Walrod, OCBC

1. Welcome

Chair Mary Anne Skorpanich welcomed everyone and began the meeting at 10:10 a.m.

2. Approval of the February 9, 2012 Meeting Minutes

Due to lack of a quorum, approval of the February 9, 2012 Environmental Cleanup Allocation Committee (ECAC) meeting minutes was tabled until the next ECAC meeting on April 14, 2012

3. Tier 1 Status Update

Marissa Espino gave a status update on the Tier 1 Workshops. In February and March, two Tier 1 Workshops were held. There were a total of 50 participants in the two Workshops and 31 local jurisdictions were represented. OCTA is currently coordinating one-on-one meetings during the month of March for those who would like a more in depth discussion of their projects.

4. Tier 2 Study Update

CTFP Guideline: Dan Phu reviewed the final version of the Tier 2 CTFP Guidelines which was approved at the February 9, 2012 ECAC meeting. He noted where requested changes and clarifications were made.

John Bahorski asked for background on the Operation and Maintenance (O&M) commitment. Were the 5% and 10% reductions offered as incentive for a longer O&M commitment? Dan Phu said this is correct. Charlie Larwood said they would be working with Gene Estrada to come up with some minimum requirements for the O&Ms – enough to give flexibility to the jurisdictions and yet enough to have sustainability and make sure it was there 20 to 30 years from now.

John Bahorski asked if there will be penalties if the jurisdictions fail to maintain their portion. Chair Mary Anne Skorpanich said the jurisdictions will sign a commitment up front to do the work. Abbe McClenahan said a decision needed to be made whether to accept the plans up front or to monitor the plans. But those jurisdictions who receive the 5% or 10% match reduction, reporting will be required.

John Bahorski asked what the penalty would be for those who do not comply. Abbe McClenahan said those jurisdictions who do not comply will lose all funds from the Measure M Program.

Dick Wilson said it is only fair to notify people of the risk if they commit to the longer O&M and receive the match reduction. Dan Phu said he felt any disclaimers such as this should go in the grant application. John Bahorski suggested if the city councils needed to adopt a resolution to accept the grant funds, it would be beneficial if the penalty language was in the resolution.

John Bahorski asked if there would be an ability to change the plan because of changes made by the regulatory agencies. Dan Phu said there would need to be a way to have an administrative amendment to change the scope of the project if needed. Abbe McClenahan said project scope cannot be changed because it was awarded as a competitive project, however, the project can be canceled. Mary Anne Skorpanich said there should be some way to change the project if a government regulation was changed in the middle of the project. Abbe McClenahan suggested adding a provision that allowed project changes due to unforeseen circumstances or due to changes in the regulatory requirements; this would give the applicant an out. It

should also include a way to pay Measure M back if they received a match reduction. William Cooper said there needs to be built-in flexibility and a way not to penalize anyone because of circumstances beyond their control.

John Bahorski asked if a developer was going to build a residential development in the city would they be able to use funds from this grant for water quality purposes. Or are these funds to be used for only existing developments? Dan Phu said the target of the Tier 2 Program is for existing developments. Chair Mary Anne Skorpanich said, although, if a developer wanted to add to the existing project, the addition to the existing project could use grant funds.

Chair Mary Anne Skorpanich asked what the process moving forward was for the Tier 2 CTFP Guidelines. Dan Phu said CTFP Guidelines will be packaged up with the Planning Study and Tier 2 Application and sent to the OCTA Board in May 2012 for approval and authorization to release the Tier 2 Call for Projects. Chair Mary Anne Skorpanich asked if the package would go to any other OCTA Board Committees. Dan Phu said it will go to the Executive Committee before going to the Board.

Planning Study: Ken Susilo reviewed the Executive Summary of the Planning Study with the ECAC.

Tim Casey asked if in-house staff would be able to use the Planning Study or would consultants need to be hired. Ken Susilo said a GIS based product will be delivered and the city can upload it. The City would have ownership of the model, the data, and training.

Tim Casey asked if during the evolution of the Planning Study and development of the model and tool kit, has there been interface with the cities' professional and technical staffs. Dan Phu said he and Marissa Espino have gone before the Irvine general permittees work group in Irvine and plan to go back later in the month to give a more technical view of the Planning Study.

Tim Casey asked Chair Mary Anne Skorpanich how she saw this product leading into conversations with professional groups such as the South Orange County Watershed Management Area on regional water projects as opposed to just trying to get money for their city. Chair Mary Anne Skorpanich said she could see this as a presentation to the South Orange County Watershed Management Area and a tool which would provide help in prioritizing things for the Integrated Regional Water Management group as well.

William Cooper said there may be a role for the University of Irvine. The University has a GIS wall of thirty of forty flat screen TVs. He can envision the strategically effective areas map on this wall and have workshops at the university.

Dan Phu said a complete draft of the documents will be sent to the ECAC members this week for final comments by the committee members. The final package will go before the ECAC for approval in April.

Workshops: Marisa Espino updated the ECAC on the Workshops

Draft Application: Dan Phu presented the draft Tier 2 Project Application. The ECAC asked questions and made suggestions to improve the document.

Sat Tamaribuchi asked why question two under Local Match asks for information on other grants. Dan Phu said part of the competitiveness of the program is to find out if there are other sources of funds coming in. Measure M does not want to be the only funding source. Sat Tamaribuchi asked if more points would be given to cities with other funding. Dan Phu said no, this question is just for information.

John Bahorski asked if cities will be allowed to charge off permitting costs. Dan Phu said they can only use 10% of the preliminary design and environmental design costs.

Tim Casey said at one point in the process the question of having a balance across the County use of funds. Has there been any further discussion of this? Dan Phu indicated he thought there had not been a final decision on this issue. However, Ken Susilo provided clarification that he believed there was an agreement to issue the first Call for Projects and then reassess the situation. After the first round they would discuss the need to break it up by watershed management areas.

5. Public Comments

There were no public comments.

6. Committee Member Reports

Tim Casey announced he will be retiring in November 2012 and in preparation he would be resigning from the ECAC in July 2012.

7. Next Meeting – April 12, 2012

The next meeting of the ECAC will be April 12, 2012 in the OCTA offices.

8. Adjournment

The meeting adjourned at 12:05 p.m.