



# NEVADA COUNTY TRANSPORTATION COMMISSION

Grass Valley • Nevada City • Nevada County • Truckee

## MINUTES OF MEETING November 21, 2012

A meeting of the Nevada County Transportation Commission (NCTC) and the Nevada County Airport Land Use Commission (NCALUC) was held on Wednesday, November 21, 2012 in the City of Grass Valley Council Chambers, 125 East Main Street, Grass Valley, California. The meeting was scheduled for 9:30 a.m.

Members Present: Nate Beason, Sally Harris, Dan Miller, and Ed Scofield

Members Absent: Carolyn Wallace Dee, Ann Guerra, and Chairman Larry Jostes

Staff Present: Daniel Landon, Executive Director; Mike Woodman, Transportation Planner; Nancy Holman, Administrative Services Officer; Toni Perry, Administrative Assistant

Standing Orders: Vice Chairman Scofield convened the Nevada County Transportation Commission meeting at 9:48 a.m.

Pledge of Allegiance

### PUBLIC COMMENT

There was no public comment.

### CLOSED SESSION

Conference with Legal Counsel: Pursuant to Government Code Section 54956.9(d)(1) {previously listed as 54956.9(a)}, Existing Litigation. Name of Case: *City of Grass Valley et al. v. Nevada County Airport Land Use Commission et al.*; Nevada County Superior Court Case No. 77990.

Vice Chairman Scofield announced that the NCTC would not adjourn and convene in Closed Session as the Nevada County Airport Land Use Commission. He asked for comments related to the existing litigation.

Matthew McOmber, an Associate with the law firm Miller and Owen, stated the case involving the City of Grass Valley, Loma Rica Ranch developer, and a number of Pro per litigants was in litigation. He said the current status is that settlement agreements have been executed with all parties; dismissals have been filed with the court, and specifically, dismissals with prejudice have been filed by all eight Pro per petitioners. Loma Rica and the City of Grass Valley have filed dismissals that are without prejudice. Mr. McOmber said the settlements have been executed and that was good news. He explained that a dismissal on file with the court means that court action is no longer pending with the court.

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Commissioner Harris questioned what the term “Pro per” means. Mr. McOmber said the Pro per litigants were individuals who joined in the law suit and they chose to represent themselves; they are commonly referred to as Pro per litigants, meaning they represent themselves without specific legal counsel. He said they do not have attorneys on file or on record in the case. He explained further that “with prejudice” means the case has been finally dismissed, and there is no opportunity to revisit or refile anything. The distinction is that “without prejudice” means if a third party were to raise a question about the action or the settlement within a very limited period of time, potentially, although unlikely, the case could be reopened in court. Mr. McOmber said, as of right now, as far as the court is concerned, there is no action pending with respect to any of the parties in this law suit.

Commissioner Beason asked what the tolling period was for settlement. Mr. McOmber said the period is expected to end early February 2013.

Conference with Legal Counsel Regarding Potential (or Anticipated) Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d) – one potential case.

Executive Director Landon announced the CLOSED SESSION with Legal Counsel at 9:55 a.m. The four Commissioners in attendance (Commissioners Beason, Harris, Miller, and Scofield), Legal Counsel Matthew McOmber, and Executive Director Landon left the council chambers to meet in a private room.

Vice Chairman Scofield reopened the meeting from the CLOSED SESSION at 10:40 a.m. Executive Director Landon said Commissioners received information from their legal counsel, there was no action taken, and there was no reportable action.

### CONSENT ITEMS

1. Financial Reports

- A. August and September 2012. *Approved.*
- B. Regional Transportation Mitigation Fee Program Fund Annual Report for FY 2011/12. *Approved.*
- C. FY 2012/13 Regional Surface Transportation Program Balances. *Approved.*

2. NCTC/NCALUC Minutes

September 19, 2012 Meeting Minutes. *Approved with abstentions from Commissioners Beason and Harris.*

3. NCTC Proposed Meeting Schedule for 2013. *Approved.*

Commissioner Beason made a motion to approve the Consent Items. Commissioner Miller seconded the motion. The motion passed with abstentions by Commissioners Beason and Harris of the September 19, 2012 NCTC/NCALUC Minutes.

### INFORMATIONAL ITEMS

4. Correspondence

Executive Director Landon reported there was E-News from the Nevada County Economic Resource Council for October 4<sup>th</sup> and October 26<sup>th</sup>. There also was the Schedule of State Transit Assistance funds allocated for the first quarter of FY 2012/13 from the State Controller's Office of California. There was no discussion on these items.

5. Executive Director's Report

5.1 North State Super Region

Executive Director Landon updated the Commission on the transportation economic study that is being conducted throughout the north state. He said it is moving forward and will be completed by December 2013.

5.2 Regional Traffic Model Update

Executive Director Landon said the consultant Fehr & Peers has been retained to work with Commission staff and the City of Grass Valley to update the traffic models. He stated traffic counts were taken in the past week in over fifty-two locations of western Nevada County, and those were in addition to the counts that Nevada County normally keeps. Mr. Landon stated there is a very good data base, the project is moving forward, and there will be further information for the Commission at the next meeting.

5.3 Unmet Transit Needs Workshop/Public Hearing

Executive Director Landon stated an unmet needs workshop/public hearing was held on October 4<sup>th</sup> and those details will be included in the upcoming transit planning activities.

There were no questions or further discussion on the Executive Director's Report.

6. Caltrans District 3 Project Status Report: Executive Director Landon stated that at the beginning of the meeting he was told that Mr. Bajwa would not be attending. Mr. Landon gave a brief report and said any questions could be taken back to Mr. Bajwa.

- *Dorsey Drive Interchange* – Executive Director Landon said the project went out to bid the previous day and the City of Grass Valley is moving forward.
- *SR 49/La Barr Meadows Road Widening Project* – Executive Director Landon said this project is nearing completion. The sound walls are being finished, and once they are completed, the second southbound lane will be opened and the lengthy queues at peak time will diminish. Mr. Landon said the Opticom preemptive device was installed on the traffic signal to allow the fire station to interrupt traffic flow when they need to access the highway.

Commissioner Beason asked if there was a completion date for the soundwalls. Executive Director Landon replied that he has not been given a date. Vice Chairman Scofield said he did not think they would need to wait until spring to complete the soundwalls. Mr. Landon said that was his understanding; as the weather allows, the construction crew will work to complete them. Vice Chairman Scofield asked if there was a piece of equipment missing for the fire department preemptive device. Mr. Landon replied that the Opticom preemptive device that was installed had a

different frequency, or was a different type of equipment than what the fire department had, so there was a need to either adjust the frequency or get a different remote device to activate the signal. Vice Chairman Scofield asked if it was a funding issue. Mr. Landon replied not to his knowledge.

Commissioner Beason stated there was a discussion in a previous Commission meeting about how to allocate State Transportation Improvement Program (STIP) funding that included Dorsey Drive Interchange, a Truckee project, and with the remaining funds there was talk about safety improvements on SR 49 such as turn pockets, frontage road improvements, etc. He said there was a perception, and he did not think the Commission addressed it very well, that the county would like to use STIP funds to widen SR 49, but the county wants to make safety improvements with the funds available. Commissioner Beason said he knew that the design work needs to be done, but plans could be drawn in conjunction with the design work to provide interim safety improvements.

- *SR 89 Mousehole Pedestrian Undercrossing Project* – Executive Director Landon said the project is moving forward. He stated there are some Caltrans design exceptions that are being reviewed and analysis is underway. He said that Dan Wilkins from the Town of Truckee is pleased with the progress they are making.
- *SR 49 Minor A SHOPP Projects* – Executive Director Landon said the operational improvements at Carriage Road, Ladybird Drive, and Cherry Lane are still scheduled for FY 2013/14.
- *SR 20/49 Major SHOPP Rehabilitation Project from East of Indian Springs Road in Grass Valley to the Junction of SR 49 East of Nevada City* – Executive Director Landon reported that this project has PS&E (Plans, Specifications, and Estimates) completed and the California Transportation Commission (CTC) allocated construction funding in August. The project was advertised in October and the bid will be awarded by the end of the year. Pending weather conditions, the construction will start in spring.

Commissioner Miller asked what the improvements were that were just completed on SR 20 between SR 49 and Indian Springs Road. Executive Director Landon said it was his understanding they were part of this project and it has been completed; the rehabilitation runs all the way to Nevada City.

Commissioner Beason said that Blue Star Mothers, who are the mothers of men and women in the armed forces, have been working for a long time to get memorial plaques on overpasses for Nevada County soldiers who were killed in Iraq or Afghanistan. He said they have two up in Truckee, but it has taken one and a half years to get legislation through the legislature to get approval to do this. Now they need some cooperation from Caltrans in terms of encroachment permits. The Blue Star Mothers want to have a ceremony because there are two plaques in western Nevada County they want to put up on an overpass. Commissioner Beason asked Executive Director Landon to contact Winder Bajwa, Caltrans Project Manager for Nevada County, and find out how to move the project along. He stated that Rochelle Jenkins is the Public Information Officer to speak with.

## ACTION ITEMS

### 7. Interim Update of the Nevada County Bicycle Master Plan

Transportation Planner Michael Woodman stated the Commission is being asked to approve an interim update to the Nevada County Bicycle Master Plan, and also to adopt the 2012 interim update of the Town of Truckee Trails and Bikeways Master Plan. He said the Town of Truckee was

recently awarded \$654,750 in Bicycle Transportation Account (BTA) funding for a trail project. When the Town submitted their grant application, one of the requirements was to have a currently adopted Bicycle Master Plan, and at the time of their submittal, the plan was current. After they were awarded the funds, Caltrans told the Town their plan was past the five year threshold; therefore Truckee has to update their plan by the end of 2012 in order to remain eligible for those grant funds. Mr. Woodman said the Town has plans in place to do a comprehensive update of their bicycle plan; however, that will not be completed by the end of the calendar year. The Town therefore proceeded with doing an interim update to their currently adopted bicycle plan that includes this trail project and a few minor formatting changes. He stated their plan has to be adopted by the Truckee Town Council as well as the Regional Transportation Planning Agency, which is the Nevada County Transportation Commission.

Mr. Woodman stated another related issue is the Nevada County Bicycle Master Plan was last adopted in July 2007 and is also beyond the five year requirement. NCTC staff has in the FY 2012/13 Overall Work Program a project to update the plan, and it is scheduled to be completed by June 21, 2013. Mr. Woodman said a consultant has been selected and the next item on the agenda is contract approval to start this project. He stated that in order to ensure all jurisdictions remain eligible to apply for BTA grant funding, NCTC staff requested the Commission adopt the existing Nevada County Bicycle Master Plan, amended to include the updated *Appendix B, Exhibit I, Recreational Trail Segment Descriptions*, and *Appendix D, Exhibit, Existing and Proposed Trail and Network*, provided by the Town of Truckee as an interim update to the plan. Mr. Woodman said staff was requesting NCTC also adopt the interim update of the Town of Truckee Trails and Bikeways Master Plan so the Town does not lose their BTA grant funding.

Commissioner Miller asked if that would satisfy Caltrans. Mr. Woodman said for the Town of Truckee's plan, the NCTC adoption of their plan and the Town Council's adoption will satisfy Caltrans. For the Nevada County Bicycle Master Plan, following adoption by the Commission, Mr. Woodman will take the plan to the jurisdictions and have them adopt it at their level also. Commissioner Beason asked how \$654,750 would be needed to build a one-half mile bike trail; he thought a road could be built for that amount. Mr. Woodman said the project meets Class I bicycle standards and those costs are much higher than other bike trails.

Commissioner Harris made a motion to adopt Resolution 12-30 approving an interim update to the Nevada County Bicycle Master Plan including Appendix B and D, and approving the 2012 interim update to the Town of Truckee Trails and Bikeways Master Plan. Commissioner Miller seconded the motion. The motion passed unanimously.

#### 8. Contract with Fehr & Peers to Update the Nevada County Bicycle Master Plan

Transportation Planner Michael Woodman said on September 21<sup>st</sup> NCTC staff issued a request for proposal for the update of the Nevada County Bicycle Master Plan and four firms submitted proposals. A Selection Committee reviewed and ranked the proposals and interviews were held. Fehr & Peers was selected to conduct the project and it is slated to be completed by June 21, 2013.

Commissioner Beason noted that in the Executive Director's Report it states that Fehr & Peers will be doing the Traffic Model Update and now they will be doing the Bicycle Master Plan Update. He asked if there was a way to combine or overlap both contracts and save some money. He said one of the things they will look at to update the Bicycle Master Plan is the Traffic Model, so he wondered if there was a way to save a little money. Mr. Woodman responded that he did not think there was a way to potentially save a great deal of money by combining the two contracts. Commissioner

Beason replied he was not saying to do that; he was proposing to combine some of the costs, such as not buying two insurance policies and indemnifying them two different times. Mr. Woodman said the indemnification portion of the contract does not cost NCTC any money and Fehr & Peers has an insurance policy in place that meets NCTC's requirements. Mr. Woodman continued that they would definitely combine efforts in terms of the traffic volumes they are collecting for the modeling project and pull that information into this study as well.

Commissioner Miller made a motion to adopt Resolution 12-31 authorizing the Vice Chairman to execute the contract with Fehr & Peers to prepare the Nevada County Bicycle Master Plan Update, with an amount not to exceed \$35,000. Commissioner Harris seconded the motion. The motion passed unanimously.

9. Contract with LSC Transportation Consultants, Inc. to Update the Eastern Nevada County Transit Development Plan

Transportation Planner Michael Woodman reported that on September 14<sup>th</sup> NCTC staff issued a request for proposal to prepare the Eastern Nevada County Transit Development Plan Update and only one firm submitted a proposal for that project. Staff conferred with the Town of Truckee to insure the Town would be comfortable moving forward with LSC Transportation Consultants, Inc. Staff has worked extensively with the consultant and is definitely comfortable moving forward with them.

Commissioner Beason made a motion to adopt Resolution 12-32 authorizing the Vice Chairman to execute the contract with LSC Transportation Consultants, Inc. to update the Eastern Nevada County Transit Development Plan (ENCTDP), with an amount not to exceed \$39,925. Commissioner Harris seconded the motion. The motion passed unanimously.

10. Contract Amendment with Mead & Hunt, Inc.

Executive Director Landon explained that following the adoption of the Nevada County Airport Land Use Compatibility Plan (NCALUCP) that was prepared by Mead & Hunt, Inc., NCTC entered into a \$5,000 contract with them to provide on-call consulting services. Subsequent to that, the Commission authorized a budget of \$30,000 of consulting work on the NCALUCP litigation. Mr. Landon said the current request will revise the consulting contract with Mead & Hunt, Inc. to recognize the work they have done with regard to the litigation and put that into the NCTC budget. He said there was a small cost overrun of the budgeted \$30,000 by \$805.26 and staff is recommending that the cost overrun be addressed by reducing funds from the line item for legal fees associated with the litigation and placing that under the Consulting line item.

Commissioner Beason asked about the letter that the City of Grass Valley and the Commission received from the California Aeronautics Board and said he would like to get a copy of the response Mead & Hunt, Inc. made to the letter. Executive Director Landon said he would get Commissioner Beason a copy.

Commissioner Beason made a motion to adopt Resolution 12-33 authorizing the NCTC Executive Director to execute the Professional Services Agreement, Amendment No. 1, with Mead & Hunt, Inc. to complete work orders related to Airport Land Use Compatibility Planning, which approves a one-year extension to the Agreement, and sets the total compensation at an amount not to exceed \$35,000. Commissioner Harris seconded the motion. The motion passed unanimously.

11. Renewal of the Executive Director's Employment Agreement

Vice Chairman Scofield said the Commission has already gone through the review process with Executive Director Landon and this is the renewal of his contract, based upon the understanding the Commission has with him. Executive Director Landon stated it is the same contract that has been in place for the past five years.

Commissioner Miller asked why after twenty years of service Mr. Landon is only getting twenty days of annual vacation. Executive Director Landon replied that was what was negotiated between him and NCTC. Commissioner Miller commented that he thought it was low.

Commissioner Harris asked for clarification if Article 4 – Compensation of Employee, and Article 5 – Employee Benefits, are identical to what they were previously. Executive Director Landon replied that was correct.

Vice Chairman Scofield said he discussed with Executive Director Landon that this is a five-year Agreement and the compensation portion of it can be looked at annually, so he thought the Commission could also look at the benefit portion because it has been a while since it was reviewed.

Commissioner Beason said that Executive Director Landon has done a great job under the conditions of his employment with a working environment that wax and wane in terms of its intensity and the numbers of variables. He said Mr. Landon does a very good job dealing with those changes.

Commissioner Harris made a motion to adopt Resolution 12-34 and authorize the Vice Chairman to sign the renewed agreement between the Commission and the Executive Director. Commissioner Beason seconded the motion. The motion passed unanimously.

12. Amendment II to the FY 2012/13 Overall Work Program

Executive Director Landon said this will amend the \$1,000 of additional consulting fees into the budget, as well as increasing by \$600 the Professional Services Organizations line item, and reducing the equipment budget by the same amount as costs are being anticipated to come forward in the year. There was no further discussion.

Commissioner Miller made a motion to adopt Resolution 12-35 approving Amendment II to the FY 2012/13 Overall Work Program. Commissioner Harris seconded the motion. The motion passed unanimously.

COMMISSION ANNOUNCEMENTS

Commissioner Harris said the City of Nevada City has completed a project that is a sidewalk and retaining wall that CMAQ (Congestion Mitigation and Air Quality) funded with a small match from the city's Measure S funds. She said it connects an important walking segment from Searls to Zion Street and she is already seeing people use the sidewalk. She thanked the Commission for supporting that project. Commissioner Harris said sometime this winter there will be a small segment of sidewalk built to connect to the county's walking path that goes from below the Eric Rood Center to the intersection of SR 49 and East Broad Street. The sidewalk will continue along East Broad Street to Main Street in Nevada City and is very critical for safety because the roadway is so narrow in that section. She said that project is also CMAQ funded and she thanked the

Commission again. Commissioner Beason confirmed that the second project is in exactly the right place because he currently has to walk on the street in that location.

Executive Director Landon reported that NCTC staff gets five floating holidays each year and, as a tradition, they have retained those in order to close the office from December 21<sup>st</sup> through January 1, 2013. Commissioner Beason said the county is furloughing between Christmas and New Years and they will be closed as well.

SCHEDULE FOR NEXT MEETING

The next regularly scheduled meeting of the Nevada County Transportation Commission is on January 16, 2013 at the City of Nevada City Council Chambers, 317 Broad Street, Nevada City, CA.

ADJOURNMENT OF MEETING

Commissioner Beason made a motion to adjourn the meeting. Commissioner Harris seconded the motion. Vice Chairman Scofield adjourned the meeting at 11:07 a.m.

Respectfully submitted: Antoinette Perry  
Antoinette Perry, Administrative Assistant

Approved on: January 16, 2013

By: L. A. Jostes  
Lawrence A. Jostes, Chairman  
Nevada County Transportation Commission