

**BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Tuesday, September 22, 2009**

The Board of Directors of Brooktrails Township Community Services District met in regular session on September 22, 2009 at 7:00 p.m. at the Brooktrails Community Center.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Roll call showed the following directors present: Williams, Ziady, Orth, Horrick and Skezas. Also present were General Manager Chapman and District Counsel Neary.

REPORT ON CLOSED SESSION

District Counsel Neary reported that the Board met on a matter of pending litigation, received information from Counsel and gave direction (Paland v. BTCSD). Also, the Board reviewed the General Manager's contract and renewed it for an additional year on the same terms as the prior year.

C. ADDITIONS/ADJUSTMENTS TO THE AGENDA

None.

D. MINUTES OF PREVIOUS MEETINGS

1. September 8, 2009. Director Orth moved to approve the minutes; Director Williams seconded. The minutes were approved unanimously.

E. SPECIAL PRESENTATION

None.

F. PUBLIC HEARING

None.

G. PUBLIC COMMENTS

None.

H. CONSENT CALENDAR

2. Review of Accounts Payable report and authorization to issue checks. Director Orth moved to approve payment of the outstanding invoices; Director Horrick seconded; the motion was unanimously approved.

I. ACTION AGENDA

3. Receive and Discuss – Second Access Road Feasibility Study – KOA Corp. Mr. Chapman thanked Bob Parker, Howard Dashiell, Phil Dow, Farhad Iranitalab, and Supervisor John Pinches for attending. Bob Parker, Assistant Transportation Director for the County, said the study is a good set of first steps for the project. The other phases in project development have not been totally identified as to where the funding will come from; at this point we are not ruling out any alternative whatsoever, as had been discussed this morning in a presentation to the County Board of Supervisors. The next step would be preliminary engineering and a very thorough environmental study. He mentioned they received a letter from a firm of attorneys yesterday. We will have a thorough environmental study, he said, that will look at all the feasible alternatives and then narrow them down to three or four

Farhad Iranitalab of KOA Corporation, the consultant for the study, reviewed the commissioning of the study. With buildout in the District to 4,000 dwellings, that would be another 25,000 vehicle trips a day. He then went through a lengthy vehicle count report, culminating that south of Brooktrails we have approximately 8,000 vehicles per day. The idea was to release some of this Sherwood traffic and connect it to State Highway 101, specifically to a Willits Bypass interchange. KOA built a footprint for all the alignments based on these specific road sections. KOA decided that Alignments D, E and F would not be considered further because they would take people out of their way (northerly and then south). He talked about road-building regulations that do not allow sustained grades but require climbing lanes for large vehicles. KOA then came up with Alignment I: Upp Creek. This generally followed the creek bed so was relatively flatter with an 11% grade maximum. Alignment B was the cheapest; Alternative C was the most expensive. KOA came up with comparison factors, including alignment geometry, public opinion, transportation effectiveness, right-of-way impact, traffic safety (emergency and alignment together), project constructability and cost. Based on these they created a matrix weighting each factor for each alternative and comparing total scores. Alignment I got the highest score, and Alignment C the lowest. Alignment I would cost \$14 million

Director Horrick asked what happened to Alignment A. Mr. Iranitalab said it was his understanding that Alignment A was going to be built in the future as a third access, so there was no reason to include it here. Phil Dow from MCOG added Alignment A would be a very indirect route and certainly wouldn't meet daily needs for getting into town and connecting to the future bypass. He mentioned other alignments, which could be built but are really out of the way and wouldn't be used.

Phil Dow then discussed that Sherwood Road was inadequate as far as grades, curvature, width, and roadside obstacles and said the focus has turned to relieving traffic on Sherwood Road and accommodating future traffic as well as emergency exit. He felt the County was counting on Brooktrails to accommodate some needed future and affordable housing. He said their MCOG funding forecast shows no additional money for projects in 2010. He said the Willits Bypass was the number 1 project in the entire state at \$150 million allocation this year. He mentioned that there were some funds available to continue on with the environmental studies. The problem was there wasn't enough cash flow at the State, and frankly any project that wasn't on a state highway was probably not going to get allocated. He hoped that the Board would narrow down the alternatives early in the CEQA process and concentrate resources on the most viable.

Rich Estabrook mentioned that he heard that Sherwood Road was inadequate and asked what objective measures there were to demonstrate this. He went on to say that 32 accidents in the study was very low and Sherwood Road was a relatively safe highway. Director Williams asked Mr. Estabrook that if his position was that Sherwood Road was wonderful — why shouldn't we get another 10,000 folks up here? Mr. Estabrook replied that he was debating the statement made that Sherwood was unsafe currently and asked for objective criteria; he said he has traveled the road for 23 years and the delays are at the intersection and not the road. Mr. Williams asked Phil Dow about the road. Mr. Dow said just about everything you look at on Sherwood indicates it's not the kind of road you want to put much more traffic on because it already has too much.

Director Orth said he attended today's Board of Supervisors meeting. He had requested that Alignment A be retained in the study as a third access. Only two alignments in this study accommodated the northern 101 interchange and thereby the commute traffic. People who want to go to town will still use Sherwood. He said CALTrans will not allow a new traffic light to the north. He said we must accommodate both traffic circulation and fire access. He further mentioned that he had heard several comments that H was really bad, and yet it accomplished several things the others didn't. Alignment H provided a fire boundary. However, he felt both I and H needed a switchback at the lower section; he felt to accommodate the timber trucks and tanker trucks. He heard there was about \$400,000 lined up to apply for in the STIP program for the environmental study.

Mr. Parker said it was about \$450,000.00 but the allocation was a different matter. He thought the \$450,000.00 would be good coverage of the required preliminary engineering and the environmental study to find the least damaging alternative. Director Orth said Brooktrails is looking at a major water project that would be a "no-go" without the second access road being certain. They were combined projects in Brooktrails and we were trying to make the County understand that without the second access road, they are basically cutting off additional housing in Brooktrails.

Director Williams asked if the second access road would be built within the lifetime of the people in the room. He concluded that the District is going to require a fairly long time for expanding the dam project, but the upfront cost to the District was going to be such that he felt the people who live here would consider spending it to be pretty irresponsible if the second access road were only a dream. He felt we needed to have something more certain than "maybe it will happen" before the Board of Directors starts to seriously spend money; we're just simply not going to do it without more certainty about the timing of the second access.

Director Ziady said all the work they've done to this point has come down to the point where you just can't do this Ada Rose dam project unless you have a second access road, so our hands were tied until we know better from the County. She said we either continue going forward or we lose the right to develop that water and then it is out of our hands. So we are in this place where we can do only so much; we have to be fiscally responsible to the people who live here. But yet if we don't pursue, or you don't pursue, then we lose those water rights.

Mr. Parker said there was a similar discussion this morning of who should pay for what and he felt we need to bring this forward. Mr. Chapman said we have a meeting of the Board of Supervisors here on the 20th of October, and he felt it was appropriate that we point out to them that the second access road was the "key" to continue developing the Lake Ada Rose dam project. The dam project was a five-to seven-year process if the stars lined up, and we have been working on this project for over two years, and by June 30, 2010 we will have expended about \$120,000.00 to keep the dam process alive. A principal question that will arise next June was whether we go on to the next step on that project, an expensive cost-benefit engineering study on lot assessments on this potentially \$30 million project. The second access project had to be slightly ahead of the dam project because we can't just spend and spend, and then realize we're never going to have a second access road to bring that dam project to fruition; the collector road priority was ahead of the dam priority.

The discussion turned back to financing with Phil Dow from MCOG. He asked if the Board might consider fronting the money to do the environmental process. He confirmed that he meant the entire

\$459,000.00. Director Ziady spoke about the financial position of the District and not having sales or gas tax revenues. President Skezas mentioned that we have been beaten about the head by the \$60,000.00 we have already spent on the Ada Rose dam thus far and this was a continuing process where we could lose the water rights. He told the Board of Supervisors that day that if they want housing but don't do the second access road, they have the problem, not us. Mr. Chapman said that the short answer was that the General Fund would be insolvent if we fund it.

Director Williams said there is significant conflict among the people who live in Brooktrails about whether or not significant growth is desirable anyway. There's no developer who's going to drive the process for growth or write the check for \$459,000.00. In fact, he suspected, if the Board would even contemplate this, they'd have 100 people in the room asking what the hell we were doing. So that's not going to happen. He thought it was clear that Brooktrails will have to pick up part of the bill from the Second Access. But until the projects are certain enough that we go into a 218 process for the money to be developed, we are not going to front significant costs to get this going.

Director Orth said in the 218 process we have to do the engineering before you can apply the level of benefit to each lot, so really the environmental must come first. You can recapture your costs in a successful 218 election and be paid back. Director Ziady voiced the cost of a 218 process may be up to \$1 million. Mr. Chapman said that cost issue will be in front of our Board next June once we get our preliminary environmental work back on the Ada Rose project.

President Skezas asked for public comments. Mr. Whitney said Brooktrails can't afford the \$459,000.00 and the County's not going to fund the construction 100%, so it's going to be a team effort. So you're talking about after the 218 is approved we can fund the second access. So that's about 10 years out and in the meantime we don't have an emergency access, out the window. What he heard this morning at the Board of Supervisors was that the feasibility study was not accepted. Mr. Whitney was primarily concerned that Alignment I does not serve as emergency access. The only way out of the conundrum is to go for the cheaper routes, either Alignment A or B.

Ralph Waldman said he was with the Army Engineers and attended the Supervisors meeting today and heard this "take the cheaper option" suggestion then. Just because a road exists doesn't mean it will be cheaper to build a County-type road there.

Mark Edwards, as the St. Francis Ranch foreman, distributed a large color map to the Board captioned "2nd Access Alignment Options" which included a chart of cost comparisons. He reminded the Board that the St. Francis Ranch was private property and said these alignments would highly impact the wetlands, meadow foam, aesthetics, etc. He had thought until now this was about emergency access and pointed out the earthquake fault lines. He said the Upp Creek canyon was highly unstable and unbuildable. We [Padula Ranch] own about 85% of this Alternative B. He said to put the other options back on the table and look at them honestly. He strongly resented the implication that there was something dishonorable or improper about them trying to protect their own property.

Director Orth responded saying we have to respect the interest of 4,000 current residents and others to come in the future. Traffic studies, he continued, don't pay attention to property lines, but concentrate on terrain and geology. Mr. Orth mentioned the environmental study will tell us more. You're not going to know until you do a core sample and determine grade and switchbacks. It does come into the political decision making. President Skezas pointed out we didn't want to get into a debate here and asked for other comments.

Don Morris said regarding Alignment B, he was very familiar with that road, but the trouble was, the access to it, most people wouldn't use it. Most of the population is not going to want to go north to go south. It doesn't work.

Supervisor John Pinches thought the first thing was to seek immediate help from DOT on the first part of Sherwood Road, making a wide spot for breakdowns. He said it comes down to what is this second access road about? He said in 1995 when this was being discussed, it was for fire. He didn't disagree with the engineer that we have a real issue of connectivity and massive traffic on Sherwood. He felt we should not drop Alternates A or B as this might be all we could afford.

Mr. Estabrook said the study was flawed and the people reviewing it are not going to have the benefit of this discussion, which is the problem. There were three stated goals in the study: emergency access and egress; improving existing traffic, and improving future traffic. He said Sherwood is actually a relatively functional road; he takes it every day. He asked, should we be spending at least \$14 million of taxpayer money to improve my perception of having a nice drive home, is that a proven fair use of the money? He said it is not. He said Sherwood is not only functional but also pleasant.

He said he was not as optimistic about the Ada Rose project as the General Manager and the Board. He said this is one of the biggest projects for the County from the past 20 years, with enormous environmental and fiscal constraints. We have at best a gamble about Prop. 218 after we spend millions of dollars just getting to that point. The most important reason to build a second access road is emergency evacuation, access and egress; and this was a legitimate use of taxpayer money. The four alternatives that provide the best offset, the most distance removed from Sherwood, the most likelihood that they would not also be blocked in case of a fire, were A, D, E and F. the very four that have been dropped from consideration. He wanted input from Chief Schoepfner and others such as CalFire and OES He said he wanted emergency access before 10 years.

President Skezas thanked the project team. Director Ziady moved to receive and file the report. Director Orth seconded. Director Williams asked what the significance was of our receiving the report. President Skezas said, none. The motion on the floor carried unanimously.

J. ADDITIONS TO FUTURE AGENDAS

None.

K. SPECIAL REPORTS

From Directors: Director Ziady said the Recreation Committee meets the fourth Thursday in October. She would not be able to attend the Board of Supervisors meeting here on Oct. 20.

From District Counsel: District Counsel Neary said he had provided the Board with an opinion on the golf course issue.

From General Manager: Mr. Chapman responded to a question with a briefing on the heart attack suffered last week by employee Robert Melliush.

L. PUBLIC COMMENTS

None.

M. ADJOURNMENT

Director Horrick moved to adjourn. President Skezas adjourned the meeting at 8:57 p.m.

George Skezas, President

ATTEST:

MICHAEL V. CHAPMAN