

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
MEETING**

June 19, 2008 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Pro Tempore Marcus, Director Edge, Director Emerson, Director Loe, and Director Valdivia

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Dinkuhn; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Betty Li; Secretary, Monica Gomez

OTHERS PRESENT:

Brenda Aguilar-Guerrero, Erickson, Beasley, & Hewitt; Kerry Theran, Quincy Engineering; Claudia Espino, Judy Lang, Dave Murray, Caltrans District 5;

CALL TO ORDER:

Upon a motion duly made by Director Loe and seconded by Director Valdivia, the Directors unanimously voted to elect Director Marcus as Chair Pro Tempore.

Chair Pro Tempore Marcus called the meeting to order at 2:01 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

Upon a motion duly made by Director Valdivia and seconded by Director Loe, the Directors unanimously approved the Certificate of Posting.

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

No. of cases: 5

Authority: California Government Code Section 54956.9(a)

- a) Council of San Benito County Governments v. Hollister Inn
- b) Council of San Benito County Governments v. McNamee
- c) Council of San Benito County Governments v. K&S Market
- d) Council of San Benito County Governments v. Roberts (South Valley Trailers)
- e) Council of San Benito County Governments v. Hollister Farms

Deputy County Counsel Shirley Murphy stated that there was no reportable action taken under Existing Litigation: COG v. Hollister Inn, COG v. McNamee, COG v. K&S Market, COG v. Roberts (South Valley Trailers), and COG v. Hollister Farms.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation

No. of Cases: 1

Authority: California Government Code Section 54956.9 (c)

Deputy County Counsel Shirley Murphy reported out of closed session that there was no reportable action taken under Initiation of Litigation.

Chair Marcus stated for the record that the COG Board received Joe Thompson's public comment correspondence dated June 17, 2008 through June 19, 2008. The correspondence was entered into the public record.

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson urged the Board to take action on the President's initiative and tell our Governor that we need to be increasing our supply so that prices decrease.

D. COG DIRECTORS' REPORT: None

E. EXECUTIVE DIRECTOR'S REPORT

Executive Director Lisa Rheinheimer reported that the California Transportation Commission approved its Statewide Transportation Improvement Program last month. The Council of San Benito County Governments was very fortunate to receive \$47.2 million for the Route 156 Improvement Project, as well as \$10 million to move forward with the preliminary design and environmental studies for the Route 152 Mobility Partnership.

Ms. Rheinheimer recognized the following COG staff that was awarded certificates from the County for reaching certain milestones of employment with the County:

5-year milestone - Mary Dinkuhn, Veronica Lezama, Monica Gomez, Marc Hain
10-year milestone - Pat Dunn
20-year milestone - Kathy Postigo

The Board congratulated staff.

CONSENT AGENDA:

- 3. APPROVE** Council of Governments Transaction Report (Financial Claims) dated May 1, 2008 to May 31, 2008 – Postigo
- 4. APPROVE** Council of Governments Special Meeting Minutes dated May 9, 2008 – Gomez
- 5. APPROVE** Council of Governments Special Joint Meeting Minutes dated May 15, 2008 – Gomez
- 6. APPROVE** Council of Governments Meeting minutes dated May 15, 2008 – Gomez
- 7. APPROVE** Contract between the Council of Governments and the County of San Benito for Personnel Services for FY 2008/2009 – Postigo
- 8. APPROVE** Fiscal Year 2008/2009 Overall Work Program Including Planning Activities to be Performed by the Council of Governments – Lezama
- 9. RECEIVE** 2008 Bike Week Participation Report – Lezama
- 10. APPOINT** Bicycle and Pedestrian Advisory Committee (BPAC) Members – Lezama
- 11. APPROVE** Scope of Services and Fee Schedule with the Association of Monterey Bay Area Governments for Metropolitan Planning Services for FY 2008/09 in an Amount not to Exceed \$4,644 – Lezama
- 12. APPROVE** the Allocation of \$29,000 in Regional Surface Transportation Program Funds to the City of Hollister for the Nash Road Lighted Crosswalk Project – Lezama

13. **Unmet Transit Needs Report** – LiOwen
 - a) **RECEIVE** Unmet Transit Needs Report
 - b) **RECEIVE** Correspondence from Social Services Transportation Advisory Council Regarding Unmet Transit Needs
 - c) **ADOPT** Resolution 08-12 Concerning Unmet Public Transportation Needs Funding and Program for Fiscal Year 2008/2009
14. **RECEIVE** Construction Projects Report – Caltrans District 5
15. **APPROVE** Support Letters for Valley Transportation Authority Request for Federal Funding of the route 152 Mobility Partnership – Rheinheimer
16. **2008 State Legislation** – Rheinheimer
 - a) **OPPOSE** Senate Bill 375 Regarding New Requirements for Regional Transportation Plans
 - b) **OPPOSE** Senate Bill 1507 Prohibiting Construction of Roadways Near Schools
 - c) **RECEIVE** Update on the Upcoming Federal Transportation Bill
17. **RECEIVE** Update on Implementation of Triennial Performance Audit Recommendations – Dinkuhn

Director Edge requested that Items 5 and 6 be pulled from the consent agenda.

Chair Marcus pulled Items 5, 6, 10, 13, 15, and 16 from the consent agenda.

Upon a motion duly made by Director Emerson and seconded by Director Valdivia, the Directors unanimously voted to approve Items 5 and 6 from the consent agenda with an abstention from Directors Edge and Loe.

Upon a motion duly made by Director Emerson, and seconded by Director Edge, the Directors unanimously voted to approve Items 1-4, 7, 8, 9, 11, 12, 14, and 17.

Item: 10

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that 99.5% of the trips in San Benito County are taken in private automobiles, yet COG does not have an automobile advisory committee. Mr. Thompson stated that this is an abuse of tax dollars because constituents are not showing the need for a Bicycle and Pedestrian Advisory Committee.

Upon a motion duly made by Director Emerson, and seconded by Director Valdivia, the Directors unanimously voted to approve Item 10.

Item: 13

PUBLIC COMMENT:

Marvin L. Jones

Mr. Jones inquired about the dollar amount that COG is allocating to meet the unmet transit needs. Mr. Jones stated that it is not up to the Board of Supervisors to raise taxes, additionally, it is against the constitution.

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the Board is voting on something that relegates highway safety to a lower priority than unmet transit needs. Highway safety should take the highest priority.

Upon a motion duly made by Director Emerson, and seconded by Director Edge, the Directors unanimously voted to approve Item 13.

Item: 15

PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that he has “begged and urged” the COG Board to not carry out a partnership with the Valley Transportation Authority. Mr. Thompson stated that the Valley Transportation Authority will get what they want out of the partnership, but San Benito County won’t get anything in return.

Upon a motion duly made by Director Emerson, and seconded by Director Valdivia, the Directors unanimously voted to approve Item 15.

Item: 16

PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that legislation should not be placed on the consent agenda. The COG board is essentially providing staff with a “blank check”, yet staff does not have a license in law to move forward on the issue.

Upon a motion duly made by Director Emerson, and seconded by Director Edge, the Directors unanimously voted to approve Item 16.

REGULAR AGENDA:

TRANSPORTATION ISSUES

18. Highway 25 Safety and Operational Enhancements Project - Dinkuhn

- a) CONDUCT a Hearing on the Resolution of Necessity to Acquire the Real Property Interest in Assessors Parcel No. 014-030-002
- b) RECEIVE Public Testimony from Property Owner(s)
- c) APPROVE Resolution No. 08-13

Transportation Planning Manager Mary Dinkuhn stated that the proposed Resolution of Necessity lists the findings required by California Eminent Domain Law. Ms. Dinkuhn noted that the COG Board must find:

- 1) The public interest and necessity require the proposed project; and
- 2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
- 3) The property interests are necessary for the purposes of construction, operation and maintenance of the proposed project; and
- 4) Prior to making the able findings and determinations, the offer required by 7267.2 of the Government Code has been made to the owner or owners of record.

Ms. Dinkuhn mentioned that Brenda Aguilar-Guerrero with Erickson, Beasley & Hewitt, was present to answer any technical questions from the Board.

Chair Marcus opened the Public Hearing, however there were no members from the public wishing to speak.

Upon a motion duly made by Director Valdivia and seconded by Director Emerson, the Directors unanimously approved Item 18.

19. Receive Final System Analysis Study of Routes 25, 101, 152, and 156 - Dinkuhn

Executive Director Lisa Rheinheimer introduced Claudia Espino from Caltrans District 5, who provided a Power-Point presentation on the System Analysis Study of Routes 25,101,152, and 156.

Ms. Espino reviewed the 9 different scenarios and the highlights of the System Analysis Study with the COG Board.

There was discussion amongst the COG Board and Ms. Espino regarding the Final System Analysis.

Director Edge inquired about the length of time that the study would remain efficient, before requiring an update.

Ms. Espino mentioned that in general, the way traffic flows will remain the same; however, other studies are already underway and agencies will be able to incorporate the Caltrans System Analysis Study into these studies.

Director Edge inquired how Caltrans was able to project which path traffic would take on the proposed new roads.

Ms. Espino stated that the AMBAG model has a feature that is able to project which route is more efficient and it programs the cars to take the better route.

In conclusion, Ms. Espino mentioned that the Final System Analysis Study is a technical report that can be used to guide decision makers to compliment other studies just as their study complimented the Southern Gateway Study.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that there are serious flaws with the Caltrans System Analysis Study. San Benito County would have to cover the costs if the project is in San Benito County and Santa Clara County would cover the costs if it's in their county. Mr. Thompson stated that San Benito County cannot afford it however; Santa Clara can, except they don't want to use their money.

Chair Marcus expressed appreciation to Ms. Espino for her presentation.

20. Highway 25 Bypass Project – Dinkuhn

- a) **RECEIVE** Update on the Highway 25 Bypass Project,
- b) **CONSIDER** Contract Change Order Nos. 49-52 for an amount not to exceed \$206,871, and
- c) **APPROVE** Claim for \$2,100 to Reimburse Frank Jr. Farms for Crop Losses

Transportation Planning Manager Mary Dinkuhn reported that the project is nearing 80% completion and the contractor continues work ahead of schedule with a majority of roadway paving completed this month.

The Sunnyslope Road & Airline detour is now scheduled to begin in early July, keeping in mind the Hollister Motorcycle Rally, July 11, 12, and 13th, however staff is not asking the contractor to delay construction work due to the Rally.

Ms. Dinkuhn reviewed the construction change orders with the Board and mentioned that Kerry Theran from Quincy Engineering was present to answer any technical questions that the Board may have.

Ms. Dinkuhn reviewed the claim for \$2,100 to reimburse Frank Jr. Farms for crop losses.

Chair Marcus inquired if some of the change orders were subject to higher costs.

Mr. Theran stated that some of the change orders would not be modified if they have come to an agreement on price, the cost would remain fixed. There are some change orders however, that were estimates and some may come back with supplements.

Chair Marcus inquired about the project's contingency fund.

Ms. Dinkuhn stated that there are an estimated \$50.8 million available to fund the project (not including the additional \$3 million of Redevelopment funds available if needed.), with expenditures totaling an estimated \$49.8 million. This leaves an estimated \$800,000 to \$1 million remaining to fund the project.

Upon a motion duly made by Director Valdivia and seconded by Director Edge, the Directors unanimously approved Item 20.

21. RECEIVE Report on Governor's FY 08/09 Proposed State Budget – May Revision for Transportation

Executive Director Lisa Rheinheimer reported that the May Revision includes actions to eliminate a \$17.2 billion deficit, up \$2.7 billion from January. The majority of proposed cuts remain in non-transportation programs. The Governor continues to divert more Public Transportation Account funds to other programs.

Projects that would likely be pulled from San Benito County's share of funds would be:

- \$850,000 – San Benito County, Southside Road, Union to Southside Bridge Overlay
- \$10,825,000 – Council of Governments, Highway 25 Safety Project
- \$100,000 – Council of Governments, Planning, Programming and Monitoring

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that we need to tell the Governor and his advisors that changes need to be made. Stop spending money on empty buses, and empty light rails, and empty Cal-trains. We need to do what the National Blue Ribbon Panel recently recommended, user fees to pay for transportation.

ADMINISTRATION ISSUES:

22. APPROVE FY 2008/2009 Council of Governments' Budget - Postigo

Administrative Services Specialist Kathy Postigo presented the final FY 2008/2009 Council of Governments Budget for the Board's approval.

Chair Marcus inquired about the contract dollar amount with the Association of Monterey Bay Area Governments (AMBAG) for the Metropolitan Planning Service.

Executive Director Lisa Rheinheimer stated that the contract was a little over \$4,000, which is the local match that the Council of Governments provided.

Upon a motion made by Director Valdivia, and seconded by Director Emerson, the Directors unanimously approved Item 22.

Upon a motion duly made by Director Valdivia and seconded by Director Edge, the Director's unanimously voted to adjourn the COG meeting.

ADJOURN to COG Meeting on Thursday, July 17, 2008 at 2:00 p.m.