

**SAN BENITO COUNTY  
COUNCIL OF GOVERNMENTS  
MEETING**

**April 17, 2008 2:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Chair Pike, Vice-Chair Botelho, Director Edge, Director Marcus, 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:**

Kerry Theran, Quincy Engineering; Carla Vincent, Parsons Transportation Group; Dave Murray, Caltrans District 5; Jack Walker, Caltrans District 5

**CALL TO ORDER:**

Chair Pike called the meeting to order at 2:04 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

*Upon a motion duly made by Director Marcus and seconded by Director Botelho, the Directors unanimously approved the Certificate of Posting.*

**C. PUBLIC COMMENT:**

**Joe Thompson  
Tres Pinos, CA**

Mr. Thompson stated that there was a significant development in the world of Transportation Law, on February 29, 2008 the Supreme Court in the State of Virginia declared their COG as unconstitutional. Mr. Thompson stated, "San Benito County COG Board needs to put this issue on a future agenda and figure out a legal way to do its business."

**D. COG DIRECTORS' REPORT**

None

**E. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Lisa Rheinheimer reported that the Council of Governments did not acquire the \$9.6 million staff had applied for through the California Transportation Commission's Trade Corridor Improvement Funds. The funds were intended to go towards the Route 156 project. Staff will research other funding options.

Ms. Rheinheimer stated that the Mobility Partnership's ad-hoc committee will be meeting in two weeks. There will be more information to report back to the Board at the next Council of Governments meeting in May.

Ms. Rheinheimer mentioned that staff will be discussing Blueprint Planning at the next Council of Governments meeting.

Ms. Rheinheimer noted that she and Director Edge attended the CALCOG meeting. Ms. Rheinheimer stated that it was an informative meeting; there was a lot of discussion on Blueprint Planning and transportation funding.

### **CONSENT AGENDA:**

1. **APPROVE** Council of Governments Transaction Report dated March 1, 2008 to March 31, 2008 – Postigo
2. **APPROVE** Council of Governments Special Meeting Minutes dated March 7, 2008 – Gomez
3. **APPROVE** Council of Governments Meeting Minutes dated March 20, 2008 – Gomez
4. **APPROVE** List of Qualified Consultants for On-Call Consultant Services for Engineering, Project Management, and Construction Management – Rheinheimer
5. **APPROVE** Amendment #2 to Employment Agreement between the Council of Governments and Executive Director Lisa Rheinheimer – Rheinheimer
6. **APPROVE** Resolution 08-05 Programming Local Transportation Funds for Fiscal Year 2007/2008 – Postigo
7. **COMMENT** On the Fiscal Year 2008/2009 Draft Overall Program; Including Planning Activities to be Performed by the Council of Governments – Lezama

Chair Pike pulled Item 7 for public comment.

*Upon a motion duly made by Director Valdivia and seconded by Director Botelho, the Directors unanimously voted to approve Items 1 -6.*

### **PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson commented on Item 7. Mr. Thompson stated that COG's predecessors voted to reduce transit expenses by 15% and inquired if the Draft Overall Work Program reflects the 15% decrease.

Director's Botelho and Valdivia clarified that the Board voted to reduce one route on the Fixed Route that was not very effective, but not the system as a whole. Director Botelho noted that the COG Board continues to be vigilant in trying to run the transit system as efficiently as possible.

*Upon a motion duly made by Director Valdivia and seconded by Director Edge, the Directors unanimously approved Item 7.*

**2:30 p.m.**

### **REGULAR AGENDA:**

8. **Regional Housing Needs Assessment** – Rheinheimer
  - a) **RECEIVE** Report on the Regional Housing Needs Assessment and
  - b) **HOLD** Public Hearing Regarding Proposed Distribution of the Regional Housing Need to the Cities of Hollister and San Juan Bautista and the County of San Benito

Executive Director Lisa Rheinheimer reported that at the February Council of Governments meeting, the Board issued its proposed methodology for distributing the 4,754 unit Regional Housing Need, which is required by the California State Department of Housing and Community Development.

Ms. Rheinheimer noted that the Regional Housing Need Allocation Plan is due to the State Department of Housing and Community Development by August 31, 2008. The General Plan Housing Element updates are due by August 31, 2009, one year later.

The Council of Governments is required to hold a public hearing to receive testimony from the local jurisdictions and the public regarding the proposed allocation.

Ms. Rheinheimer reviewed the City of Hollister's requested changes to the methodology for distributing the regional housing need. The changes are related to how the numbers are labeled in the area surrounding Hollister. The proposed changes were incorporated in the Regional Housing Need Distribution.

Chair Pike opened the public hearing at 2:35 p.m.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson stated that the Council of Governments Board should reject being a part of the Regional Housing Need Distribution because it should be handled by the San Benito County Board of Supervisors. Mr. Thompson stated that the COG Board should send it back to the legislature and inform them that the COG Board will not participate in unconstitutional conduct.

Director's Marcus and Botelho concurred that as elected officials of the San Benito County Board of Supervisors, the Board of Supervisors was also provided a report on the Regional Housing Element from the San Benito County Planning Department and noted that the Board of Supervisors approved the report.

Ms. Rheinheimer stated that staff will include the Housing Need distribution information in the Draft Regional Housing Needs Assessment and will be bringing it back to the COG Board at the regular COG meeting May 15, 2008.

Chair Pike closed the Public Hearing at 2:39 p.m.

**TRANSPORTATION ISSUES:**

**9. Highway 25 Bypass Project – Dinkuhn**

- a) **RECEIVE** Update on the Highway 25 Bypass Project, and
- b) **CONSIDER** Contract Change Order No. 31, Related to Design Changes as Required by Caltrans, for an Amount not to Exceed \$97,117

Transportation Planning Manager requested that the Board add an urgency item under item 9 (b). Approve PG&E Change Order for \$20,057.78 for relocation of a utility vault at Santa Ana Road.

*Upon a motion duly made by Director Marcus and seconded by Director Edge, the Directors unanimously voted to add Item 9(b) as an urgency item.*

Chair Pike recused himself from the meeting for this item due to property interest along the Highway 25 Bypass project.

Ms. Dinkuhn provided the Highway 25 Bypass project monthly update.

Ms. Dinkuhn stated that staff continues to prepare for the upcoming detour at the Sunnyslope Road/Airline Highway intersection, which is now estimated to begin in early May.

Ms. Dinkuhn stated that at a special meeting on April 3, the COG Board considered several Change Orders. Change Order #31 included reconstruction on the Bypass at the northbound intersection with Meridian Street. The project's original design called for one left turn lane, two through lanes, and one right turn lane. During Caltrans' review of the final project design, Caltrans commented that the proposed intersection design was not adequate and should include two left turn lanes and two through lanes, with no free right turn lane.

There was extensive discussion between Board members, the Design Manager Carla Vincent, Caltrans and staff regarding Change Order #31.

Board members expressed concern with the communication between the City, County, and Caltrans on some of the projects that have been planned.

Ms. Rheinheimer mentioned that staff met with Dave Murray, Carla Vincent, and Kerry Theran and collectively came to the conclusion that dual left turns are required at the Meridian Street intersection.

*Upon a motion made by Director Marcus and seconded by Director Valdivia, the Directors unanimously approved Item 9 (b).*

Transportation Planning Manager requested that the Board approve urgency item under Item 9 (b) PG&E Change Order for \$20,057.78 for relocation of a utility vault at Santa Ana Road.

Ms. Dinkuhn stated that the issue is a utility vault that was relocated by PG&E at Santa Ana Road and the Bypass was relocated to an area within the right of way. The contractor requires that the vault be moved out of the right of way in order to continue construction on the Bypass.

The Board asked for clarification as to why the vault was placed in the right of way.

Ms. Dinkuhn stated that the area was staked per PG&E's request. PG&E is saying that they placed the vault within the staked area; however this is not consistent with the project engineers recollection and daily diary. Staff is considering options for a claim against PG&E for some of the delays that they are causing the project.

*Upon a motion made by Director Marcus and seconded by Director Edge, the Directors unanimously approved Urgency Item under Item 9 (b) with the reservation that staff will send PG&E a letter stating that COG will possibly dispute.*

#### **10. RECEIVE** Presentation on Highway 25 4-Lane Widening Project – Caltrans District 5

Executive Director Lisa Rheinheimer stated that Caltrans hosted a project Open House/Environmental Scoping Meeting at R.O. Hardin School earlier this month that was very successful. There were about 40 individuals who attended, including property owners along the corridor.

Ms. Rheinheimer introduced Jack Walker from Caltrans District 5, who provided a power point presentation and a handout on the Route 25 Widening Project alternatives.

Mr. Walker stated that the cost in 2007 dollars for Alternative 1 Alignment is \$325 million and the cost for Alternative 2 Alignment is \$289 million.

There was discussion amongst Board members, Mr. Walker, and Ms. Rheinheimer regarding the options for project phasing.

The Board directed Caltrans to take another look at what option would be funded as Phase 1.

Ms. Rheinheimer inquired if it is possible to look at switching Phase 4 in becoming Phase 1.

Dave Murray, Caltrans District 5 stated that the decision has to be made prior to the public hearing.

Mr. Walker noted that most of the comments he received were against Alternative 1 and this is the reason they developed Alternative 2.

Ms. Rheinheimer suggested meeting with the Valley Transportation Authority staff to discuss what their schedule is in terms of the Highway 101/Highway 25 Interchange because it may drive whether to go with Phase 4 or Phase 1.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson asked where the burden of the east/west corridor will rest and added that it should not rest on San Benito County, but on the County that can afford it.

**11. RECEIVE Construction Projects Report**

Caltrans District 5, Dave Murray provided an update on the project at Highway 156 at Dunneville from East of Tequisquito Slough Bridge to East of Fairview Road. The project is a hot mix asphalt overlay estimated to start in the spring of 2008 and estimated to be completed in the summer of 2008.

**12. RECEIVE Update on 2008 Legislative Program**

Executive Director Lisa Rheinheimer requested that this item be continued to the May 15th COG meeting.

*Upon a motion made by Director Botelho and seconded by Director Edge, the Directors unanimously approved moving Item 12 to COG's May meeting.*

**13. Unmet Transit Needs Hearing Report**

1. **RECEIVE** Unmet Transit Needs Hearing Report,
2. **ADOPT** Resolution 08-05 Concerning Unmet Public Transportation Needs Funding and Program for Fiscal Year 08/09, and
3. **RECEIVE** Social Services Transportation Advisory Council Recommendation to Send Letter to Hazel Hawkins Memorial Hospital to Consider a Dialysis Center

Transportation Planner Betty Li stated that the Council of Governments held Unmet Transit Needs public hearings on February 20, 2008 and February 21, 2008 for transit users and community members to express concerns with the local public transit services provided by County Express and Jovenes de Antaño, and request new services or modifications to existing services.

Ms. Li reviewed the testimonies received. The Social Service Transportation Advisory Council reviewed all the requests and determined the following unmet transit needs priorities:

1. Increase funding for Out of County Medical Transportation and Kidney Dialysis Patient Transportation.
2. Add deviated Fixed Route after normal Fixed Route service hours.

The Advisory Council also recommended that the Council of Governments send a letter to Hazel Hawkins Memorial Hospital, urging the hospital to consider a dialysis center at their location because current public transportation resources are unable to meet the needs of dialysis patients.

Ms. Li stated that roughly \$187,000 in Transportation Development Act funds is allocated annually to fund transportation to the Gilroy Dialysis Center.

Director Valdivia stated that the \$187,000 Transportation Development Act funds are also used to fund out of county medical, shopping assistance, and the nutrition run. A portion of the funds is used to fund transportation to the Gilroy Dialysis Center.

There was discussion amongst Board members and staff regarding the need for a Dialysis center. Staff noted that the Dialysis Center has been a continuing item on the Social Services Transportation Advisory Council agenda to look at options for a center in Hollister. The Social Services Transportation Advisory Council would like to encourage Hazel Hawkins Hospital to keep the Dialysis Center on their agenda because it is a need in San Benito County.

Director Marcus expressed concern about opening the door to other potential important causes such as Veteran's, cancer patients, who may also require out of county transportation.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson stated that the Public Utilities Statute Code 99401.5 states that you can't spend money for any highway safety improvements unless our unmet needs are met. Mr. Thompson stated "this statute makes hypocrites out of all us".

There was discussion amongst Board members and staff. Staff provided history on Unmet Needs funds. Staff noted that once it is determined that needs can or cannot be met the funds can be allocated to the City's and County for local streets and roads.

The Board expressed interest in knowing the number of dialysis patients in San Benito County.

Staff will report back to the Board at the next COG meeting.

*Upon a motion made by Director Botelho and seconded by Director Marcus, the Directors received Item 13 (a), (c), and continued Item 13 (b) to the next COG meeting, with an abstention from Director Valdivia.*

**ADMINISTRATION ISSUES:**

- 14. APPROVE** Resolution Number COG 08-06 Amending Council of Governments' Bylaws Regarding Changing the Regular Board Meetings from the Third Thursday at 2:00 p.m. to the Third Thursday at 6:30 p.m.

Executive Director Lisa Rheinheimer stated that staff received feedback from the local newspaper stating that COG's meeting time was not accessible to the general public.

Staff brought this item for Board consideration.

There was discussion amongst Board members regarding.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson stated that as we age it is more difficult to drive at night than during the day. Mr. Thompson stated that he would rather drive during the day.

*Upon a motion made by Director Marcus and seconded by Director Botelho, the Directors unanimously voted to leave the COG meeting time as is, and will remain receptive to holding special meetings at the request of citizens on items that require special attention.*

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

**ADJOURN to COG Meeting on Thursday, May 15, 2008 at 2:00 p.m.**