

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
MEETING**

January 17, 2008 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Director Pike, Director Botelho, Director Edge, Director Marcus, Alternate Valdivia

STAFF PRESENT:

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

OTHERS PRESENT:

Kerry Theran, Quincy Engineering

CALL TO ORDER:

Vice-Chair Pike called the meeting to order at 2:02 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

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

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson expressed gratitude to the Board for their public service.

Mr. Thompson recommended that the Board declare the Highway 25 Bypass the “Janet Graham Memorial Bypass”. In memory of Janet Graham, who was tragically killed in a head-on collision in May of 2001 on Highway 25.

Mr. Thompson submitted a printed summary of his “Public Comment- Not on the Agenda” dated January 17, 2008, to the clerk and requested that it be entered into public record.

Vice Chair Pike stated for the record that the COG Board received Joe Thompson’s public comment correspondence from dates: November 1, 2007 through December 14, 2007. The correspondence was entered into the public record.

Vice Chair Pike closed the public comment portion of the meeting.

D. Present Certificates of Appreciation to Outgoing Board Members

Vice Chair Pike presented certificates of appreciation to outgoing Board members Pauline Valdivia and George Dias.

Board members expressed gratitude to Director Valdivia for her dedication and service to the Council of Governments.

Vice Chair Pike acknowledged Chair Dias (who was not present) for his service and dedication to the Council of Governments and mentioned that staff will deliver his certificate.

E. Elect COG Chairperson for 2008

Upon a motion duly made by Director Botelho, and seconded by Director Edge, the Directors elected Brad Pike as COG's Chairperson for 2008.

F. Elect COG Vice Chairperson for 2008

Upon a motion duly made by Director Marcus, and seconded by Director Edge, the Directors elected Anthony Botelho as COG's Vice Chairperson for 2008.

Chair Pike welcomed Director Edge from the City of San Juan Bautista and Director Valdivia, who will serve as alternate for the City of Hollister.

G. Committee Appointments

1. Associate Member to the Association of Monterey Bay Area Governments (AMBAG) and an Alternate

Upon a motion duly made by Director Pike, and seconded by Director Marcus, the Directors appointed Anthony Botelho as Associate Member to AMBAG for 2008.

Upon a motion duly made by Director Botelho, and seconded by Director Edge, the Directors appointed Don Marcus as the Alternate Member to AMBAG for 2008.

2. Delegate and an Alternate to the California Association of Councils of Governments (CALCOG)

Upon a motion duly made by Director Marcus, and seconded by Director Botelho, the Directors appointed Brad Pike as Delegate to CALCOG for 2008.

Upon a motion duly made by Director Marcus, and seconded by Director Botelho, the Directors appointed Rick Edge as Alternate to CALCOG for 2008.

3. Two Members to the Ad-Hoc South Santa Clara County/San Benito County Mobility Partnership

Upon a motion duly made by Director Botelho, and seconded by Director Valdivia, the Directors appointed Don Marcus and Brad Pike to the Ad-Hoc Mobility Partnership for 2008.

H. COG DIRECTOR'S REPORT

Director Botelho reported that at the last AMBAG meeting he attended there was consensus for the Blueprint Planning to be set as a high priority. They would like to incorporate the Mobility Partnership to the Blueprint Planning process.

Director Botelho mentioned that he will be going to Washington D.C. in February on behalf of AMBAG.

I. EXECUTIVE DIRECTOR'S REPORT

Executive Director Lisa Rheinheimer reminded Board members that the Unmet Transit Needs Hearings will take place Wednesday, February 20, 2008 at 1:00 p.m. at the Community Center, and Thursday, February 21, 2008 at 6:00 p.m. at the Board of Supervisors Chambers following the regular COG meeting.

Ms. Rheinheimer announced that preliminary reports on the State Budget show that transportation is not being effected as much as other programs at the state level. Staff will further evaluate the State Budget and prepare a report for the Board at the next COG meeting.

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

No. of cases: 3

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

Deputy County Counsel Shirley Murphy reported out of closed session that there was no reportable action taken under Existing Litigation for COG v. Hollister Inn, COG v. McNamee, and COG v. K&S Market

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: COG Executive Director

Deputy County Counsel Shirley Murphy stated that there was no reportable action taken under Public Employee Performance Evaluation.

CONSENT AGENDA:

- 3. APPROVE** Council of Governments Transaction Report dated December 1, 2007 to December 31, 2007 – Postigo
- 4. APPROVE** Council of Governments Meeting Minutes dated December 13, 2007 – Gomez
- 5. APPROVE** Amendment #2 to Employment Agreement between the Council of Governments and Executive Director Lisa Rheinheimer – Rheinheimer
- 6. AUTHORIZE** Release of Request for Qualifications and Scope of Work for On-Call Consultant Services for Engineering, Project Management, and Construction Management – Rheinheimer

7. ADOPT Resolution No. 08-01 Establishing a Bicycle and Pedestrian Advisory Committee in San Benito County – Lezama

Chair Pike stated that Item #5 will be continued to the next COG meeting.

Upon a motion duly made by Director Valdivia and seconded by Director Marcus, the Directors unanimously approved to continue Item #5.

Director Marcus pulled Item #7 for discussion.

Upon a motion duly made by Director Botelho and seconded by Director Marcus, the Directors unanimously approved Items 3,4,and 6.

PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that San Benito County is in need of a Policy Advisory Committee not a Bicycle and Pedestrian Advisory Committee because most San Benito County residents travel by automobile not bicycle.

The Board inquired about the fiscal impact of a Bicycle and Pedestrian Advisory Committee and the required number of membership.

Executive Director Lisa Rheinheimer noted that the only fiscal impact consists solely of staff time, which will include one planner and secretary. Funding for the update of the Plan is provided through a combination of Congestion Mitigation and Air Quality and Transportation Development Act funds.

Transportation Planner Veronica Lezama stated that after conducting a County survey, staff concluded that there are approximately 11 residents who are interested in serving on the committee.

Upon a motion duly made by Director Valdivia and seconded by Director Edge, the Director's unanimously approved Item # 7 of the Consent Agenda.

REGULAR AGENDA:
TRANSPORTATION ISSUES

8. RECEIVE Update on Highway 25 Bypass Project – Dinkuhn

Transportation Planning Manager Mary Dinkuhn provided the Highway 25 Bypass monthly update.

The project construction is 67% complete and the contractor continues to work ahead of schedule. Weather will determine the level of construction work that is completed on the project until warmer and dryer weather prevails. Most sound walls are near completion. Construction of sidewalks and paving sections of the new roadway are also being addressed this month.

PG&E has continued work on relocating existing gas and electric facilities in the Sunnyslope Road and Airline Highway area.

Executive Director Lisa Rheinheimer took the opportunity to publicly thank Director Marcus for his efforts with PG&E on getting them to assist staff and the contractor quicker.

Kerry Theran of Quincy Engineering also expressed appreciation to Director Marcus for his assistance with PG&E. Mr. Theran met with PG&E and was able to resolve several issues that had been pending prior to the phone call from Director Marcus. Mr. Theran stated that they are back on schedule.

Director Marcus thanked staff and Mr. Theran for the compliment and directed staff to write Bob Yant of Enterprise Electric a letter of appreciation for his efforts.

Director Botelho inquired about who is responsible for the profile discrepancy that Parsons Transportation Group is addressing.

Mr. Theran stated that it is all related back to the original topography that was done in the early stages of the project, which was completed by a different surveyor. Mr. Theran stated that he will be presenting a cost analysis to COG's Executive Director in the near future.

Staff will update the Board and have additional cost information once the design is complete.

9. APPROVE 2008 San Benito County Regional Transportation Improvement Program – Dinkuhn

Ms. Dinkuhn reported that at the December meeting, staff provided the Board with programming scenarios for projects in San Benito County that would be eligible for funding in the 2008 State Transportation Improvement Program (STIP) cycle. Staff incorporated the Board's December recommendations into a draft 2008 Regional Transportation Improvement Program.

Staff included the approved programming scenario in the 2008 Regional Transportation Improvement Program with a slight modification. Staff proposed to program a total of \$500,000 in STIP funds over the 6-year period to planning, programming, and monitoring activities. This will fund staff time to monitor all projects included in the Regional Transportation Improvement Program for performance and cost effectiveness.

The Regional Transportation Improvement Program is due to the California Transportation Commission by February 19, 2008.

Director Marcus inquired about the difference in fund amounts from what was presented to the Board at the December meeting.

Ms. Dinkuhn stated that COG's share of the State Transportation Improvement Program was reduced in the final fund estimate released by the California Transportation Commission bringing down the total available programming dollar amount.

Upon a motion duly made by Director Marcus and seconded by Director Valdivia, the Director's unanimously approved Item # 9.

10. APPROVE Letter of Support for Grant Application for \$5 Million in Trade Corridors Improvement by Santa Clara County Valley Transportation Authority – Rheinheimer

Executive Director Lisa Rheinheimer reported that the Valley Transportation Authority is moving forward with an application for Trade Corridors Improvement Fund monies to move forward with the environmental studies necessary for the State Route 152 project. The Valley Transportation Authority is asking for a letter of support for their Trade Corridor Improvement Fund application.

Staff recommended Board approval of the letter of support to Secretary Dale Bonner for the State Route 152 funding application.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that COG should not be in support of the Valley Transportation Authority when they are an organization that is separate and distinct from the county government. Mr. Thompson stated that it undermines traditional government in our counties and steers us in a direction that we don't want to go.

Chair Pike closed public comment.

Upon a motion duly made by Director Botelho and seconded by Director Marcus, the Director's unanimously approved Item # 10.

ADMINISTRATION ISSUES:

11. RECEIVE Fiscal Year 2006/2007 Audit – Postigo

Administrative Services Specialist Kathy Postigo reported that under the Transportation Development Act regulations, the Council of Governments is required to perform an outside financial audit each fiscal year. The audit examines the financial statements made by the Council of Governments and performs a Single Audit as required under federal regulation.

Grace & Associates successfully completed the financial audit by the December 31st deadline.

Director Botelho inquired about the negative dollar amount on pages 18 and 19 of the audit.

Ms. Rheinheimer stated that staff would get back to Director Botelho. Staff will work directly with Director Botelho to answer his question.

12. RECOGNIZE Employee of the Quarter Kathy Postigo – Rheinheimer

Executive Director Lisa Rheinheimer presented Administrative Services Specialist Kathy Postigo with a certificate of appreciation for Employee of the Quarter.

Ms. Rheinheimer stated that staff is especially grateful for Ms. Postigo's key role in getting COG staff relocated to the new office building.

The Board congratulated Ms. Postigo.

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, February 21, 2008 at 2:00 p.m.