

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING**

March 15, 2012, 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Emerson, Director Boch, Vice-Chair Botelho, Director De La Cruz, and Director Gomez

STAFF PRESENT:

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

OTHERS PRESENT:

Brandy Rider, Caltrans District 5

CALL TO ORDER:

Chair Emerson 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 Gomez, and seconded by Director De La Cruz, the Directors unanimously approved the Certificate of Posting.

C. PUBLIC COMMENT:

Joe Thompson

Mr. Thompson stated that the Mayor of Los Banos, Mike Villalta, and the Merced County Farm Bureau called him and expressed displeasure and opposition to the Valley Transportation Authority and Council of Governments idea to replace Highway 152 with toll roads.

Mr. Thompson asked that the COG Board send a message to both City Councils and the Board of Supervisors supporting the American Trucking Association's petition to the United States Supreme Court, to overturn the ninth circuit's decision supporting the City of Los Angeles and the port of Los Angeles' strangulation of the trucking industry in California.

Chair Emerson stated for the record that the COG Board received Joe Thompson's public comment correspondence dated March 15, 2012. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR'S REPORT – Rheinheimer

Ms. Rheinheimer reported that the 4 emergency Call Boxes that were slated for Panoche Road have been installed and are fully functional.

E. CALTRANS DISTRICT 5 REPORT – Krumholz

Brandy Rider provided the report. Ms. Rider noted that Caltrans provided an updated report (handout provided at meeting).

Ms. Rider noted that there is a website for maintenance service requests that can also be utilized by the Directors if needed at <http://www.dot.ca.gov/hg/maint/msrsubmit/>. Ms. Rider stated that this can help facilitate things in a much quicker fashion when Directors hear from the community or notice something for themselves.

F. BOARD OF DIRECTORS REPORTS:

Director De La Cruz thanked fellow Directors, COG Staff, and Caltrans, for installing the street lights at Buena Vista Road and Highway 156.

Director Boch stated that he attended the AMBAG meeting on March 14th. He reported that the Interim Executive Director's contract for Diane Eidam, was extended for an additional six months.

AMBAG issued a report on the Central Coast Commercial Flows Study. Director Boch stated that it was interesting because the City is recommending 4 lanes for Highway 152 and Highway 156; however, the question raised was if Highway 152 is 4 lanes, why Highway 156 would be expanded to 4 lanes only to Union Road. Lastly, Director Boch stated that AMBAG approved joining the CalVans Joint Powers Authority.

Chair Emerson provided an update on the City of Hollister's transfer of Highway 25.

G. Proclamation Recognizing Outgoing Caltrans District 5 Director Krumholz

Chair Emerson presented the Proclamation recognizing outgoing Caltrans District Director, Rich Krumholz. Brandy Rider accepted the plaque on behalf of Mr. Krumholz who was not in attendance.

Director Botelho expressed his opposition to the proclamation.

Ms. Rider accepted the proclamation on behalf of Mr. Krumholz. She stated that Mr. Krumholz expressed his gratitude for the proclamation and enjoyed working with the Directors, and the community to try to move forward with projects that would benefit the community in the long term.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated February 16, 2012 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated February 2012 – Postigo
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **ADOPT** Resolution 12-03 Delegating Authority to Execute Agreements with the California Department of Transportation to the Executive Director – Rheinheimer
5. **RECEIVE** a Report on Proposed Termination of Joint Powers Agreement for Consolidated Transportation Service Agency Activities – Gilbert
6. **Transportation Planning Grants** – Gilbert
 - a. **APPROVE** Letter of Support to the County for a Caltrans Grant for a Detailed Truck Route Plan
 - b. **APPROVE** Letter of Support to the City of Hollister for a Complete Streets Corridor Study for the Tres Pinos and McCray Street Corridors

- c. **AUTHORIZE** Executive Director to Apply for and Accept Funds through the Fiscal Year 2012/2013 Federal Transit Act Section 5304 Grant Program to Complete a Short Range and Long Range Transit Plan
7. **APPROVE** and **AUTHORIZE** Chair to Sign Letters of Support for Three New Freedom Grant Applications – LiOwen
8. **APPROVE** Letter to Senator Anthony Cannella Supporting SB 1155 Regarding Truck Length Limits in San Benito County – Rheinheimer

Chair Emerson pulled Item 8 from the consent agenda to allow public comment.

Upon a motion duly made by Director Boch, and seconded by Director Botelho, the Directors approved Items 1-7, from the Consent Agenda.

Item 8.

Joe Thompson

Mr. Thompson stated that he was in favor of Senator Cannella’s Bill as he is in favor of reducing regulations. However, the Board of Supervisors and City Councils are the only ones who have lawful jurisdiction to make recommendations. He stated that the Board does not have jurisdiction or lawful authority to make a recommendation and they violate the Constitutional rights of the citizens of three districts in San Benito County.

Jim Calvino

Trans Valley Transport (TVT)

Mr. Calvino requested that the Board support SB 1155. Mr. Calvino stated that TVT services a lot of the agricultural entities in the County. He stated that the Bill will go a long way in helping TVT provide better service to its customers in San Benito County.

Richard Bettancourt (no speaker card)

Bettancourt Commodities

Mr. Bettancourt stated that he supported the Bill because it will help alleviate problems truck drivers encounter along County roads with regards to citations made by CHP for over-length truck violations.

Director Botelho stated that he strongly supported the Bill and thanked staff for a job well done in working with Senator Cannella’s office.

Upon a motion duly made by Director Gomez, and seconded by Director De La Cruz, the Directors unanimously approved Item 8 from the Consent Agenda.

REGULAR AGENDA

TRANSPORTATION ITEMS:

9. **RECEIVE** the Council of Governments Draft Budget – FY 2012/13 – Postigo

Ms. Postigo presented the Draft Fiscal Year 2012/13 COG Budget and answered questions from the Board.

Director Botelho asked if the reserve amount will be used on any specific items in the future.

Ms. Postigo stated that the reserve funds are kept in the budget to have a bit of a cushion for any unforeseen event.

Director De La Cruz inquired about the RDA fund balance of \$777,250.

Ms. Rheinheimer explained that the fund balance was what was left in reserve for the Highway 25 Safety project. Any remaining funds will be moved over to the Highway 25 Bypass project. If there are still funds left remaining, they will be returned to the Cities and County through Impact Fees.

There was no further discussion.

10. Fiscal Year 2012/2013 Draft Overall Work Program – Gilbert

- a. **RECEIVE** and **COMMENT** on the Fiscal Year 2012/2013 Draft Overall Work Program, Which Includes Planning Activities to be Performed by the Council of Governments; and
- b. **AUTHORIZE** Submittal of Fiscal Year 2012/2013 Draft Overall Work Program to the California Department of Transportation for Comment.

Ms. Gilbert presented the Fiscal Year 2012/2013 Draft Overall Work Program and answered questions from the Board.

Following Board authorization, staff will submit the Draft OWP to Caltrans for comment. Ms. Gilbert noted that the Draft will also be available on the COG website should members of the public wish to submit comments.

There was no discussion or public comment on this item.

Upon a motion duly made by Director De La Cruz, and seconded by Director Botelho, the Directors unanimously approved Item 10.

Chair Emerson continued the Closed Session Item to the end of the meetings.

The Board continued to the LTA Agenda.

The COG meeting reconvened and went into Closed Session at 2:49 p.m.

11. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: COG Executive Director

Deputy County Counsel, Shirley Murphy, stated that there was no reportable action taken under Item 11 Public Employee Performance Evaluation, Title COG Executive Director.

Upon a motion made by Director De La Cruz, and seconded by Director Boch, the Directors unanimously voted to adjourn the COG meeting.

ADJOURN TO COG MEETING APRIL 19, 2012.