

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

March 21, 2013, 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Botelho, Director Boch, Director De La Cruz, Director Scattini, 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:

Aileen Loe, Caltrans District 5; Maura Twomey, Anais Schenk, AMBAG; Tony Mercado, MV Transportation

CALL TO ORDER:

Director Botelho called the meeting to order at 2:00 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

Upon a motion duly made by Director De La Cruz, and seconded by Director Scattini, the Directors unanimously approved the Certificate of Posting.

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that he sent a letter to the Board dated March 9th, requesting that the Joint Powers Authority adopt a resolution censuring the chairman and then asking him to resign. He stated that COG is proven to be a gross failure. He stated that for the first two meetings of this year the COG Board has considered things that were not on the agenda announced to the public. He stated that the primary reason he is asking for the Joint Power Authority to dissolve itself is because there is no representation for three county districts residents.

**John Eade
Santa Ana Valley**

Mr. Eade stated that it should be mandatory for the COG Board to read and familiarize themselves with the United Nations Agenda 21 book. He stated that the COG Board is a part of Agenda 21, "regionalism", which will destroy this County. He stated that there won't be any Supervisors because Agenda 21 will do away with the County lines. Everything will be controlled by one Bay Area COG,

AMBAG, ABAG, or some other regional unelected appointed group. He reiterated that it should be mandatory for elected officials, appointed officials, and consultants to read the Agenda 21 book before moving forward with their socialist ideas.

**Marvin Jones
Hollister, CA**

Mr. Jones stated that Agenda 21 was written in 1992. He mentioned that one of the favorite terms that were developed out of it was “sustainable development”. Mr. Jones stated that Agenda 21 is already being implemented here in Hollister. He stated that the building of multiple units such as the Gateway Apartments and sequester of private land are a couple examples of it.

EXECUTIVE DIRECTOR’S REPORT – Rheinheimer

Ms. Rheinheimer welcomed Director Victor Gomez back to the COG Board.

Ms. Rheinheimer announced that COG was awarded \$30,000 from The Health Trust from Santa Clara County for Safe Routes to School planning in the R.O. Hardin and Calaveras School areas. Ms. Rheinheimer mentioned that this request was made by Director De La Cruz. Staff will be putting together a contract with The Health Trust for next month.

Ms. Rheinheimer announced a tentative date of April 25, 2013 for the Grand Opening of the San Juan Highway Bike Lanes Project. Staff will work with Public Works staff to determine a final time and location. Staff will inform the Board once the final date and location has been confirmed.

The Environmental Document for the Highway 101 Project between Highway 129 and Monterey Road is out. Staff will be reviewing the document as it includes the Highway 101/25 Interchange.

Lastly, Ms. Rheinheimer announced that she will be an Ex-Officio member of AMBAG.

Director Botelho inquired about the special Caltrans District that had been in past discussions.

Ms. Rheinheimer stated that the iDistrict was led by the Santa Clara Valley Transportation Authority to create an innovative Caltrans District to be housed in San Jose; however, the Bill did not pass.

Director De La Cruz thanked Ms. Rheinheimer for following up with The Health Trust Grant. He mentioned that many residents in the community will be pleased.

Director De La Cruz also expressed his appreciation to COG staff for moving forward and resolving the tax defaulted property issue for the new bus stop shelter location.

D. CALTRANS DISTRICT 5 REPORT –

Aileen Loe reported that Caltrans and its transportation partners will host a groundbreaking ceremony at 10 a.m. Friday, April 5, in Aromas for the US 101.San Juan Road Interchange Project. The public is invited to join Caltrans, the Transportation Agency for Monterey County, the Council of San Benito County Governments and the California Transportation Commission. Caltrans will announce the specific location for the event once it has been determined.

Chair Botelho asked if it would be possible to have the new Caltrans District Director come by to meet the Board, perhaps, over coffee or lunch at some point.

Ms. Loe stated that she would extend Chair Botelho’s invitation to the Caltrans Director.

E. BOARD OF DIRECTORS REPORTS:

Director Gomez mentioned that he was pleased to be back on the COG Board.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Special Meeting Minutes Dated February 19, 2013 – Gomez
2. **APPROVE** Council of Governments Draft Regular Meeting Minutes Dated February 21, 2013 – Gomez
3. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated February 2013 – Postigo
4. **RECEIVE** Construction Projects Report – Caltrans District 5
5. **ADOPT** Resolution 13-02 Authorizing the Executive Director to Apply for and Accept Funds through the Fiscal Year 2013/2014 Caltran’s Transportation Planning Grant Program for a Bus Stop Improvement Plan – LiOwen
6. **Caltrans Transportation Planning Grants** – Gilbert
 - a. **APPROVE** Letter of Support to San Benito County for a Caltrans Grant for an Agricultural Freight Movement Plan, and
 - b. **APPROVE** Letters of Support to the Association of Monterey Bay Area Governments for a Regional Mitigation Plan for Transportation Projects and a Highway 101 Study.
7. Fiscal Year 2013/2014 Draft Overall Work Program – Gilbert
 - a. **RECEIVE** the Fiscal Year 2013/2014 Draft Overall Work Program, Which Includes Planning Activities to be Performed by the Council of Governments; and
 - b. **AUTHORIZE** Submittal of Fiscal Year 2013/2014 Draft Overall Work Program to the California Department of Transportation for Comment.

Upon a motion duly made by Director De La Cruz, and seconded by Director Boch, the Directors unanimously approved Items 1-7 from the Consent Agenda, with an abstention from Director Gomez on Items 1 and 2.

REGULAR AGENDA

TRANSPORTATION ITEMS:

8. **RECEIVE** Presentation on Preliminary 2012 Regional Growth Forecast Prepared by the Association of Monterey Bay Area Governments – Rheinheimer/Schenk (AMBAG)

Director De La Cruz stated for the record that he did not like AMBAG or their Planning tool and he did not like AMBAG interfering with the General Plan.

AMBAG’s Executive Director, Maura Twomey, responded by saying that AMBAG does not want to interfere with the County’s General Plan, however, AMBAG would like to develop the Regional Transportation Plan together.

Anais Schenk, Transportation Planner for AMBAG provided a Power-point presentation on the Preliminary 2012 Regional Growth Forecast.

Chair Botelho inquired if the report is done every 3-4 years. He also asked how far off the numbers were when comparing the current forecast numbers with the 2008 forecast numbers.

Ms. Schenk stated that the forecast is typically done every 3-4 years. Although, she did not have the 2008 Forecast figures on hand, she recalled that when comparing what was forecasted for 2010 to the actual census figures, there was only one jurisdiction that was accurately forecasted.

Chair Botelho stated that he disliked the way the reports forecast so far out. A lot can happen in that timeframe, such as another recession, which would drastically change the numbers. He mentioned that it may be better to project on the lower end and adjust on a more frequent basis to what is currently happening. He noted the importance of this because it affects the housing needs.

Ms. Schenk stated that the reason to go out as far as 2035 is because that is the planning horizon year for Metropolitan Transportation Plan. With regards to the comments on housing needs, Ms. Schenk stated that staff met one-on-one with jurisdictions and already there has been a lot of coordination that has gone into the forecast on the population and housing side. Staff has not started the Regional Housing Needs Allocation Process, but will be initiating the process in the summer.

Director De La Cruz inquired about Assembly Bill 32 and its guidelines. He also asked if AMBAG was aware of the Dell Webb project that may possibly bring 1000 homes to San Benito County.

Ms. Schenk explained that Assembly Bill 32 legislation deals with greenhouse gas emissions on a much larger scale. Senate Bill 375 deals directly with vehicle miles traveled and reducing greenhouse gas emissions from vehicle miles traveled. AMBAG is working very closely with jurisdiction planners to coordinate land use and transportation planning.

Regarding the Dell Webb project, Ms. Schenk stated that AMBAG staff has had many conversations with Gary Armstrong from the San Benito County Planning Department, about their growth plans. This has resulted in several revisions to the population and housing figures in San Benito County to reflect those growth plans.

PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson asked the Board to reject every idea and concept of philosophy from AMBAG. He stated that the Joint Power Authority Directors do not have the consent of the governed. He said that they are on the wrong track and they're making bad mistakes.

**Marvin Jones
Hollister, CA**

Mr. Jones stated that SB375 has to do with "sustainability," and added "Agenda 21 is here".

Chair Botelho closed Public Comment for this item.

9. RECEIVE Update on the Highway 25 Bypass Route Transfer – Gilbert /Loe (Caltrans)

Aileen Loe made one correction to the COG staff report under Staff Analysis. She clarified that the project Caltrans will be completing is installing curb ramps compliant with the Americans with Disabilities Act on San Benito Street and it does not include crosswalks.

Ms. Loe reviewed the letter provided by Caltrans District Director, Timothy Gubbins. The letter included a timeline for completion of the relinquishment of the existing route and the transfer of the Bypass to Caltrans. It indicates that current state statutes would not allow for the relinquishment to take place until the improvement project is under construction. This could result in a relinquishment date as late as April 2016.

Ms. Rheinheimer stated that COG can assist Caltrans with expediting the route relinquishment by pursuing legislation. COG is sponsoring Senate Bill 314 with Senator Cannella. SB314 would provide for the relinquishment of Route 25, within the City of Hollister, before Caltrans assumes ownership of the

new Highway 25 Bypass. Staff will be asking the Hollister City Council and Board of Supervisors to send letters of support for this Bill. If SB314 passes, the California Transportation Commission could approve the ownership change along the existing route in 2013 or 2014.

Director Gomez expressed frustration with the way things have been handled by Caltrans. He asked that the message be relayed to Director Gubbins about how irritated and displeased everyone is and that there is still time to talk and help move things along.

Director Gomez thanked Ms. Rheinheimer and Senator Cannella's staff for working together on Senate Bill 314.

Ms. Rheinheimer stated that staff is working around the clock to move things along. Staff is meeting bi-weekly to ensure that the transfer occurs as quickly as possible.

Chair Botelho also expressed his frustration with Caltrans District 5. He stated that as long as Caltrans continues to have control of San Benito Street, they will continue to cost the private sector money. He stated that the District Director should have the common courtesy of coming to one of the COG meetings to meet with the COG Board. He closed by saying that the same thing is going to happen with the Highway 156 project.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that when he heard about the attempt to get special legislation he informed the Senator that there is a prerequisite in the law for everyone, which is to come to the law with clean hands. If you don't come with clean hands, then you shouldn't expect relief from the law. Mr. Thompson asked why the Joint Powers Authorities should get special legislation funded by the taxpayers, if they come to the law with dirty hands.

10. Pinnacles National Park Highway – Rheinheimer

- a. ADOPT** Resolution 13-03 Supporting Changing the Name of Airline Highway and Bolsa Road to Pinnacles National Park Highway; and
- b. APPROVE** Letter to Senator Cannella Requesting Inclusion in the Omnibus Bill to Change the Name of Highway 25 from Airline Highway and Bolsa Road to Pinnacles National Park Highway.

Director De La Cruz provided some background information on this item. He reported that the idea of renaming Airline Highway and Bolsa Road to Pinnacles Nations Park Highway came about at an Inter-government Committee meeting with Mayor Velazquez and Director Scattini and two female members of the public. He then discussed the idea at a town hall meeting with Assemblyman Luis Alejo, who directed him to a member of his staff. After that, Ms. Rheinheimer and staff from Assemblyman Alejo's office and Senator Cannella's office took over.

Ms. Rheinheimer stated that in order to make the change occur, local jurisdictions must unanimously support the change, the State may not incur costs for the change, and the legislature must take action. County and City Public Works staff are investigating the number of signs to be replaced and the cost associated with that work.

Director Scattini inquired if Caltrans had reported back regarding the placement of Pinnacles National Park signage along Highway 156 and 101.

Ms. Loe stated that Caltrans sent out a letter addressed to San Juan Bautista's City Manager with an extensive technical explanation regarding signage on Highway 156 and 101.

Chair Botelho asked if Caltrans has money for signs/sign maintenance along the state highways. He mentioned that San Juan Bautista has been trying to get signage along the Highway noting San Juan Bautista is 2 miles away as well as signage for Jake brakes, to no avail.

Ms. Loe stated that Caltrans has maintenance program funds to replace signs that have become deficient over time or have been knocked down. However, they must follow the Manual on Uniform Traffic Control Devices (MUTCD) which guides signing on the State Highway System.

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

- 11. *On the Move: 2035* – San Benito Regional Transportation Plan Public Outreach Activities – Rheinheimer/Gilbert**
- a. Review** Public Outreach Activities; and
 - b. Approve** Agreement with the Hollister Downtown Association for Public Outreach Activities in an Amount not to Exceed \$5,000.

Ms. Gilbert stated that as a part of preparing and developing *On the Move: 2035* – San Benito Regional Transportation Plan, the Council of Governments is seeking input from residents, community groups, other governmental agencies, and interested individuals. The goal is to gather ideas and preferences about transportation policies, projects, and programs to help make *On the Move: 2035* a document which is reflective of the way the community envisions the future.

Ms. Gilbert stated that the proposed Contract with the Hollister Downtown Association will be paid for with Transportation Development Act funds available in the COG Budget in FY 2012/13 and 2013/14. This item is not currently included in the 2012/2013 approved budget. Upon approval of the contract by the Board, the Executive Director will prepare a budget adjustment and transfer in the amount of \$2,500. Funding will be shifted from line items which are projected to be under budget in FY 2012/13.

PUBLIC COMMENT:

Joe Thompson

Mr. Thompson stated that he objects to this item for the same reasons he objects to the RTP. He stated that there will be more promotion of public sector transportation and a blind eye to private sector solutions.

Upon a motion duly made by Director Scattini, and seconded by Director Gomez, the Directors unanimously approved Item 11.

- 12. RECEIVE** the Council of Governments Draft Budget – FY 2013/14 – Postigo

Ms. Postigo presented the COG Draft Budget FY 2013/14, which is balanced for the third year in a row.

Director Boch asked how the funds which are set aside for Local Streets and Roads are divided up between the County, City of Hollister, and City of San Juan Bautista.

Ms. Postigo stated that the funds are divided up as follows: City of San Juan Bautista – 10%, County of San Benito – 30%, and City of Hollister – 60%

Ms. Rheinheimer pointed out that the \$30,000 Health Trust Grant that COG was awarded was not included in this Draft Budget, however, it will be included in the April Draft Budget.

The COG Board set public hearings for April and May at their regularly scheduled meetings.

13. ADOPT Resolution 13-01 Amending the Council of San Benito County Governments Rules and Regulations, Section 1: General Rules and Regulations, Amending Subsection 1 (C): Meetings, and Amending Subsection 1 (L): Records of Proceedings – Rheinheimer

Ms. Rheinheimer reported that COG's Rules and Regulations identify its regular meeting dates and times as the third Thursday of each month at 2:00 p.m. The Rules and Regulations also set for the procedures for keeping records of the meeting. The intent of Resolution 13-01 is to change the COG meeting time to 3:00 p.m. or 4:00 p.m. and to change the means of retention and the duration those records are kept.

Ms. Rheinheimer stated that a proposed meeting time of 3:00 p.m. was incorporated into the Resolution in Exhibit A.

Staff has also identified a need to change Section 1(L). Records and Proceedings. This section proposes to allow for alternative recording of meetings beyond cassette tapes. The proposed change would also limit the retention of records to 10 years rather than indefinitely.

After brief discussion the COG Board voted to adopt Resolution 13-01 as noted above.

Upon a motion duly made by Director Boch, and seconded by Director Scattini, the Directors unanimously approved Item 13.

14. RECEIVE Report on Vanpool Program Grant Agreement with the Monterey Bay Area Unified Air Pollution Control District – Lezama

Ms. Lezama reported that at the February 21, 2013 meeting, the Board directed staff to research the terms and conditions of the grant agreement with the Monterey Bay Area Unified Air Pollution Control District. The grant agreement with the Air District specified that the Council of Governments may not reassign or delegate the vans without the written authorization of the Air District for a period of 10 years. After speaking with Air District staff, the Council of Governments was advised that the awarded grant funds would need to be returned to the Air District in the amount of \$51,400 if the program is discontinued prior to 2017.

Ms. Lezama mentioned that the Vanpool Program collects approximately \$16,000 annually in vehicle lease fees from the passengers and driver of the vanpools. The fiscal year 2012/2013 Vanpool Program budget revenue totals \$78,000. This Program is funded entirely with lease fees from vanpoolers, with the exception of the grant to purchase the vehicles. The Program requires no taxpayer subsidies for ongoing program costs.

In addition, the Board directed staff to contact Vanpool Program participants to receive their input on the impact of eliminating the program. Staff contacted participants and they all expressed concerns regarding the elimination of the program. Vanpoolers stated that the reason why they chose to commute outside the County is because there are very few local jobs. Other vanpoolers chose to commute because there is an existing commuter Vanpool Program in San Benito County.

There was discussion about the old vehicles. Staff explained that older vehicles that have reached maturity have been donated to local non-profit organizations such as, Community Pantry, Bulldog Boxing, and the Homeless Shelter.

Ms. Lezama stated that if the Board was interested, there is still an opportunity to purchase a new vehicle to replace one vehicle that is reaching maturity. However, if the Board directed staff to purchase a new vehicle the item would have to be placed on a future agenda.

PUBLIC COMMENT

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that although it is true that the Vanpool Program is the ‘least hemorrhaging’ program, there are still some subsidies that go into the creation of it. Mr. Thompson stated that a lot less money would be lost if we all used Vanpools. He recommended using Vanpools and ending transit service.

There was no further discussion.

Upon a motion duly made by Director Boch, and seconded by Director Scattini, the Directors unanimously adjourned the COG meeting.

ADJOURN TO COG MEETING APRIL 18, 2013.