

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

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

FINAL MINUTES

MEMBERS PRESENT:

Chair Botelho, Director Boch, Director De La Cruz, Director Scattini, and Director Velazquez

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

CALL TO ORDER:

Director Botelho 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 Scattini, and seconded by Director Boch, the Directors unanimously approved the Certificate of Posting.

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated COG's Joint Powers Authority is unconstitutional and violates the civil and constitutional rights of the citizens of three districts because they don't have an elected representative on the COG Board.

D. EXECUTIVE DIRECTOR'S REPORT – Rheinheimer

Ms. Rheinheimer was pleased to announce that Transportation Planner, Veronica Lezama is going to be a recipient of KSBW's Jefferson Award for Outstanding Community Service.

E. CALTRANS DISTRICT 5 REPORT –

Brandy Rider provided a handout titled "California State Rail Plan" (CSRP). The CSRP is currently out for public review. Caltrans invites public comment to the CSRP, which began February 8, 2013 and will end on March 11, 2013. For more information or a copy of the Draft CSRP go to the following website: <http://californiastaterailplan.com/project-materials/>

In addition, Caltrans will host several open houses and a webinar. The Online Webinar will take place on February 26, 2013 from 11:30 a.m. to 1:00 p.m.

Also, Caltrans is now accepting applications for Transportation Planning Grants. Caltrans District 5 invites agencies to attend a transportation planning grant workshop in Marina on March 1st.

Finally, the Local Highway Safety Improvement Program (HSIP) cycle is approaching. Caltrans encourages staff to look at the Caltrans website to start planning for the 2013 Cycle-6 HSIP call for projects. More information can be accessed at: http://www.dot.ca.gov/hq/Local_Programs/hsip.htm

Chair Botelho inquired if Caltrans would be able to look into placing a flashing warning light at the intersection of San Juan Road and Carpenteria Road in Aromas. Although, the area is not located within San Benito County, he has had constituents call and request that something be done. Traffic flows through the area at a very high speed causing several deaths at the location.

Ms. Rider stated that she will look into what can be done in the area.

Director Boch complimented Caltrans for going out to San Juan Bautista and addressing the drainage problem on Washington Street.

F. BOARD OF DIRECTORS REPORTS:

Chair Botelho stated that he spoke with Lisa Rheinheimer regarding a request to Caltrans to improve signage off of Highway 101 noting that the City of San Juan Bautista is a point of destination.

Director Scattini and Director Velazquez requested that Caltrans improve signage along Highway 101 and Highway 156 notifying drivers that we have Pinnacles National Park. Director Scattini stated that Monterey is doing a great job at promoting the Park and Hollister should do the same.

Chair Botelho requested that staff follow-up on the signage requests and place the item on a future agenda for an update.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Regular Meeting Minutes Dated January 17, 2013 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated January 2013 – Postigo
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **RECEIVE** Update on the Highway 25 Bypass Route Transfer – Gilbert
5. **APPROVE** List of Consultants for On-Call Engineering and Consultant Services – Rheinheimer
6. **San Benito County Vanpool Program – Lezama**
 - a. **Approve** Vanpool Budget Adjustment/Transfer Totaling an Amount not to Exceed \$35,000 for the Purchase of one 15-Passenger Van, and
 - b. **AUTHORIZE** an Executive Director to Execute all Documents Required to Purchase one 15 Passenger Van.
7. **RECEIVE** Council of Governments FY 2012/13 Second Quarter

Chair Botelho pulled Items 3, 4, 6, and 7 for discussion.

Upon a motion duly made by Director Scattini, and seconded by Director De La Cruz, the Directors unanimously approved Items 1, 2, and 5 from the Consent Agenda, with an abstention from Director Velazquez on Item 1.

Item 3

**Marvin Jones
Hollister, CA**

Mr. Jones inquired about the Highway 156 Improvement Project listed under the Caltrans Construction Projects Report. Under the comment section it states that there was a tentative hearing date set for 2-8-12. Mr. Jones asked if it was a misprint, or if there was an actual hearing.

Ms. Rider confirmed that it was a misprint. A hearing has not been held at this time.

Upon a motion duly made by Director Scattini, and seconded by Director Boch, the Directors unanimously approved Item 3.

Item 4

Staff pulled Item 4 to allow Brandy Rider from Caltrans, the opportunity to provide an update on the Highway 25 Bypass Route Transfer.

Ms. Rider reported that they have initiated a project study report for the Corrective Project for the curve correction. This allows them to get the project programmed into the SHOPP Program. Also, the response that the City and County have been awaiting from Caltrans Director Malcolm Dougherty is still under legal review. His response will outline what the details of the transfer will be, as well as the schedule for it to occur.

Board members asked if there was a timeline to provide details as to when the transfer will occur. They also asked if the Caltrans Director could come to the meeting to have a discussion about moving forward and finalizing things.

Ms. Rider stated that she could not provide an exact timeline on how quickly the Director's office is going to report back to them at the District level, however, she did emphasize that the process is moving forward.

Ms. Rheinheimer reported that she has asked the District 5 Director to come to the next COG meeting to provide more information. Staff is also working with Senator Cannella's office regarding spot bill SB314 in case legislation is needed to help assist moving the transfer forward. Staff will continue to work diligently to help move this process forward.

Chair Botelho reiterated that the Board would like to see a timeline on this project. He directed staff to place this item on next months agenda for a response from the Caltrans Director.

There was also brief discussion about a new business (Walgreens) that is trying to open up in town. The business is trying to obtain connection onto Highway 25; however, they have not received a response from Caltrans.

Ms. Rider stated that the Walgreens project is currently going through the Encroachment permit. She stated she would bring back a status report.

Upon a motion duly made by Director De La Cruz, and seconded by Director Scattini, the Directors unanimously approved Item 4.

Item 6

Director Velazquez wanted to know why COG needs to purchase a new van. He also wanted to know what COG's liability is if something were to happen on the road.

Ms. Rheinheimer explained the way the vanpool program works. She stated that three of the vans are 2007 Ford models while the fourth van is an older 2002 Chevrolet. The Chevrolet van has a mileage of 100,914. If approved, the new van will replace one of the existing Ford vans. The Chevrolet van will be recommended to the Board of Directors, at a future meeting, as surplus property and donation.

With regard to liability, Ms. Rheinheimer stated that the lease pays for the vehicle insurance. In addition, the vanpoolers have their own vehicle insurance.

Board members expressed concern about COG's involvement in the Vanpool Program. They asked why employees can't group together on their own and approach employers to purchase and lease out these vehicles. They inquired if any grant restrictions would apply.

Ms. Rheinheimer stated that this commuter service is very well received in the community. Staff continues to operate it through grants received from the Air District as part of reducing air pollution in the area. It is not a mandated service. The Board may want to consider this policy at a future meeting, as to whether they would like to continue or discontinue this program. There are other avenues that people can use through the private industry to lease vans or through other Joint Power Agreements, such as CalVans. She stated that she was not aware of any grant restrictions, but would look into the matter.

PUBLIC COMMENT

Marvin Jones
Hollister, CA

Mr. Jones stated that he took advantage of the vanpool program years ago for about 10-12 years. He stated that he mixed emotions about the service. He appreciated the comment about letting the commercial enterprise provide the service; however, the government is then competing with the commercial enterprise.

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that with regard to the procedural issue of obeying procedural law when conducting meetings, the Board needs to obey the Brown Act.

Director Boch recommended that the Board advise the vanpool users that they plan on phasing the program out and will not be extending the program beyond the life expectancy of the existing vehicles. He stated that the Board made a commitment to these people to lease them the vans. The correct thing to do is to honor it. Additionally, if there isn't any responsibility to pay the grant money back and the revenue of \$78,000 can be used for other purposes, this would be the correct thing to do in ending the program.

After brief discussion, Director Boch recommended that the item be continued to the March COG meeting with a recommendation from staff on whether or not to continue the policy of the Vanpool Program.

Upon a motion duly made by Director Boch, and seconded by Director De La Cruz, the Directors unanimously approved the continuation of Item 6 as noted above.

Item 7

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that staff has improved the quality of the reports that are presented to the Board. Mr. Thompson recommended that there be a change to the Budget Reports. He stated that the Budget Reports should change the word “Revenues” to “Taxes”.

Upon a motion duly made by Director De La Cruz, and seconded by Director Scattini, the Directors unanimously approved Item 7.

REGULAR AGENDA

TRANSPORTATION ITEMS:

- 8. Unmet Transit Needs Hearing – Lezama**
 - a. **RECEIVE** Report on Unmet Transit Needs Hearing
 - b. **Open** Public Hearing
 - c. **Close** Public Hearing
 - d. **Direct** Staff to Return to the Council of Governments with Recommendation

Ms. Lezama provided a presentation on the Unmet Transit Needs and a brief overview of County Express and Jovenes De Antaño services.

Chair Botelho opened the Public Hearing at 2:59 p.m.

PUBLIC COMMENT:

Sally Bettencourt

Ms. Bettencourt expressed disagreement with Transportation funding and policy.

Ms. Bettencourt stated that she is deeply concerned about the future of San Benito County. She stated that Vision San Benito is a group of people who have their own goals and ideas per which they would like San Benito to become. Last summer Vision San Benito held a 3-day conference about the future look of San Benito County. Their results is a lesson in what is called “Utopia”, which to her means “heaven here on earth”. Ms. Bettencourt stated that much of Vision San Benito’s information in the long term planning proposals for the future of San Benito County comes from a far away source, such as Berkeley professors, or idealists with utopian fantasies. Vision San Benito’s outcome is solemnly put in place within this proposal. To accomplish this visioning goal would be leading San Benito County to doom and disillusionment, which is already happening. Ms. Bettencourt stated that Utopia cannot be reached so she pleaded with the Board to be cognizant about outside borders influence. She asked the Board to explore alternatives and make sound decisions. She asked that they speak with businesses and land owners because they have a stake in the future here too. She closed by saying that the decisions that the Board make today and in the future is the guide to the destiny of San Benito County.

Joe Thompson
Tres Pinos, CA

Mr. Thompson provided a handout to the Board titled “Highway & Transit Finance in the United States: 2006”. Mr. Thompson stated that if the Board continues with this policy madness, there won’t be any transit at all because it is unsustainable. He stated that 99% of the financing for transit comes from the taxation of motorists.

Chair Botelho closed the Public Hearing at 3:08 p.m.

Ms. Rheinheimer stated that the next step is for the Social Services Transportation Advisory Council and staff to review all the testimony received and provide a recommended determination of Unmet Transit Needs to the Council of Governments Board of Directors for a recommendation and final report to the State.

Chair Botelho directed staff to come back to the Board with a recommendation at a future date.

9. RECEIVE Presentation on Financing our Transportation Infrastructure – Rheinheimer

Ms. Rheinheimer provided a presentation which included a general overview of transportation funding through Federal, State, and local programs.

Ms. Rheinheimer stated that core transportation revenues from fuel excise taxes and sales taxes on fuel are steady. On the other hand, revenues from the transportation bonds from 2006, known as Proposition 1B, are coming to a close. With this overall reduction in funding, the outlook for supporting transportation infrastructure is austere.

PUBLIC COMMENT

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that transit worsens our transportation problems. If transit were in the private sector it would improve the amount of transportation we have and decreasing the cost of transportation. Mr. Thompson stated that the Board should not listen to transit advocates. He said they should take the advice from the people who are paying the bills not the subsidy recipients. Mr. Thompson stated that unless the Board is willing to reform, they should be removed from office.

Richard Bettencourt
Hollister, CA

Mr. Bettencourt stated that he is all for clean air, however, the Government is really putting a burden on the truck industry. They are requiring trucks to have carb-canisters installed on them. He mentioned that one of the problems with the canisters is that some are defective and have caught trucks on fire.

10. RECEIVE Report on the Governor's Proposed California State Budget for Transportation in Fiscal Year 2013/2014 – Rheinheimer

Ms. Rheinheimer reported that the total State Budget for transportation decreases from \$13.3 billion in Fiscal Year 2012/13 to \$12.8 billion in Fiscal Year 2013/14. Additionally, State Transit Assistance funding decreases from \$415 million to \$392 million.

Ms. Rheinheimer mentioned that the State Budget also includes the Governor's Reorganization Plan No. 2 which includes consolidating various departments. The current Business, Transportation and Housing Agency would be dissolved and a new Transportation Agency would be created. This new Transportation Agency would consist of the following:

- High Speed Rail Authority
- California Transportation Commission
- Department of Transportation (Caltrans)
- Department of Motor Vehicles
- Board of Pilot Commissioners
- Office of Traffic and Safety

Council of Governments staff will monitor the State Budget for transportation and report any changes which may impact the COG Budget.

PUBLIC COMMENT

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the Bullet Train Proposition is a nightmare for California taxpayers. It might be nice for a tourist who pays a small price to travel from one end of California to the other end of California in one day. However, the tax burden on the taxpayers of California is huge. Mr. Thompson stated that the estimates he has seen say that the Bullet Train will lose about \$1 billion a year. Mr. Thompson closed by saying this is a failing Budget and the Governor should be told so.

11. ACCEPT Project List and Core Financial Assumptions for Inclusion in the Draft 2014 Regional Transportation Plan – Gilbert

Ms. Rheinheimer stated that the local newspaper recently reported that COG would be initiating and imposing a vehicle miles traveled fee, as well as a local sales tax for transportation. She noted that this was a gross misrepresentation and wildly inaccurate statement. Ms. Rheinheimer clarified that what she stated at the last meeting was whether or not these two taxes and fees should be assumed as part of the long range plan in its financial assumptions. She stated that the vehicle miles traveled fee would not be a local option; it would be a State wide option. The question would be whether or not the Board wants to assume that the State might do that in the 20 years they're looking at. Additionally, with the local sales tax measure for transportation, it is whether you would want to assume a local group here in the next 20 years, would take that initiative to propose a local transportation sales tax measure.

Ms. Gilbert provided a Power-Point presentation on the Core Financial Assumptions and Project List for inclusion in the Draft 2014 Regional Transportation Plan.

Ms. Gilbert stated that the Council of Governments is in the process of preparing the next Regional Transportation Plan for San Benito County, which must be adopted by June, 2014 to meet state and federal planning requirements. The Plan includes a list of projects anticipated for implementation through 2035 and also identifies funding assumptions for the same time period. Staff has updated the project list and is also providing draft financial assumptions to the Board for review.

Ms. Gilbert mentioned that the Technical Advisory Committee reviewed the project list and funding assumptions at its February 7th meeting. Comments from the Committee have been included. It is important to note that the projects and financial assumptions may be modified as COG moves forward with the public review process for the Plan throughout the year.

Director Scattini inquired if the project list is in order of priority projects.

Ms. Gilbert stated that the project list is not broken down in that order.

Ms. Rheinheimer stated that she would advise against listing the projects in order of priority because you would essentially be circumventing what the Cities and County may want to do, in terms of their own priorities. She asked that they keep in mind that this is a high level view of transportation and they may be taking the tool away from local decision power.

PUBLIC COMMENT

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the gross misrepresentation was made by the COG Board when it published its January agenda without any word about increasing taxes on the bankrupt taxpayers in this County. Mr. Thompson stated that the violation was repeated on this month's agenda because the public was not informed that the Board would be considering imposing more taxes on County residents. He added that the COG Board does not have the right to impose taxes and that the RTP plan is a failure of government and deserves to be recognized as such. He stated that he would like to repeat everything he gave COG's Directors in his August 23, 2009 critique of the RTP, as then proposed. He stated that they continue to perpetrate those mistakes.

Ms. Rheinheimer stated that in terms of the Core Financial Assumptions, the direction she received from the Board is to just look at the Core Financial Assumptions and not look at any other alternative funding, such as the vehicle miles travel tax or sales tax, that isn't in existence today.

Director Boch stated that the COG Board does not have the Authority to impose new taxes, and did not comprehend how some people came to that conclusion.

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

12. REVIEW and COMMENT on Council of Governments Fiscal Year 2013/14 Budget Assumptions – Postigo

Ms. Postigo reported that some of the FY 2013/14 revenues will increase while others are decreasing. Overall, there is a slight decrease from FY 2012/13. The Local Transportation Funds estimated in FY 2013/14 show no change as received in FY 2012/13. State Transit Assistance has a decrease of \$21,000 for FY 2013/14. The completion of the San Juan Highway Bike Lanes Project attributes also to the decrease. There is little or no change in the Rideshare and Vanpool Program projected revenues.

PUBLIC COMMENT

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that he wanted to thank the Executive Director and staff on behalf of the taxpayers, for the dramatic improvements in the financial reporting that they have seen during the past 10 years.

Ms. Postigo stated that for the last 6 years, the Council of Governments' has presented the draft fiscal year budget to the Board of Directors at the March meeting. The Board holds public hearings on the draft Budget at their April and May meetings. The Budget is then adopted at the June Board meeting.

Upon a motion duly made by Director De La Cruz, and seconded by Director Velazquez, the Directors unanimously adjourned the COG meeting.

ADJOURN TO COG MEETING MARCH 21, 2013.