

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

**September 18, 2014, 3:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Chair Gomez, Director Boch, Director Botelho, Director Muenzer, and Director Velazquez  
Ex Officio: Brandy Rider, Caltrans District 5

**STAFF PRESENT:**

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

**OTHERS PRESENT:**

Michael Groves, EMC Planning Group; Heather Adamson, Association of Monterey Bay Area Governments (AMBAG)

**CALL TO ORDER:**

Chair Gomez called the meeting to order at 3:01 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

*Upon a motion duly made by Director Boch, and seconded by Director Botelho, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.*

**C. PUBLIC COMMENT:**

**Kristina Chavez-Wyatt  
San Benito Co. Business Council**

Ms. Chavez-Wyatt stated that the San Benito Co. Business Council was requesting that the COG Board adopt a Resolution declaring their intent to move forward with amending the Regional Transportation Plan to add the Highway 25 Widening project to the constrained list of projects. She stated that there was no need to wait to identify funding for the project.

Ms. Chavez-Wyatt also provided information regarding Measure J. She provided a handout from Applied Development Economics (ADE) entitled: Summary Employment and Economic Impact Findings. ADE was retained by the San Benito Farm Bureau to evaluate the potential economic and fiscal impacts of the oil industry in the County.

**D. EXECUTIVE DIRECTOR'S REPORT: Gilbert**

Mary Gilbert reported that COG staff delivered bike racks to local schools as part of the Rideshare

Program's Community outreach.

Ms. Gilbert announced that October 8<sup>th</sup> is International Walk-to-School Day. Walking school buses help reduce traffic and it is also a great way to get kids to exercise. Staff encouraged schools to participate by registering their walking school bus and being entered to win a \$200 Swank Farms gift card.

Ms. Gilbert announced that County Express will be providing free shuttle service to the San Benito County Fair October 3 – 5. Shuttle service schedules are being distributed at ticket sale locations as well as other agencies around town. This year staff has added shuttle service to San Juan Bautista.

**E. CALTRANS DISTRICT 5 REPORT:** Gubbins

Brandy Rider announced that the Three Feet for Safety law will take effect September 16<sup>th</sup>. The law requires motorists to give at least three feet of clearance when passing a bike in the same lane. The goal is to create a safe environment for both bicyclists and motorists.

Brandy Rider stated that Caltrans has sent out a news release announcing the acceptance of Transportation Planning Grants. Grant applications are due October 31, 2014. Caltrans will also host a transportation planning grant workshop in San Luis Obispo. For more information contact Brandy Rider or Mark McCumsey at Caltrans District 5.

**F. BOARD OF DIRECTORS REPORTS:**

Director Muenzer reported that on September 17, 2014, the Monterey Bay Air Pollution Control District Board approved the AB2766 Motor Vehicle Emission Reduction Grant Awards. This year's AB2766 Grant award budget totaled approximately \$106k for San Benito County.

Direct emission reduction project grants were awarded to the following:

**San Benito County:** 1. San Benito County LTA: Vanpool Replacement Project  
2. San Benito County Sheriff: Fleet Vehicle Replacement

Electric Vehicle (EV) Replacement vouchers were awarded to the following:

**San Benito County Agencies:** Probation, Sheriff, Hollister Municipal Airport

Chair Gomez stated that he met with COG staff to work on a Resolution that supports putting the Highway 25 Widening project back on the Regional Transportation Plan's constrained list as soon as possible. He stated that he would like staff to coordinate a meeting that includes a representative from the City of Hollister City Attorney, Board of Supervisors, County Counsel, and perhaps include Michael Groves with EMC Planning as well.

**CONSENT AGENDA:**

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated August 21, 2014 – Gomez
2. **RECEIVE** Construction Projects Report – Caltrans District 5
3. **Master Fund Transfer Agreement No. 74A0801 With State of California** – Gilbert
  - a. **APPROVE** Master Fund Transfer Agreement No. 74A0801 for January 1, 2015 through December 31, 2024
  - b. **ADOPT** Resolution No. 2014-11, Delegating Authority to the Executive Director to Execute Funding Agreements and Amendments with the California Department of Transportation

*Upon a motion duly made by Director Botelho, and seconded by Director Boch, the Directors approved Items 1-3 from the Consent Agenda, with an abstention from Director Velazquez on Item 1.*

*Vote: 4/0/1 motion passes.*

## **REGULAR AGENDA**

### **TRANSPORTATION ITEMS:**

- 4. RECEIVE** Council of Governments FY 2013/14 Fourth Quarter Budget Report and **APPROVE** Budget Adjustment/Transfer Numbers 13-14-06, 13-14-13, and 13-14-14 – Postigo

Ms. Postigo reported that the individual budgets of COG Administration, Rideshare and Planning State Subvention all required budget adjustments/transfers to balance out the year end. Staff reviewed the year end Budget and the Budget Adjustment/Transfers, 13-14-06, 13-14-13, and 13-14-14 and has found them to be warranted and necessary to finalize fiscal year 2013-14.

COG staff recommended that the Board approve Budget Adjustment/Transfers, 13-14-06, 13-14-13, and 13-14-14.

There was no public comment.

*Upon a motion duly made by Director Botelho, and seconded by Director Boch, the Directors unanimously approved Item 4. Vote: 5/0 motion passes.*

- 5. DISCUSS** Update to the San Benito County Traffic Impact Mitigation Fee Study – Gilbert

Chair Gomez noted his desire to pull and continue this item to next month's meeting, however, there was public comment and discussion from the Board on the item.

### **PUBLIC COMMENT:**

**Michael J. Groves, President  
EMC Planning Group Inc.**

Mr. Groves stated that he would like to see some changes made to the scope of work. He would like for the consultant to take a look at the new AMBAG Model and review the GIS mapping which requires corrections to include projects, such as the Santana Ranch development. Also, the consultant should incorporate the Level of Service (LOS) D/E, not just the C/D LOS analysis.

There was discussion amongst Board members as to why the Chair wanted to delay this item. Chair Gomez stated that he wanted to ensure that COG is on the same page as the County's General Plan Consultant.

Ms. Gilbert stated that any work that is done would be responsive with the County's General Plan. She mentioned that staff was trying to work on a contract, but negotiation were terminated. Staff is proposing to go through a Request for Proposal (RFP) process and come back with a contract in October or November.

Chair Gomez asked if the Board could look at the RFP, to review the scope of work.

Ms. Gilbert stated that the Board could review the scope of work, but it would push the RFP back another month. She noted that the Board has reviewed the scope of work a couple of times already.

Director Botelho stated that the Traffic Impact Mitigation Fee study (TIMF) was important, as well as getting the scope of work correct. He also stated that the County's General Plan update was far enough along that the TIMF consultant would be able to review and move forward. He noted that it would take approximately six months to prepare the study after it is under contract. He asked if staff could use the last RFP as a template.

Deputy County Counsel, Shirley Murphy, noted that the Board could release the RFP and set it for response in late October, early November, with the RFP on the October 2014 COG meeting agenda. Staff could issue an addendum if the Board has comments and/or revisions.

Michael Groves, (County's General Plan consultant) returned to the podium and asked questions regarding what happened with the contract negotiations with Kimley-Horn and the RFP process and proposal.

Deputy County Counsel, Shirley Murphy declined to reveal attorney client communications on the record. She noted that there was no specific RFP process for the contract and COG was using the on-call list of engineers.

Director Botelho asked about the effect of a D/E cusp level of service in the scope of services and if it would be an issue. He stated that he would be willing to look at a D/E level of service for Highway 25, but not other roads.

Michael Groves stated that the D/E level of service would allow for more TIMF to pay for a 4-lane Highway 25, and a lot less would have to be raised by a sales tax measure. He stated that by keeping the C level of service, they would end up building the large project that has been in the books forever.

Brandy Rider with Caltrans District 5 stated that it would be all right to use the D/E level of service for comparison, however, Caltrans standard is a C/D cusp. She noted that there are other ways to address capacity besides C/D analysis and/or widening. She encouraged additional volume performance measures. She noted that the analysis would require Caltrans' approval.

Director Muenzer stated that he would prefer a 60 day RFP turnaround time with the COG Board reviewing the scope with the level of service D/E analysis added, at the October meeting.

Director Botelho noted that he wants the scope of work to be as exact as possible to avoid future changes that cost more money. He stated that he would support adding the D/E analysis.

*Upon a motion duly made by Director Muenzer, and seconded by Director Botelho, the Directors unanimously authorized the release of an RFP on a 60-day schedule, with D/E analysis added to the scope of work, and with the RFP on the October meeting agenda for the Directors to review.*

*Vote: 5/0 motion passes.*

**6. DIRECT STAFF Regarding Work Program for State Route 25 Widening Project Development - Gilbert**

Ms. Gilbert reported that staff had met with the Federal Highway Administration (FHWA) regarding the extension to complete the environmental document.

Brandy Rider reported that there was no longer a need for FHWA's extension because the Highway 25 Safety Improvement project met the 10 year rule, which means that there is no need to repay project funds. Caltrans will write a letter to the FHWA stating that COG does not have to pay back those funds.

Ms. Gilbert stated that the funds that were allocated for the project will be used to close out the environmental document. As the environmental document is finalized, COG has committed to working with stakeholders to review the project scope and design and consider alternatives for funding the project. Ms. Gilbert discussed the overall project objectives with the Board.

## **PUBLIC COMMENT:**

**Michael J. Groves, President  
EMC Planning Group Inc.**

Mr. Groves stated that he liked the proposed work plan. He thanked Mary Gilbert for working hard to get everything in place. He noted that the County's General Plan update Draft Environmental Impact report should be out in late October, early November, with the Final Environmental Impact Report brought before the County Board in early 2016. He stated that there were some delays on the traffic side and waiting for the new AMBAG Model. He encouraged the COG Board to pass the Resolution which supports putting the Highway 25 Widening project back on the constrained list.

Director Muenzer asked for clarification with regards to placing the Highway 25 Widening project back on the constrained list, and having to identify funding sources for the project, in order to do so.

Mr. Groves stated that he was correct, they must identify alternative funding sources, but they don't necessarily have to have those sources locked down.

Director Muenzer stated that the COG Board will have to consider something other than TIMF for funding, sales tax measure, toll road, etc.

Director Velazquez asked to clarify that the COG Board doesn't have to have an identified source, but rather just state that the Board is going to look for alternative sources of funding.

Mr. Groves stated that he was correct, they don't have to have the "check in hand", but they must show the leadership.

Chair Gomez stated that Resolutions were passed unanimously by both the City Council, and Board of Supervisors to put the Highway 25 Widening project back on the constrained list. He asked what has to be done to get the project back on the constrained list.

Heather Adamson with AMBAG, stated that identifying funding sources was a big hurdle because the COG Board indicated that they were not willing to raise the TIMF or sales tax. The Board has to identify potential sources that will fund the project. The current project is very expensive, ½ cent sales tax won't pay for it, and TIMF won't pay for it. The Board could do a phased out implementation of the project. COG would have to identify funding sources, complete an environmental impact report, and follow the process for an amendment to the Regional Transportation Plan, and an amendment to AMBAG's Metropolitan Transportation Plan.

Director Velazquez stated that he understood that all that was required was a simple commitment from the Board, which they have.

Deputy County Counsel, Shirley Murphy advised the COG Board that a Resolution is not enough to result in an amendment. She stated that they would need to follow the amendment process to the RTP and that the amendment would require CEQA revisions with the factual back up information needed to support the amendment.

Chair Gomez and Director Velazquez stated that it was important for the COG Board to adopt a resolution stating the Board's commitment and then working on the rest, as far as the Board retreat, meet with stakeholders.

Director's Botelho and Muenzer stated that the resolution was important, but it was a bit premature because they had to first follow the steps needed for an amendment. They also wanted have the Board retreat and meet with stakeholders, then perhaps, adopt a resolution along the way.

Director Velazquez reiterated Chair Gomez' question asking Mr. Groves what has to be done to get the project back on the constrained list.

Mr. Groves stated that the representative from AMBAG laid it out very well, however, he stated that the amendments to the RTP, MTP, and CEQA revision were not on the work plan. He stated that the Board should adopt a Resolution adopting the work plan with those items included at the October COG meeting. He stated that the amendment of the RTP would require a second Resolution and AMBAG would need to do a second Resolution to its Board as well. It would be a 6-8 month process.

Director Botelho noted that passing a Resolution would not get the project onto the constrained list.

Brandy Rider stated that the Board could give simple direction to staff to work with Caltrans and AMBAG to take it through the FHWA for approval, without needing to adopt a Resolution.

Director Botelho inquired about the environmental work and whether additional work would be required to amend the RTP.

Deputy County Counsel, Shirley Murphy stated that the work could be more focused and tiered off of the EIR that was just certified.

Ms. Gilbert stated that the additional environmental analysis is not included in the current budget. Staff would have to amend the budget to allocate funds if needed.

Ms. Gilbert stated that per the COG Board's direction staff would proceed with taking steps to work with Caltrans and AMBAG to move forward with the intent of pursuing an amendment of the Regional Transportation Plan.

*Upon a motion duly made by Director Botelho, and seconded by Director Valdivia, the Directors unanimously adjourned the COG meeting at 4:32 p.m. Vote:5/0 motion passes.*

**ADJOURN TO COG MEETING OCTOBER 16, 2014.**