

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

**October 16, 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; Secretary, Monica Gomez

**OTHERS PRESENT:**

Mark McCumsey, Caltrans District 5; 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 Muenzer, and seconded by Director Botelho, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.*

**C. PUBLIC COMMENT: None**

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

Ms. Gilbert reported that County Express provided free shuttle service to the San Benito County Fair for the second year in a row. She mentioned that ridership was lower this year. Staff will provide a full report to the Board next month.

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

Brandy Rider announced that Caltrans recently released the second issue of The Mile Marker: A Caltrans Performance Report. The document details the department's performance and progress as it strives to improve and modernize California's transportation system. She provided a copy of the report for the Board to review.

**F. BOARD OF DIRECTORS REPORTS:**

Director Botelho stated for the record that he spoke with Caltrans staff before the COG meeting regarding

the San Juan Road Interchange on/off ramp opening. The Northbound off ramp remains closed. Director Botelho stated that the owner of the Red Bard asked him to lobby Caltrans to complete the work. Caltrans stated that it's going to take another 4 weeks to complete the work. He stated that it is a big safety concern because people who are traveling to the Red Barn are being asked to use Dunbarton Road and cross over San Juan Highway 101 traffic on a Sunday. Director Botelho stated that although it's Monterey County's project we all should be concerned. Caltrans staff was made aware of this concern and they are going to take it back to their agency.

### **CONSENT AGENDA:**

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated September 18, 2014 – Gomez
2. **APPROVE** COG Transaction Report (Financial Claims) dated July 1, 2014 through September 30, 2014
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **San Benito Vanpool Program** – Lezama
  - a. **ACCEPT** Bids Received in Response to Invitation for Bids (IFB) No. 2014-01 and Find the Bid Received from My Chevrolet to be Nonresponsive;
  - b. **AWARD** Contract to Winner Chevrolet, as the Lowest Responsive and Responsible Bidder, for the Purchase of a 2015 Van (Van #1);
  - c. **ADOPT** Resolution 2014-13 Authorizing Acceptance of an AB2766 Grant from Monterey Bay Unified Air Pollution Control District for Purchase of a 2015 Van (Van #2), Approving Grant Agreement No. 15-02, and Authorizing the Interim Executive Director To Execute the Grant Agreement and All Documents Necessary to Receive the Grant;
  - d. **APPROVE** Vanpool Budget Adjustment/Transfer Totaling an Amount not to Exceed \$32,000 for the Purchase of a 2015 Van (Van #2); and
  - e. **FIND** That It Would Not Be In the Public Interest to Conduct a Second Invitation for Bids for the Purchase of Van #2, Consisting of the Same Vehicle Specifications as Van #1, Which May Take Up to 3 Months to Award, Would Incur Additional Costs, and Would Be Unlikely to Yield a Significantly Better Price; and
  - f. **AUTHORIZE** Purchase of the AB2766 Grant Funded Van (Van#2) from Winner Chevrolet Under the Same Terms and Conditions as Set Forth in Invitation for Bids (IFB) No. 2014-01.
5. **ADOPT** Resolution 14-14 Allocating Transportation Development Act Funds for Fiscal Year 2013/2014

There was no public comment.

*Upon a motion duly made by Director Boch, and seconded by Director Muenzer, the Directors unanimously approved Items 1-5 from the Consent Agenda. Vote: 5/0 motion passes.*

### **REGULAR AGENDA**

#### **TRANSPORTATION ITEMS:**

6. **San Benito County Traffic Mitigation Fee Study** – Gilbert
  - a. **REVIEW** Council of Governments Request for Proposals No. 14-01
  - b. **DIRECT** Staff to Prepare an Addendum to the Request for Proposals if Necessary

Ms. Gilbert reported that staff released a Request for Proposals (RFP) for qualified consulting firms to complete an update to the study. Proposals are due October 28. Staff asked direction from the COG Board regarding any requested changes to the scope of work included in the Request for Proposals. If changes are requested, staff will prepare an addendum to the RFP.

Ms. Gilbert stated that staff considered comments made at the September Board meeting and made changes to the previously-approved scope as was appropriate. The scope of work was included in COG RFP No. 2014-01, for the Traffic Impact Mitigation Fee Study update.

Ms. Gilbert noted that proposal review and consultant interviews will be conducted by an evaluation committee that will include staff from COG, the City of Hollister, San Benito County, and Caltrans. At its June meeting, the COG Board appointed the COG Chair to participate with the evaluation committee to interview consultants prior to contract negotiation.

Director Botelho asked which direction would be taken with regards to the Highway 25 Widening project, since there is uncertainty about the design of the project. He asked if the consultant will be asked to use the current design of the project, or will they recommend using an alternative design, which should be more affordable.

Ms. Gilbert stated that the scope is set up by relying on the Regional Travel Demand Model and the housing projections for the City and County. Staff looks at what the demands are going to be on the entire roadway network in San Benito County. Once they can identify where there are issues with level of service and congestion and that there is a need for new capacity is when they look at refining the project list for the impact fee program and developing project costs. She stated that there is room in the scope as it is set up.

Ms. Gilbert stated that this is the opportunity with the consultant and the working group as they develop the impact fee program, they'll identify a project that would be included, if the modeling shows that there will be additional capacity needed on Highway 25.

Director Botelho asked if waiting for an alternative design of Highway 25 could potentially delay the completion date of the impact fee report.

Ms. Gilbert stated that it could possibly delay the completion date.

Director Botelho stated that he figured it would cause a delay and hoped that his fellow directors give that some thought.

There was no public comment.

*Upon a motion duly made by Director Velazquez, and seconded by Director Botelho, the Directors unanimously approved Item 6. Vote: 5/0 motion passes.*

7. **ADOPT** Resolution 14-15, to Process for Consideration an Amendment of the 2014 San Benito County Regional Transportation Plan to Include the State Route 25 Widening Project in the Constrained List of Projects – Gomez

Chair Gomez stated that he spoke with Ms. Gilbert about this item last week and provided her with some language and a resolution that he believed would satisfy everybody. He stated that he provided a red-lined copy of the resolution to the public and to staff right before the meeting started. He noted that the red-lined version that was viewed during the COG meeting was not the version that staff and County Counsel, Shirley Murphy reviewed.

Chair Gomez stated that he believed that the resolution would address the concerns which were brought up by Supervisor's Barrios and De La Cruz at the Board of Supervisors meeting. He stated that Supervisor Botelho addressed some of their concerns, however, he felt that the resolution would satisfy everyone's desire to put something on the books stating that this is how everyone wants to move forward.

Director Botelho stated that staff did a very good job of outlining exactly what needed to be done before the project could be moved onto the constrained list in the next agenda Item 8. He stated that the resolution is a good statement, however, he thought that they need to hear more from the public and their willingness to absorb the cost. He stated that he had some doubts with some of the developers in the community who want to see Highway 25 widened and whether they are willing to pay the impact fees once the cost of the project is determined. He stated that there are so many complexities that should take place before taking a formal step, such as determining a final design and cost of the project.

Director Velazquez stated that there will always be issues or reasons why something cannot be done, but he stated that it was important to move forward with this. He stated that they will find a way to fund the project and Caltrans will work with them. He acknowledged that there a lot of pieces that they have to work on, but that they have to start somewhere. He stated that if the Chair was satisfied with the resolution then he would support it.

Chair Gomez stated that he could not understand why the COG Board would not support a resolution that has already been adopted by the City Council and Board of Supervisors. He stated that the resolution that was in the agenda packet was not really the one that he would support wholeheartedly because it was watered down to abide by legal standards, which he understood and respected. He stated that he provided the “red-lined resolution” to address the Board of Supervisors concerns that COG was not doing its job in moving forward. He stated that adopting the resolution would make it clear to everyone, including staff, on the Boards direction.

Director Muenzer asked Ms. Gilbert to clarify whether the adoption of the resolution would place the Highway 25 Widening project back on the constrained list. He inquired about the ‘red-lined resolution’, because he did not receive a copy of the “red-line” version.

Chair Gomez stated that he provided a red-lined version of the resolution to staff and County Counsel before the COG meeting because the resolution that was in the agenda packet was not the version that he had provided to staff the week before.

Ms. Gilbert clarified that the resolution that was under discussion was the version that was provided in the agenda packet. Ms. Gilbert confirmed Director Muenzer’s statement, that the adoption of the resolution would not place the Highway 25 Widening project back on the constrained list, nor would it amend the Regional Transportation Plan. She stated that Item 8 of the agenda listed the steps that are needed to able to accomplish those things.

Director Botelho clarified that he was not arguing with moving forward with the improvements to the Highway 25 Widening project, however, he believed that Item 8 on the agenda was doing the moving forward by providing clear steps of what needs to be done. He stated that he would like to have a better understanding of the project description, cost, and how the project will be funded. He stated that once those questions were answered he would be willing to support a resolution.

Ms. Gilbert noted a correction to the date on Resolution No. 2014-15 second paragraph. The correct date should read June **19**, 2014, not June 18, 2014.

There was no further discussion on this item or public comment.

*Upon a motion duly made by Director Velazquez, and seconded by Chair Gomez, the Directors voted to adopt Resolution No. 2014-15 with the corrected date, with Directors Boch, Botelho, and Muenzer voting no. Vote: 2/3 Motion fails.*

- 8. State Route Highway 25 Widening Project – Gilbert**
  - a. DISCUSS** State Route 25 Widening Project Development
  - b. RECEIVE** Information Regarding Regional Transportation Plan Amendment Requirements

Ms. Gilbert provided an overview of the items that were accomplished. Caltrans submitted notice to the Federal Highway Administration (FHWA) identifying compliance with requirements for the use of federal funds and initiation of construction of a safety project on Highway 25 in the 10-year timeframe as required. Staff has processed the Cooperative Agreement with Caltrans to fund additional work required to complete the environmental document. Caltrans has begun work on environmental studies and will schedule a Project Development Team meeting in the next 2-3 months. Regarding stakeholder involvement, Ms. Gilbert reported that staff coordinated with Apex Strategies to assist with conducting stakeholder advisory committee meetings. Staff invited stakeholders to an initial meeting on October 14. It was a small group in attendance, however there was positive discussion and clear community interest in the design of the project and looking at how the project could be funded. Ms. Gilbert stated that due to the upcoming holidays, the stakeholder group would hold off on scheduling another meeting until after the first of the year.

In terms of Regional Coordination, Ms. Gilbert reported that she along with AMBAG's Executive Director Maura Twomey and Planning Manager Heather Adamson traveled to San Luis Obispo yesterday to meet with Caltrans District 5 Director Tim Gubbins and his staff to discuss project phasing and potential modifications to accommodate an amendment to the Regional Transportation Plan. She stated that the meeting was very productive and that Mr. Gubbins and his staff understand the importance of this project to the COG Board and the community and that Caltrans is definitely an important partner on this project. They understand the need for a project that is truly suited to San Benito County. She stated that staff is currently working on completing the environmental process and looking at pursuing a route adoption, but it does not prohibit them from refining the actual route and project that they would like to see built and funded.

In terms of local coordination and outreach, Ms. Gilbert reported that she attended meetings of the Intergovernmental Committee and San Benito County Business Council meeting to update them on the status of the project and the work plan reviewed by COG in September. COG's Technical Advisory Committee also discussed the project at its October meeting and has the project as a standing item on their monthly agendas.

Ms. Gilbert provided a Power Point presentation which outlined the financial element, project review, and the ultimate amendment of the project.

Director Botelho asked who was working on the scope and design of the project and if they are still working on the old design.

Ms. Gilbert stated that the current project is based on what is in the existing environmental document, which was prepared by Caltrans. However, she stated that she believed that they were in a new phase at the direction of the COG Board as they look forward and further discuss how to refine the project scope that is in the environmental document.

Director Botelho stated that his biggest concern is not knowing the description and cost of the project, which is what they need to know to move forward.

Ms. Gilbert stated that Director Botelho made a good point. She stated that the project description and cost was also one of the topics of discussion at the meeting with the Caltrans District Director, as well as at the community stakeholders meeting. She stated that Caltrans had public comment for the environmental review, but it was back in 2010.

Brandy Rider stated that one of the things that has to occur is to take a step back and have a discussion with the community at large about what is the project. She stated that they are currently looking a Tier I environmental project, which is essentially a plan line. She stated that in order to answer the scope of the type of project you need to know how much money you're going to have and how much you can project to have in order to build something. All of those dialogues are going to be occurring relatively concurrently with the environmental document, which is where they would start looking at refining down the scope of the project. She stated that they don't have a design other than the 2010 design, which is not affordable. The question that will have to be answered is how you are going to address the need with the type of monies that are available. She stated that over the next several years Caltrans will be working with COG and the community to refine the project. She stated that Ms. Gilbert laid out a very good plan to acquire the input from the community and the Board and make sure that they are addressing the needs.

Director Botelho asked how long it would take to have these discussions and gather the information because he believed that it was as simple as adding two lanes to the existing route and you're done.

Ms. Rider stated that this is why it was important to go back to the discussions as to why we got to where we are today. There are several reasons why the alignment could have skewed a certain way, such as tiger salamander impacts, utility impacts, farmland impacts, access issues associated with driveways for businesses. When you do an environmental document you are balancing all of those issues. She stated that this is why they have to go back as a community and look at what was the decision making process that occurred and what our constraint is given all of these potential environmental issues with the project.

Director Velazquez stated that we cannot afford a \$250 million project as a community. He stated that we need to be realistic and look at the basic items that Director Botelho pointed out. He stated that if you listen to the community regarding Highway 25, the issues are really traffic at certain points and getting around people who are driving too slowly because the speed limit is 55mph. He stated that changing the speed limit to 65mph would probably relieve the traffic congestion. He stated that we need to just fix certain little things as we work towards adding two lanes to the existing roadway and stop with the idea of building a \$250 million project.

Ms. Rider stated that the Traffic Impact analysis is going to be very critical because you can throw out \$200 million, \$75 million, \$30 million etc. but until we know those projections and we do our needs assessment to where maybe there are projects that are more short-term in nature, but will have a major improvement. She stated that those are the types of things that need to happen and Caltrans is committed to working with the community to look at those options. The route adoption allows for that refinement because it is a plan line that allows for room to shrink down a footprint or have a footprint that makes better sense in the short term and in the budget that is being put together.

Director Botelho stated that the community already knows what the needs are on Highway 25. The community wants to know how much it is going to cost us and over what period of time do we have to pay for it.

Ms. Rider stated that you will have to look at the corridor and look at the segments that have the highest priority of need. The study will get you that needs priority, so you can then prioritize which parts you do first. She stated that Caltrans' partnership provides us with those tools so that we can make informed decisions from a technical professional background.

Director Muenzer inquired if Caltrans, during yesterday's meeting, was receptive to the fact that we have limited amount of money and the project is going to have to be designed around that limited amount of money and are they willing to work with us to get there.

Ms. Gilbert confirmed that yes that was clear during the meeting.

Ms. Rider explained that the reason they look at the longer corridor is because if another bond project passes, then as an agency you've allowed yourself to be more competitive for future funding sources as they come available. She stated that the long range planning allows you to plan for future money that may become available.

**PUBLIC COMMENT:**

**Kristina Chavez-Wyatt**  
**San Benito County Business Council**

Ms. Chavez-Wyatt stated that we need to lay a clear path to demonstrate to the community, staff, and regional agencies that we are willing to do the heavy lifting and work with the state and take the steps that we need to get us there. She stated that we can't afford further delay or indecision. This type of indecision and lack of leadership is stifling investment in our community when our future is unclear. The Highway 25 is a priority project for current and future communities along with many others in the RTP and we need to move forward and look for solutions together. She stated that she regretted not being able to participate in the entire stakeholders meeting that was put together by staff, largely due to that fact that although she had commented on this issue in past meetings, she was not on the meeting invite list. She stated that we cannot afford to continue along the path of indecision and uncertainty. She stated that it takes a long time to build knowledge and consensus within the community and the path is open and the interest is here. We can't continue waiting for dollars and support to magically appear, we need to advocate for our community and do so collaboratively with a clear direction or the world will continue passing us by.

**Richard Bianchi, President**  
**San Benito County Farm Bureau**

Mr. Bianchi stated that he attended the stakeholders meeting this week. He stated that the one thing that did come out at the meeting was a definite need for work to be done on Highway 25. He agreed with Supervisor Botelho's comment of using the existing footprint, to cut cost and to make it more palatable to the citizens and taxpayers of San Benito County. He admitted that he had personal interest in keeping the footprint where it is, but he stated that there is right of way there and he did not see why the right of way can't be expanded. He stated that if you are not purchasing new right of way hopefully the cost will be considerably less and you will get somewhere quicker with a lot less dollars. He stated that it is imperative for San Benito County to buy into this and it needs direction from the Board to make sure that we move forward, but also to be responsible in the way that we approach this.

There was no further discussion from the Board.

*Upon a motion duly made by Director Muenzer, and seconded by Director Boch, the Directors unanimously adjourned the COG meeting at 4:04 p.m. Vote:5/0 motion passes.*

**ADJOURN TO COG MEETING NOVEMBER 20, 2014.**