

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

May 21, 2015, 3:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair Muenzer, Vice-Chair Boch, Director Botelho
Ex Officio: Brandy Rider, Caltrans District 5

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Interim Executive Director, Mary Gilbert; Administrative Services Specialist, Kathy Postigo; Secretary, Monica Gomez

OTHERS PRESENT:

Mark McCumsey, Caltrans District 5; Heather Adamson, Association of Monterey Bay Area Governments

CALL TO ORDER:

Chair Muenzer called the meeting to order at 3:14 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

Upon a motion duly made by Director Botelho, and seconded by Director Boch, the Directors acknowledged the Certificate of Posting. Vote: 3/0 motion passes.

C. PUBLIC COMMENT:

Chair Muenzer stated for the record that the COG Board received Joe Thompson's public comment correspondence dated March 13, 2015 through April 29, 2015. The correspondence was entered into the public record.

Daniel Dodge, Field Representative for Assemblyman Luis A. Alejo provided a legislative update on Assembly Bill 440 and Senate Bill AB 227. He reported that Governor Jerry Brown's May Revise codified Assembly Bill 440 authored by Assemblymember Luis Alejo. This resulted in the state forgiving San Benito County from having to reimburse approximately \$3.4 million.

Mr. Dodge reported that Senate Bill AB 227 will repurpose truck weight fees and move them from the General Fund back to the State Highway Account, equaling a nearly \$1 billion investment annually. It will also expedite the repayment of several loans made to the General Fund from various transportation accounts during the economic downturn. This bill will help relieve a portion of California's \$59 billion backlog in needed transportation upkeep and repair by reinvesting in a well-performing transportation network that keeps jobs in California.

Mr. Dodge stated that they would welcome letters of support for AB 227 from any agencies that were in

attendance. Mr. Dodge stated that he could be reached on Tuesdays at the Hollister office located at the Briggs Parking Garage near Gavilan College. Mr. Dodge provided handouts for the Board and members of the public on Assembly Bill 440 and Assembly Bill 227.

Chair Muenzer directed COG staff to agendize a report on Assembly Bill 227 to move forward with approving a letter of support.

D. APPOINT Member and Alternate to the California Association of Councils of Governments (CalCOG)

Upon a motion duly made by Director Boch, and seconded by Director Botelho, the Directors appointed Ignacio Velazquez as CalCOG Member and Victor Gomez as CalCOG Alternate. Vote 3/0 motion passes.

E. EXECUTIVE DIRECTOR'S REPORT: Gilbert

Ms. Gilbert reported that she attended the California Transportation Commission's Road User Charge Technical Advisory Committee meeting in Monterey on April 24, 2015. Ms. Gilbert stated that it was very informative and that there is a huge technical task that needs to be completed by the group. She mentioned that it received local press coverage which was helpful with notifying the public of understanding the condition of our roads and the needs that we have for funding.

Ms. Gilbert reported that earlier this month staff hosted Bike to School Day. COG staff Veronica Lezama, who led the effort along with the Safe Kids California and San Benito partners conducted bicycle helmet fittings at local elementary and middle schools. Over 320 helmets were given out as part of this program which was funded through COG's Rideshare program.

E. CALTRANS DISTRICT 5 REPORT: Gubbins

Brandy Rider announced that the San Juan Road Interchange is now fully open. Caltrans will be sending out invitations and a press release for a ribbon cutting ceremony at a future date.

There is some biological work being done on the Highway 25 Curve Realignment project, however they are anticipating going out to construction beginning June 8th.

Ms. Rider followed up on a few questions from the Board from last month's meeting. The first was regarding pavement delineation that was missing on Highway 156. She reported that Caltrans crews went out and put the new delineation down on the number two lane facing south. The second item was in regards to the countdown boxes for the crosswalk. Caltrans has those boxes on order and they anticipate having them installed sometime in August. Lastly, there was a question about having additional warning signs put in. She reported that they currently have four signs and two flashing beacons in the area as you approach the intersection. Caltrans feels that it is more than adequate to deal with giving people necessary warning as they approach the intersection.

Director Boch stated that with regards to the warning signs, he continues to see people fly thru that area. He asked if it was possible to get additional signage further out west.

Ms. Rider stated that at this time with four signs and two flashing beacons in the area, Caltrans did not believe additional signs are necessary.

F. BOARD OF DIRECTORS REPORTS:

Director Botelho asked staff to look into what could be done to address the clumps of mud left behind by harvest companies along Highway 156. He stated that this is a safety concern and it could become much

worse if it starts to rain.

Ms. Gilbert stated that she discussed the issue with CHP officer Herb Kellogg. Officer Kellogg confirmed that it was a CHP enforcement issue. He stated that he would follow up and go out to the area to speak with the operator(s) responsible. Ms. Gilbert asked Director Botelho if he could provide more information as far as specific location area(s) so she could forward the information to Officer Kellogg.

Director Botelho thanked Ms. Gilbert for looking into the matter.

CONSENT AGENDA:

1. **RECEIVE** Council of Governments Correspondence – Gilbert
2. **APPROVE** Council of Governments Draft Meeting Minutes Dated April 16, 2015 – Gomez
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **APPROVE** Request for Proposals for Financial Audit for Fiscal Year Ending June 30, 2015 – Postigo
5. **Transportation Development Act (TDA)/City of Hollister, West Gateway Project – Lezama**
 - a. **APPROVE** City of Hollister Claim for Transportation Development Act (TDA) 2% Bicycle and Pedestrian Account Funding in the Amount of \$429,000 for the Hollister West Gateway Project.
 - b. **APPROVE** City of Hollister Claim for Transportation Development (TDA) Local Streets and Road Account Funding in the Amount of \$263,000 for the Hollister West Gateway Project.
 - c. **ADOPT** Resolution No. 2015-05 Wholeheartedly Supporting the City of Hollister’s Active Transportation Program Grant Applications to the California Department of Transportation for Funding of the Activating Safe and Equitable Connections in West Hollister Project and the Safe Routes to School Project.

Chair Muenzer pulled Item 1 to allow for public comment.

Upon a motion duly made by Director Botelho and seconded by Director Boch, the Directors approved Items 2-5 from the Consent Agenda. Vote: 3/0 motion passes.

PUBLIC COMMENT:

Robert Scales
Senior Program Director
Parsons Engineering

Mr. Scales stated that there has been a lot of discussion over the last year about widening Highway 25 and having Highway 25 placed on the constrained list of projects in the Regional Transportation Plan. He stated that it is one of two actions required to move any type of improvement forward on the state highway system. The other action is to have an accepted approved Project Initiation Document. A Project Initiation Document for a project which is primarily funded by others, which in the case of Highway 25 would be Traffic Impact Fees primarily. You need the appropriate Project Initiation Document which is a Project Study Report-Project Development Support (PSR-PDS). He stated that they prepared one of those documents for the Highway 25 widening and had a number of informal meetings with Caltrans District 5, Project Manager Richard Rosales, and others last year. He stated that as of October, they have pretty much what you would call a work in progress, about a 95% PID document ready for review and comment should that be the pleasure of the COG Board. He stated that a copy of this was provided to Mary in January at a stakeholders meeting, but nothing much happened. He stated that it was discussed in the February, March, and April stakeholders meeting, and that was just going forward with utilizing this document. Particularly, since the Board clarified that it was the COG Boards interest that if they were going to proceed with widening Highway 25 that you wanted to look at widening

on the existing alignment by adding two more lanes, whether its adjacent or side by side with the existing lanes. He stated that there was also discussion in March and April about doing an alternatives analysis study to look at options/alternatives. He stated that at the April meeting Chair Muenzer specified that he was interested at going forward with the addition of two more lanes along the existing alignment. He stated that this caused him to write a letter because he had difficulty with the idea that the Board would spend \$150K-\$250K for a product that had already been done. He stated that he wrote Mary the letter, but Mary then said we could not use it because the limits don't go all the way to the County line. He stated that in the last week they developed more drawings to extend the limits. In conclusion he stated that they offer the PSR-PDS document not only as a way to not spend \$150K-\$250K, but also to allow this project to move forward without incurring another two year delay because you will miss the STIP programming cycle.

Brad Sullivan
City of Hollister Attorney

Mr. Sullivan stated that he was a member of the stakeholder's meeting and that he was the one who gave the material to Mary and Eileen. He stated that it was done because the City is having a hard time approving anything because of the EIR and the environmental review recognizes impacts on Highway 25 that can't be addressed without it being on the constrained list or at least being able to mention in an EIR that that will address any impacts. He stated that Director Gomez and Director Velazquez would have made the same point had they been present.

Lee Taubeneck
Parsons Engineering Manager

Mr. Taubeneck provided a handout entitled SBtCOG OWP, PID Schedule and 2016 STIP Adoption and a California Government Code handout. Mr. Taubeneck stated that he wanted to address the Board on the project study report /project developments support document. He stated that he has worked over 30 years in transportation in the State of California primarily on scoping documents. To move it forward into the STIP program you need to adopt or approve a scoping document if for no other reason than to get the staff attention from Caltrans included in their budget. He stated that the last posted date to formerly approve a scoping document for inclusion in the 2016 STIP is mid-September and the nominal time to review and approve a scoping document is 12-16 months. He stated that the document that they were offering was consistent with the environmental document, the route concept report, District 5's route concept report for Route 25, AMBAG's MTP, recently released for public comment State Transportation Plan, and with AMBAG's Sustainable Communities Strategies. He referenced the two handouts that he provided and noted the back page of the Calendar of events with the mid-September deadline. He stated that it is not unreasonable for Caltrans to review a product like this in 60 days as the statute requires.

In conclusion, he encouraged the Board to add this to their Regional Transportation Plan and also consider forwarding the draft document which does not eliminate the possibility of including additional alternatives during the next phase of studies on to District 5.

Director Botelho stated that the Board has provided clear direction to COG staff on how to proceed with this project. He stated that he had deep concerns about taking a developer's plan for our transportation and incorporating that. He stated that the Board has already authorized hiring a consultant to engineer a widening plan for Highway 25 with phases in which they could go to the taxpayers to approve some sort of revenue plan. He stated that this is how it should proceed. They are not going to get a freebie from a developer on a development that is not going to happen in a very long time. We have a plan in place and that is the course we will take. There are no shortcuts in this process. As far as STIP funding cycles, we will not make it. Caltrans has told us and has made it very clear that there is nothing available for Highway 25. It will have to be locally funded through what is left of a sales tax, if the cities and county are able to agree on something like this. Regarding Impact fees, it will be a long road. He stated that he had concerns about outside interests having access to our employees, whether it is with COG or with

County Public Works. He suggested that all of those interests allow the Board to do their job in the interest of the entire County. He stated that this is how he felt as one Director on this Board and as one Supervisor.

Director Boch concurred with Director Botelho. He stated that until they can get a plan and until they can figure out how to finance it, they need to proceed with what has already been decided.

There was no further discussion on this item.

REGULAR AGENDA

TRANSPORTATION ITEMS:

6. RECEIVE Presentation on Transportation Funding in California – AMBAG

Heather Adamson, Planning Manager from the Association of Monterey Bay Area Government provided a Power-Point presentation on Transportation Funding in California and answered questions from the Board.

Chair Muenzer asked for clarification regarding Senate Bill 1077 only replacing the gas tax.

Ms. Adamson stated that SB 1077 could potentially replace the gas tax because it would address the VMT issues. People using the electric vehicles are still using the roads and they still impact the maintenance and the repair of the road but they are not purchasing gas, so a road user charge could address this issue.

SB 1077 is directing the Technical Advisory Committee (TAC) to evaluate and propose a pilot program to be implemented.

Ms. Adamson mentioned that the next TAC meeting will be held next week in Fresno. The meetings are open to the public.

Chair Muenzer thanked Ms. Adamson for providing the presentation.

There was no public comment on this item.

7. RECEIVE Report on Senate Bill 16 (Beall) and **APPROVE** Letter of Support by the Council of Governments Board of Directors – Gilbert

Ms. Gilbert provided an overview of the provisions in Senate Bill 16. She noted that the only change she was making to the letter of support was to copy Senator Anthony Cannella and Assemblyman Luis Alejo.

Chair Muenzer inquired if there were any issues with supporting both AB 227 and SB 16.

Brandy Rider explained that AB 227 focuses more on truck user fee whereas the other bills have other incentives associated with them. She mentioned that it was not uncommon for agencies to provide letters of support for multiple bills.

Director Boch inquired about the five percent sales tax provision in the bill.

Ms. Gilbert stated that five percent of the revenues deposited in the Road Maintenance and Rehabilitation Account established by the bill “shall be set aside for counties in which voters approve, on or after July 1, 2015, a transactions and use tax for transportation purposes, and which counties did not, prior to that approval, impose a transactions and use tax for those purposes.”

There was no public comment on this item.

Upon a motion duly made by Director Boch and seconded by Director Botelho, the Directors approved Item 7. Vote: 3/0 motion passes.

8. DISCUSS Potential for Transportation Sales Tax Measure in the 2016 Election Cycle - Gilbert

Chair Muenzer stated that he would continue Item 8 to the June 18th COG meeting so that they would have the results of the Joint Meeting between the City of Hollister, City of San Juan Bautista, and San Benito County. Chair Muenzer allowed public comment on the item.

PUBLIC COMMENT:

John Ivancovich

Mr. Ivancovich stated that he sits on the stakeholder committee representing Tri-Cal. He asked to be educated with regard to the Highway 25 project so that he could be a more useful member of the committee. He noted that it is crowded in the Tri-Cal area and it would definitely benefit Tri-Cal to do something on Highway 25 sooner than 2025. He suggested that staff provide the committee with guidelines and a timeline in order for a tax measure to make it on the 2016 ballot. He stated that he did not disagree with Director Botelho's position, but would like to better understand his position.

Director Botelho stated that there has been discussion over that past two years on how to get Highway 25 back on the constrained list and there is a process for that to occur. However, there are stakeholders who believe that they can shortcut the process. He stated that the COG Board has provided clear direction to COG staff to take the steps to move towards putting Highway 25 on the constrained list. A sales tax measure has been discussed as a method of finding additional funding, however this is not going to be sufficient. He stated that in order to be clear and unbiased and for the sake of transparency the COG Board directed staff to move forward with contracting a consultant to look at possible alternatives. He stated that the COG Board, with the help of the stakeholder committee, will take the steps to continue to move forward with Highway 25 and passing a countywide sales tax that benefits both cities and the county.

Chair Muenzer stated that he appreciated the work that is being done by the stakeholder committee because they are going to help get Highway 25 back on the constrained list.

There was no further discussion.

9. RECEIVE Update on COG Staff Work Plan for Highway 25 Development – Gilbert

Ms. Gilbert provided a brief update of activities under the work plan and stated that they have made progress towards the RTP amendment of getting the project on the constrained list.

There was no public comment or discussion.

Upon a motion duly made by Director Boch, and seconded by Director Botelho, the Directors Unanimously adjourned the COG meeting at 4:17 p.m. Vote:3/0 motion passes.

ADJOURN TO COG MEETING JUNE 18, 2015.