

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
REGULAR MEETING
(Zoom Platform)**

April 16, 2020, 3:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair, Ignacio Velazquez; Vice-Chair, Peter Hernandez; Jaime De La Cruz, Mary Vazquez-Edge and Rolan Resendiz; Ex Officio, John Olejnik, Caltrans District 5

STAFF PRESENT:

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

OTHERS PRESENT:

Harry Mavrogenes, Director of Resource Management Agency; Don Reynolds, City Manager of San Juan Bautista; Heather Adamson, Association of Monterey Bay Area Governments; Jill Leal, Caltrans District 5; Dulce Alonso, San Benito County Administration

CALL TO ORDER:

Chair Velazquez called the meeting to order at 3:02 P.M.

A. PLEDGE OF ALLEGIANCE Executive Director Mary Gilbert led the pledge of allegiance.

B. CERTIFICATE OF POSTING

A motion was made by Director De La Cruz, and seconded by Director Resendiz, the Directors acknowledged the Certificate of Posting. Vote: 5/0 motion passes.

C. NOTICE OF TEMPORARY PROCEDURES FOR COUNCIL OF GOVERNMENTS BOARD MEETINGS

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Additionally, members of the COG Board are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Executive Director, Mary Gilbert briefly went over Zoom etiquette for members of the public.

D. Moment of Silence for former COG Director and City of Hollister Council Member Marty Richman

Director Velazquez asked for a moment of silence for former COG Director and City of Hollister Council Member Marty Richman.

E. PUBLIC COMMENT:

Executive Director Mary Gilbert stated for the record that the COG Board received Joe Thompson's public comment correspondence. The correspondence was entered into public record.

F. EXECUTIVE DIRECTOR'S REPORT: Gilbert

Executive Director, Mary Gilbert stated that she would report out on items listed on the agenda.

G. Caltrans District 5 Report: John Olejnik

John Olejnik stated that Caltrans District 5 is aware and saddened by the recent tragedy that occurred at the intersection of Highway 25 and 156. Caltrans is actively working to reduce conflicts associated with red light running, like what seems that may have happened at this location. They are looking at reducing these conflicts with the Safety project. He mentioned that good progress is being made on the collaboration of the Safety project through a Value Analysis (VA) effort, which includes representatives from Caltrans, San Benito COG, San Benito County, and the City of Hollister. The intent is to find the best solution that is going to address the immediate safety need in a way that is trying to be most compatible with the vision and the progress to build the Highway 25 Expressway. He stated that the Value Analysis effort began in February and the second half was originally going to begin in April, but has been rescheduled for May. He said that everyone looks forward to the results and conclusion that comes from it.

Mr. Olejnik mentioned that a letter from District Director Timothy Gubbins was included in the COG agenda packet. The letter addresses questions raised by the COG Board at a previous meeting.

Lastly, Mr. Olejnik reported that the California Environmental Quality Act (CEQA) law has changed and has modified the metric of analyzing impacts from a Level of Service (LOS) metric to a Vehicle Miles Traveled (VMT) reduction effort. He noted that it is not new and it has been in the books for a year now however, Caltrans staff is doing their best to bring as much information and training as possible. He mentioned that the information had been provided to the Technical Advisory Committee.

There was brief discussion regarding the California Environmental Quality Act (CEQA). Director Hernandez, and Director Vazquez Edge asked for more information on CEQA guidelines.

Mr. Olejnik stated that he would forward the CEQA Guidance documents to COG staff who could then forward to the COG Directors.

Director Resendiz asked what mitigation measures were being taken to address the running of the red light at the intersection of Highway 25 and 156.

Mr. Olejnik stated that currently the Safety Project is being developed through the Value Analysis effort and that is where they will be addressing the issue with the running of the red light.

Chair Velazquez asked if there had been a response to the proposed idea of placing sensor lights that are able to sense when a car is not slowing down so it freezes the lights.

Mr. Olejnik stated that he was not a part of the Value Analysis group effort and that it would be the best forum to bring it up again at the next meeting.

Chair Velazquez stated that he would bring it up at the next Value Analysis meeting in May.

H. Board of Directors' Reports

Chair Velazquez welcomed Director Rolan Resendiz to COG.

Chair Velazquez stated that he understood the concerns that we are under with the Corona Virus causing some delays however, he want to ensure that COG continues to aggressively move forward on Highway 25, by continuing with Mobility Partnership meetings by teleconference if necessary. He wants to continue sending letters to our State elected officials, Assembly Member, Senator, Governor, Congressional representative, Caltrans –asking for financial help/red tape for Highway 25. He stated that the City of Hollister, City of San Juan Bautista, and County need to have shovel ready projects identified so that they are prepared for any grant funding that becomes available. He stated that each jurisdiction also needs to let COG know about their projects.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated February 20, 2020 – Gomez
2. **RECEIVE** Measure G Transportation Safety and Investment Plan Oversight Committee Minutes Dated October 28, 2019 – Gomez
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **ADOPT** Resolution No. 2020-01, Delegating Authority to the Executive Director to Execute Funding Agreements and Amendments with the California Department of Transportation – Postigo

There was no public comment on the Consent Agenda.

A motion was made by Director De La Cruz, and seconded by Director Resendiz, the Directors approved Consent Agenda Items 1-4,: 5/0 motion passes unanimously.

REGULAR AGENDA

5. **RECEIVE** Update on Council of Governments Operations Effective March 17, 2020 and Direct Staff as Needed (Verbal Report) – Gilbert

Executive Director, Mary Gilbert provided an overview of COG operations since the Governors shelter in place Executive Order N-29-20. She reported that the COG office has remained closed to the public since March 18th. COG is responsible for designating essential and some non-essential functions. The majority of staff is considered non-essential however, some are still working from home and being called in for meetings as needed, while practicing social distancing.

Ms. Gilbert reported that with regard to the Local Transportation operations, County Express continues to provide transportation for essential trips. There is very limited service: no Fixed Route, no service to Gavilan College. Staff established a free fares policy to minimize contact between drivers and passengers and to help with social distancing requirements. Other transportation agencies are doing the same statewide.

Ms. Gilbert reported that staff is still following State and Federal funding. The majority of programs through the California Transportation Commission have mostly stayed on the same schedule that they were on before coming in to the Executive Order with some slight delays. The main project that COG will be supporting, through the Mobility Partnership, for State funding is the Highway 25/101 Interchange that is being developed by the Valley Transportation Authority in Santa Clara. Staff is also looking ahead to what potential there may be for stimulus funds to help expedite projects and stimulate the economy. Staff will continue coordination with Regional and State partners as well as elected officials.

Ms. Gilbert asked for some feedback from the Board about whether they would like to consider working with a legislative advocate in Sacramento.

Director Vazquez Edge inquired if staff had reached out to Assemblymember Rivas and Senator Caballero for support.

Ms. Gilbert stated that staff had reached out to Senator Anna Caballero and Assemblymember Robert Rivas who are both ready to support COG in any way that they can.

Director Resendiz commented on the importance of finding out the politics and dynamics that occur at the state level. He said that the Board needs to form relationships and build alliances so that they can advocate to bring resources back to our community.

Director Hernandez asked how projects could be expedited.

Ms. Gilbert stated that it would be up to each of the City and County agencies that are building a project to ensure that they keep their respective projects to speed and moving forward.

Director of the San Benito Co. Resource Management Agency, Harry Mavrogenes stated that he was pleased to report that the County has been moving forward on a quick start program where they have approximately \$8 million dollars' worth of projects to be funded through future Measure G allocations. He said that the County has gone out to design plans on a number of those projects and will be going out to bid shortly. Some of the projects include road improvements to San Benito St. (behind the High School), Buena Vista Rd., Wright Rd., Fairview Rd., and Shore Rd. He said that they recognize the need to get moving on projects quickly, especially now given the current situation with the economy. He said that the County will continue to report on the progress of those projects.

Chair Velazquez asked staff to provide a list of shovel ready projects from the City of Hollister, City of San Juan Bautista, and San Benito County at next month's meeting. He said it would help the Board to plan if they do need to find someone to help find grant funds at the State and Federal level for some of the projects. Then they can start looking at possibly distributing some of the Measure G funds. He reiterated the need to continue sending monthly letters to State and Federal officials expressing our level of need, especially for the Interchange at Highway 25 and 156.

Ms. Gilbert stated that staff would work on providing the Board a list of projects at the next Board meeting.

Director Vazquez Edge asked if she could receive information to get her caught up to speed and find out what is the amount/share that is coming to San Juan Bautista and how the funds are going to be disbursed.

Chair Velazquez stated that Measure G funds are being disbursed to each jurisdiction by a percentage of dollars that are collected. He said that San Juan Bautista would be receiving 6% share for Local Streets and Roads projects. He recommended that it would be helpful for Director Vazquez Edge to contact the City's Public Works department to find out about the projects that are lined up for San Juan Bautista.

Director Resendiz suggested staff use a tiered approach for the County and City's project list, listing "shovel ready projects" 1st, "pending projects" 2nd, and "other potential projects" 3rd to be able to keep building on the list. He also recommended that staff brings the list to the COG Board frequently to help expedite the process.

There was no further discussion or public comment.

6. REVIEW Update on Council of Government Rules and Regulations and Direct Staff to Prepare Amendments as Needed – Gilbert

Executive Director Mary Gilbert provided an overview of COG's Rules and Regulations. She noted that the Rules and Regulations may be amended upon direction by the COG Board. She stated that the COG Board may consider the meeting time change under this item due to the changes made under COVID -19.

There followed some discussion regarding changing the COG meeting time to the evening to allow more members of the public to attend meetings. There was consensus from the Board to change the COG meeting time from 3:00 p.m. to 6:00 p.m.

Director Resendiz recommended making a possible change under section I. Agenda; to ensure that it is the COG Chair who sets the agenda and still ensure that there is collaboration between the COG Executive Director and the COG Chair.

Chair Velazquez said that he appreciated Director Resendiz' comment. However, he stated that the Executive Director has done a good job at preparing the agenda and communicating with all of the COG Chair's in the past. He said he was comfortable with the way the agenda is prepared by the Executive Director and that COG staff has done a great job at keeping the Board organized and getting the Board the information they need.

PUBLIC COMMENT:

**Kevin Stopper
Hollister, CA**

Mr. Stopper commented on the meeting time change. He proposed changing the meeting time to 6:30 p.m. or 7:00 p.m. to allow more public involvement, especially for commuters.

Chair Velazquez stated that he recalled COG meetings were scheduled at a later time at some point and there was even less public involvement then. He said that considering all things including staff time, he believed 6:00 p.m. was a fair time change.

Director Hernandez suggested that it may be a good idea to keep the Zoom meeting option available for the public, especially for those who are commuting. He said that he wouldn't encourage to be on the phone while driving but, as long as the public is educated on how to use Zoom and uses the call in feature to listen in by Bluetooth.

Deputy County Counsel, Shirley Murphy stated that we are currently operating under a Governor's Executive Order that changes Brown Act Rules that would normally be in place. One of the difficulties with having an ongoing Zoom platform is that the standard Brown Act Rules require that any location from which people are making public comment has to be open to the public, posted, accessible, etc. She said that for those reasons it may not be possible after the Stay at Home Orders are lifted and the Governor's Executive Order is lifted however, staff can continue to monitor it and if it becomes a more permanent change to the Brown Act then it might be possible.

Chair Velazquez directed staff to bring back the amended COG Rules and Regulations changing the meeting time to 6:00 p.m. He stated that the COG Chair and COG Executive Director will continue to work together on organizing the agenda.

7. San Benito County Measure G – Gilbert

- a. RECEIVE Measure G Financial Update
- b. APPOINT Members to Measure G Strategic Plan Ad-Hoc Committee
- c. APPROVE the Highway 25/Highway 156 Interchange Environmental Approval, Design and Construction as Priority for Tier I Highway 25 Project Measure G funding.

Executive Director Gilbert provided an update on the San Benito County Measure G activities. She stated that staff is preparing a Measure G Strategic Plan which will identify priorities for distribution of funds from the Measure. Staff is coordinating with each jurisdiction to finalize a tax sharing agreement with the requirements set forth in Measure G.

Ms. Gilbert reported that as of the last deposit the State Board of Equalization has collected and remitted approximately \$5.1 million dollars to the Council of San Benito County Governments' Measure G fund. Staff will provide an update on how much has been collected to date at the next COG meeting.

Staff is coordinating with local jurisdictions to distribute local roads funding and is continuing development of the Tier I Highway 25 Widening project. The Highway 25 project delivery will be contingent on how much funding is available. The cash flow model numbers demonstrated that it would be difficult to deliver the full Highway 25 project in the next few years. In addition, staff is evaluating impacts of the COVID-19 Pandemic in relation to the revenue forecasts that COG prepared in 2019. Staff is working with the Self Help Counties Coalition. They are developing tools to help make some new projections that staff can bring back to the Board.

Ms. Gilbert stated that as Mr. Olejnik previously stated, the Value Analysis team met for three days in March for its first workshop. The team of engineers and planners working on the Value Analysis include representatives from COG, including the COG Chair, Caltrans, the City of Hollister, and San Benito County. The workshop covered several activities looking at development of potential alternatives, technical review and development of alternatives. The team will be meeting remotely in May to finish reviewing alternatives. Staff will receive a final report and present it to the COG Board.

Ms. Gilbert stated that team is evaluating the State Route 25/State Route 156 interchange as the first phase of the project. Caltrans is pursuing a round-about project in that area, which COG has opposed. COG is looking at working with our State representatives and other local agencies to pursue alternatives to a round-about.

Board members expressed concern over potential funding impacts for the project due to COVID-19 and asked for clarification of the approved Highway 25 and Highway 156 project. There was also a question about what was being proposed in lieu of a round-about at the intersection. They asked for clarification regarding the appointment of members to the Measure G Strategic Plan Ad-Hoc Committee.

Ms. Gilbert stated that in order to keep the project schedule moving aggressively and to begin distribution of funds, COG staff was recommending that the Chairperson appoint two COG Directors to an ad-hoc committee to meet with the COG Executive Director, Caltrans, the Santa Clara County Valley Transportation Authority, and others as necessary to finalize the strategic plan for delivery of Measure G projects.

Chair Velazquez provided an overview of the Value Analysis meeting that he participated in. He said that they met for three days discussing Highway 25, looking for options on how to build the project as quickly as possible and for the least amount of money possible. He said that it became very clear early on that the priority has to be an interchange at Highway 156/25. He said that there is a conversation about a roundabout at Highway 25/156 and Caltrans has to keep moving in that direction because of safety concerns. At the same time Caltrans is willing to look at other options if we can move towards the interchange sooner rather than later.

He said that the interchange became the priority view of the meeting because of all of the safety concerns at the intersection. It would be an overpass with Highway 156 going over Highway 25 for the north/south commute and would cost approximately \$39-\$40 million dollars. He said that this is why it is important to constantly send out letters to our State and Federal representatives because this is a freight corridor which creates opportunity for grant funds.

He stated that the other item the team discussed was whether to build an expressway or widen the existing route. He said that after some discussion the group agreed that the best alternative would be to build an expressway.

Chair Velazquez stated that with regards to impacts from COVID-19, it will most likely hurt us for the next couple of years. However, he stated that as far as Highway 25 is concerned, the early funds that are collected were going to go to local road projects so he wasn't sure how much of an impact it will actually have on the Highway 25 project. He said that it will probably rely more on our partnership with Santa Clara County and what their final designs are with their expansion of Highway 152.

Chair Velazquez stated that there are still a lot of things that they have to work on but, overall the Value Analysis team meetings were very productive. He said he is looking forward to meeting again in May to see what designs they come up with.

Chair Velazquez asked staff at what point would they know how much Measure G tax was collected for the year. He asked staff to provide a Measure G update that includes the projected dollars that are coming in and what dollars are available for each jurisdiction. He said although they cannot distribute the money until funding agreements are put in place, it will help jurisdictions understand how much money they have to work with for this year.

Ms. Gilbert stated that staff should be receiving a report by May or June. She said that staff has been able to provide pretty good projections based on what was happening up until March 18th. Staff is coordinating with each jurisdiction to finalize tax sharing agreements and will be bringing that back to the Board next month.

Director Hernandez inquired about the Value Analysis effort, and asked if the Expressway would cost less.

Chair Velazquez stated that it would cost about the same in the end but, future cost would be much lower because you already have the land in place for any future improvements. We would be better off building the expressway versus widening the existing road because there are a lot of issues with utilities and right of way on that road.

Director Vazquez Edge asked if Highway 25 designs were available to look at so that she could see what they are implementing.

Ms. Gilbert mentioned for the benefit of the new COG Directors and for the public as well, that the Value Analysis effort will be presented to COG once it is completed. So the public will have an opportunity to review the work that was done and how they came to the proposed designs. She said that COG staff will follow up to ensure that the information is available on the COG website.

Chair Velazquez moved on to 7b. appointing members to the ad-hoc committee. He appointed himself and COG's Vice Chair Peter Hernandez to the ad-hoc committee to meet with the COG Executive Director, Caltrans, the Santa Clara County Valley Transportation Authority, City Staff and County Staff to finalize the strategic plan for delivery of Measure G projects.

PUBLIC COMMENT:

Director of the San Benito Co. Resource Management Agency, Harry Mavrogenes stated that he was happy to see that they are focused on the Interchange for the 25/156 project instead of the roundabout. He said that as some already know he has been championing the Interchange with the County and State representatives for many months now. He said that the only solution that will work given the truck traffic fighting the care traffic at that interchange. He also said that they need to convince Caltrans to abandon the roundabout and put the \$10 million dollars that they were going to put into that project towards the united effort to do the full interchange. He said that \$39 million dollars is a lot of money and to whatever extent

the State can help to transferring that money towards that will make it happen a lot sooner. He said that he was also very encouraged to hear that at the meeting Caltrans was receptive to looking at this option. The sooner they can build it the more likely it will be a safety project.

Chair Velazquez wanted to make sure and clarify for the public that Caltrans still is working on some of the plans for the roundabout in case they do not come up with an answer with the interchange. They still have to do their safety improvement and it is all going to come down to how quickly the project can be done and how it will be funded because they can't take safety funds and implement those funds into the Interchange project. He stated that there is hope that they can work with our State representatives to try to get some additional funding. He said that he wanted to make sure that they are not confusing the public into thinking that they are switching one for the other at this point.

Mr. Mavrogenes stated that the Chair was correct, Caltrans has not conceded yet to not doing the roundabout and it will take continuing effort to work with them and our State legislatures to try to get funding there.

Chair Velazquez moved on to 7c. approving the Highway 25/Highway 156 Interchange Environmental Approval, Design and Construction as Priority for Tier I Highway 25 Project Measure G funding.

Ms. Gilbert stated that staff was seeking consensus and approval from the Board that the State Route 25/156 interchange is the Priority for Tier I Highway 25 Project Measure G funding.

Director De La Cruz inquired if staff had taken into consideration the downturn of the economy due to the COVID-19 in the reports.

Ms. Gilbert stated that the report that was included in the packet was prepared prior to COVID-19, however, staff will be updating the information with some help from tools provided by the Self Help Counties Coalition to look at what our forecasts might be.

Director De La Cruz stated that he wanted to ensure that Highway 25 is the number one priority and that they continue to move forward with Highway 25.

There was no public comment.

A motion was made by Director De La Cruz, and seconded by Director Hernandez, to approve Item 7c. Vote: 5/0 motion passes unanimously.

A motion was made by Director De La Cruz, and seconded by Director Hernandez, to adjourn the COG meeting. The meeting was adjourned at 4:15 p.m. Vote: 5/0 motion passes.

ADJOURN TO COG MEETING MAY 21, 2020 AT 3:00 P.M.