

**SAN BENITO COUNTY  
COUNCIL OF GOVERNMENTS  
MEETING**

**February 21, 2008 2:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Vice-Chair Botelho, Director Edge, Director Emerson, Director Marcus, Alternate Valdivia

**STAFF PRESENT:**

Deputy County Counsel, Shirley Murphy; Transportation Planning Manager, Mary Dinkuhn; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Veronica Lezama; Transportation Planner, Betty Li; Secretary, Monica Gomez

**OTHERS PRESENT:**

Kerry Theran, Quincy Engineering; Richard Rosales, Caltrans District 5

**CALL TO ORDER:**

Vice-Chair Botelho called the meeting to order at 2:03 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

*Upon a motion duly made by Director Marcus and seconded by Director Valdivia, the Directors unanimously approved the Certificate of Posting.*

**CLOSED SESSION:**

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: COG Executive Director

Deputy County Counsel Shirley Murphy stated that there was no reportable action taken under Public Employee Performance Evaluation.

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

No. of cases: 4

**Authority:** California Government Code Section 54956.9(a)

- a) Council of San Benito County Governments v. Hollister Inn
- b) Council of San Benito County Governments v. McNamee
- c) Council of San Benito County Governments v. K&S Market
- d) Council of San Benito County Governments v. Roberts (South Valley Trailers)

Deputy County Counsel Shirley Murphy reported out of closed session that there was no reportable action taken under Existing Litigation for COG v. Hollister Inn, COG v. McNamee, COG v. K&S Market, and COG v. Roberts (South Valley Trailers).

**2:30 p.m.**

Vice-Chair Botelho stated for the record that the COG Board received Joe Thompson's public comment correspondence dated January 18, 2008. The correspondence was entered into the public record.

**C. PUBLIC COMMENT:**

**Joe Thompson  
Tres Pinos, CA**

Mr. Thompson stated that the County transit is a failed experiment.

**Ruth Erickson, Hollister  
Airmen's Association**

Ms. Erickson noted her concerns because the Airport Land Use Commission (ALUC) was not on the agenda. Ms. Erickson stated that the ALUC agenda should be provided monthly for the public to bring up any comments or concerns.

Ms. Erickson stated that the Airport Owner's and Pilot's Association are supporting State Senator Gloria Negrete McLeod, who is introducing Senate Bill 1118 to strengthen state laws governing land use around airports. The Bill will be heard at the State Capitol March 5<sup>th</sup>, 2008. Under the new law, each County where there is an airport will be required to establish an airport land use commission that includes members with aviation expertise.

Ms. Erickson stated that although the Board voted against changing the make-up of the ALUC, they may have to change the commission membership after all.

Vice-Chair Botelho closed the public comment portion of the meeting.

**D. COG DIRECTORS' REPORT**

Director Botelho reported on the conference he attended in Washington D.C. on behalf of AMBAG. One of the topics at the conference was on the SAFETEA-LU Reauthorization. Director Botelho stated that it was interesting to hear that this County shares similar issues as they do back East. They also have issues with congestion, funding for transit system etc. The presenters also made it very clear that SAFETEA-LU is overspent and funding will be very competitive for the counties.

Director Botelho stated that another topic that was discussed and that is receiving a lot of attention throughout the country was on the Greenhouse Emissions. California is leading the way on developing a standard for Greenhouse Emissions.

**PUBLIC COMMENT:**

**Joe Thompson  
Tres Pinos, CA**

Mr. Thompson requested that the Board give special attention to a new publication from the Bureau of Transportation Statistics, Passenger Miles for all Modes in the United States on page 29. Transit usage in the United States has been going down since 2001, even though fuel has been going up.

Mr. Thompson stated that the following transportation advice was given to the President by the top transportation thinkers in the U.S today, "The United States must start a transition from the way it is

today, to user fees funded transportation.”

**E. EXECUTIVE DIRECTOR’S REPORT**

Transportation Planning Manager Mary Dinkuhn stated that Executive Director Lisa Rheinheimer sent her regards for not attending, she was ill.

**CONSENT AGENDA:**

3. **APPROVE** Council of Governments Transaction Report dated January 1, 2008 to January 31, 2008 – Postigo
4. **APPROVE** Council of Governments Meeting Minutes dated January 17, 2008 – Gomez
5. **RECEIVE** Social Services Transportation Advisory Committee (SSTAC) Meeting Minutes dated September 28, 2007 – Gomez
6. **RECEIVE** Technical Advisory Committee (TAC) Meeting Minutes dated January 3, 2008 – Gomez
7. **APPROVE** Amendment #2 to Employment Agreement between the Council of Governments and Executive Director Lisa Rheinheimer – Rheinheimer
8. **RECEIVE** List of Potential Social Services Transportation Advisory Council Members – Li
9. **APPROVE** Memorandum of Understanding with San Benito County for the San Juan Highway Bike Lanes Project and **APPROVE** Request for Qualifications for Right of Way Acquisition Services – Lezama
10. **APPROVE** Contract with Blue Heron Design Group for Bike Week Consultation Services – Lezama
11. **APPROVE** Technical Advisory Committee Bylaws – Postigo

Director Edge pulled Item #7 and requested to continue to the next COG meeting.

*Upon a motion duly made by Director Edge and seconded by Director Marcus, the Directors unanimously voted to continue Item #7 to the March meeting.*

*Upon a motion duly made by Director Valdivia and seconded by Director Emerson, the Directors unanimously approved Items 1-6, and 8-11.*

**REGULAR AGENDA:**  
**TRANSPORTATION ISSUES**

**12. RECEIVE Update on the Highway 25 Bypass Project**

Transportation Planning Manager Mary Dinkuhn provided the Highway 25 Bypass monthly update.

The project construction is 69% complete and the contractor continues to work ahead of schedule. Weather will determine the level of construction work that is completed on the project until warmer and dryer weather prevails however; some paving work was completed on sections of the new roadway.

Staff is addressing some outstanding design issues with Parsons Transportation Group and will be providing resolutions for most of the issues. In addition, Parsons has identified the need to design a sidewalk for pedestrian access at Heritage Plaza. The amendment to the contract with Parsons for design of the sidewalk will be considered under the Measure A Authority Agenda.

Staff is working with the Resident Engineer to prepare for a major detour that will occur towards the end of March at the Sunnyslope Road/ Airline Highway intersection. The work will require extensive detours on city streets and will last a maximum of 30 days.

Ms. Dinkuhn reviewed a map with the Board which detailed the traffic movements during the detour. Staff is working with the local community television station, to develop a “virtual detour” that will be aired on the station and made available on the project website. Staff will also provide extensive public outreach to the community.

Director Valdivia inquired about outreach for pedestrian traffic, especially for schoolchildren in the area.

Ms. Dinkuhn stated that pedestrian traffic will be prohibited in the area. Staff is working with the School District as well. Staff will be providing separate detour information for pedestrian and bicycle traffic.

Director Marcus inquired about the possible back charges from the contractor due to the hold up with PG&E on the relocation of gas and electric facilities.

Ms. Dinkuhn stated that staff has not received claim notice from the contractor, however there is potential for discussion of the claims due to inefficiencies that may come up towards the end of the job.

Director Marcus suggested that the contractor forward any potential inefficiency claims as soon as possible.

Director Edge inquired about the detour map and access to the Safeway shopping center.

The projects Resident Engineer Kerry Theran provided clarification to the detour map and mentioned that there will be access to all the shopping centers. Mr. Theran emphasized the importance of public outreach for the upcoming detour.

#### **PUBLIC COMMENT:**

**Stephen Rosati**  
**San Benito County Resident**

Mr. Rosati stated that there is surplus land left in the project area that should not be given away once the project is completed. Mr. Rosati wanted to remind COG and Caltrans to keep this in mind so that they get the best market value for the piece of property.

#### **13. CONCUR with the Project Development Team in Recommending Alternative 6 (Modified) as the Preferred Design Option on the San Benito Route 156 Improvement Project**

Ms. Dinkuhn reported that in December, the Project Development Team recommended Alternative 6 (Modified) as the preferred design on the San Benito Route 156 Improvement Project. The Project Development Team felt that this alternative best meets the projects purpose and need and it fits the recommendations to preserve the rural and historic character of San Benito County and it also had the strongest outreach support during the public outreach period.

Ms. Dinkuhn stated that staff recommends that the Board concur with the Project Development Team in recommending Alternative 6 (Modified) as the preferred design option to Rich Krumholz, Caltrans District 5 Director.

Director Marcus inquired about the modification in Alternative 6.

Caltrans Project Manager Richard Rosales stated that the modification was derived from a comment made at one of the public hearings. The modification eliminates some acreage taken at Bixby Road. The Bixby Road intersection would remain as it is now and they would push the expressway alignment a bit further south to gain the distance between the two intersections.

**PUBLIC COMMENT:**

**Cara Vonk**

**San Juan Bautista**

Ms. Vonk asked how the COG Board can consider making a decision on a preferred alternative without having reviewed the many comments in opposition to the project that were submitted in response to the draft environmental report by Caltrans.

Ms. Vonk stated that the two members of the COG Board representing San Juan Bautista should vote for a “no build alternative” if they are serving as representatives of the City of San Juan Bautista. Ms. Vonk stated that COG should abandon this project and focus instead on developing an alternative truck route through the County.

**PUBLIC COMMENT:**

**Stephen Rosati**

**San Benito County Resident**

Mr. Rosati stated that the “GAP Project” is a needed project that has been an identified in the General Plan of the Cities of San Juan Bautista and Hollister for many years, and has also been included in the County’s Regional Transportation Plan. In addition, if the county is going to continue to grow, the additional two lanes will be needed to serve as mitigation for through traffic and for the increase in residents that will be moving into the county.

Mr. Rosati stated that he supports Alternative #2 or #6. Alternative 6 provides a frontage road that should provide benefits for the residents and farmers to some extent. Mr. Rosati stated that future growth for the community is acceptable; however mitigation has to be in place otherwise, homes should not be built.

There was extensive discussion amongst the COG Board, staff, and Richard Rosales.

Director’s Botelho and Edge expressed their concerns against the project and suggested looking at alternative locations for this project that won’t have such a negative impact.

Director’s Marcus, Valdivia, and Emerson expressed their support for Alternative 6. They stated that resolutions have been adopted by the Board to improve the Highway 156 corridor. It has been the consensus of the COG Board in past discussions to move forward with this project with Alternative 6 as the preferred alternative. The importance of eliminating impacts to farmland and surrounding homes and drainage mitigation has always been stressed as a goal in all of the discussions.

Caltrans Project Manager Richard Rosales noted that Alternative 6 would construct a 4-Lane expressway, and the existing 2-lane Highway 156 would remain as a frontage road that would become part of the County system. The road would receive improvements before being relinquished to the County.

**PUBLIC COMMENT:**

**Stephen Rosati**

**San Benito County Resident**

Mr. Rosati stated that it is important to note that this project has Regional support. Mr. Rosati stated that it is important for the Board to take action and continue to move forward with this project.

Discussion continued amongst the COG Board.

*Upon a motion duly made by Director Marcus and seconded by Director Valdivia, the Director's unanimously approved Item # 13 with Director's Botelho and Edge voting No.*

**14. Regional Housing Needs Assessment – Rheinheimer**

- a. **RECEIVE** Report on the Regional Housing Needs Assessment,
- b. **ISSUE** Proposed Methodology for Allocating the Housing Need to the County and Cities of Hollister and San Juan Bautista, and
- c. **START** 60-day Public Review Period.

Ms. Dinkuhn reported that the Council of Governments is required by Government Code Section 65584 to prepare a Regional Housing Needs Plan by August 31, 2008. The State Department of Housing and Community Development developed the regional housing need as 4,754 housing units over the seven year planning period. COG staff has worked with the City of Hollister, City of San Juan Bautista, and the County to develop a way to distribute the units throughout the County.

Staff recommended that the Board issue the proposed methodology and start the 60-day public review period. At the end of the review period the plan will come back to the Board for consideration.

Ms. Dinkuhn noted that the City of Hollister and the City of San Juan Bautista provided staff with comments after the Boards agenda packets were distributed. COG staff will be working with the cities on possibly re-distributing some of the numbers that were provided.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson stated that the Metropolitan Planning Organizations have gone too far and the Board should think about its authority. Mr. Thompson stated that if COG takes over jurisdiction of allocating the housing in the County and Cities, what COG will take over next.

The Directors asked for clarification on COG's involvement with the distribution of Regional Housing Need.

Ms. Dinkuhn stated that the State Department of Housing and Community Development mandate that COG allocates the number of units in the community. Once COG adopts the allocation plan, the City and County include it in the housing element of their general plan.

County Counsel Shirley Murphy stated that this is the process that the State calls for. COG has gone through this cycle several times over the years. It is done in consultation from the COG to the City and County.

There was discussion amongst the Board and staff regarding the allocation process.

Director Marcus inquired about the methodology causing any conflict with the County's housing element that is currently in place.

County Counsel Shirley Murphy explained that this is the beginning of the process and it is then implemented by the cities and county's housing element.

Ms. Dinkuhn noted that the methodology was prepared in consultation with representatives from the City of Hollister and City of San Juan Bautista and County Planning Departments.

*Upon a motion duly made by Director Valdivia and seconded by Director Edge, the Director's unanimously approved Item # 14.*

#### **15. RECEIVE Report on Governor's FY 08/09 Proposed State Budget for Transportation**

Transportation Planning Manager Mary Dinkuhn stated that overall the Governor's proposed State Budget is good for transportation mostly due to Proposition 1A which was approved by voters in November 2006, protecting the sales tax on fuel from diversions to the General Fund. The only potential impact is that some of the local funds for local jurisdictions may be delayed.

#### **ADMINISTRATION ISSUES:**

#### **16. REVIEW and COMMENT on Fiscal Year 2008/2009 Budget Assumptions**

Administrative Services Specialist Kathy Postigo reported that staff has started preparing a draft FY 2008/2009 Budget. In preparing the draft budget staff is assuming various revenues and expenditures based on the proposed State Budget and anticipated programs and projects in the coming fiscal year.

Staff will bring the draft FY 2008/2009 budget to the Board in March. The Board may choose to set up an ad-hoc committee to review the budget before bringing it back to the Board in March or they may direct staff to schedule budget hearings for public comment.

The Directors inquired about the process for budget hearings.

Ms. Postigo stated that COG has not conducted hearings in the past; however the hearings should not take more than one day to conduct the hearings.

The Board directed staff to schedule budget hearings for public comment.

Ms. Postigo will be contacting the Board to schedule a date and time for the budget hearing.

#### **17. APPROVE Transportation Development Act (TDA) Guidelines**

Administrative Services Specialist Kathy Postigo stated that COG is in the process of updating various committee bylaws and rules and regulations to comply with the recommendation from the Triennial Performance Audit. Staff recommends that the COG Board approve the guidelines.

*Upon a motion duly made by Director Marcus and seconded by Director Edge, the Director's unanimously approved Item # 17.*

#### **18. RECEIVE 2<sup>nd</sup> Quarter 2007/2008 Budget Report**

Administrative Services Specialist Kathy Postigo reported that the FY 2007/2008 2<sup>nd</sup> Quarter Budget Report, ending December 31, 2007, summarizes the quarterly expenditures and revenues.

The FY 2007/2008 2<sup>nd</sup> Quarter Budget Report shows that overall expenditures for COG programs are low (1.71%) while revenues are high (83.3%).

*Upon a motion duly made by Director Valdivia and seconded by Director Emerson, the Director's unanimously voted to adjourn the COG meeting.*

**ADJOURN to COG Meeting on Thursday, February 21, 2008 at 6:00 p.m.**