

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
MEETING**

July 17, 2008 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Pike, Director Botelho, Director Edge, Director Emerson, and Director Marcus

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Dinkuhn; Administrative Services Specialist, Kathy Postigo; Transportation Planner, Betty Li; Transportation Planner Veronica Lezama; Secretary, Monica Gomez; Supervising Mechanic, Pat Dunn

OTHERS PRESENT:

Kerry Theran, Quincy Engineering; Aileen Loe, Mark McCumsey, Caltrans District 5

CALL TO ORDER:

Chair Pike called the meeting to order at 2:02 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

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

CLOSED SESSION:

1. 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. Hollister Farms

Deputy County Counsel Shirley Murphy stated that there was no reportable action taken under Existing Litigation: COG v. Hollister Inn, COG v. McNamee, COG v. K&S Market, and COG v. Hollister Farms.

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson asked the Board to rethink what they are doing and to be aware of the mess that bad policy has bestowed upon us.

Marty Richman

Mr. Richman stated that there is an issue of representation on the Council of Government's Board. Mr. Richman asked the COG Board to consider taking public policy issues back to the Board of Supervisors so that all San Benito County constituents are represented.

**Stephen Rosati
Hollister, CA**

Mr. Rosati thanked the City of Hollister for the increase in impact fees for traffic circulation.

Mr. Rosati commented on the Northern realignment on Highway 152 and its effect on our air quality and quality of life. Mr. Rosati asked the Board to think about what will happen if we begin to accept the southern routes into San Benito County. Doing this may bring a lot more emissions into our community.

D. COG DIRECTORS' REPORT:

Director Botelho reported on a meeting that he attended in San Juan Bautista. Director Botelho stated that a student took a carbon measurement from the San Juan Bautista School (located near the Alameda intersection) and compared it with the carbon and air quality on the other side of town and it measured four times greater at the school.

Director Botelho thanked Ms. Rheinheimer and Caltrans staff for putting together a couple of meetings to discuss the GAP Project. There was discussion regarding possible noise mitigation for the City of San Juan Bautista, however the GAP Project will not mitigate noise. Director Botelho stated that this is a great concern and should be taken on as a separate project of the COG.

Director Botelho reported on the meeting he and Executive Director Lisa Rheinheimer attended in San Luis Obispo with Caltrans Director Richard Krumholz. The logic of the expressway was discussed. Director Botelho mentioned that he felt discouraged by the design and believed more thought should be put into the design. There are drainage issues with the project's design that will have serious impacts to San Juan Bautista. Director Botelho noted that it was made very clear at both meetings that this is the end of the improvements for Highway 156.

In regards to public comment regarding COG's misrepresentation at COG Board meetings, Director Marcus directed staff to put this topic on the next agenda to allow open discussion.

E. EXECUTIVE DIRECTOR'S REPORT

None

PUBLIC COMMENT

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson was pleased to report that Senate Bill 445 was defeated and urged the Board not to listen to the people who want to increase deficit spending by supporting these types of bills.

CONSENT AGENDA:

2. **APPROVE** Council of Governments Transaction Report (Financial Claims) dated June 1, 2008 to June 30, 2008 – Postigo
3. **APPROVE** Council of Governments Special Meeting Minutes dated June 4, 2008 – Gomez
4. **APPROVE** Council of Governments Meeting Minutes dated June 19, 2008 – Gomez

5. **RECEIVE** Construction Projects Report – Caltrans District 5
6. **Highway 25 Safety and Operational Enhancements Projects** – Dinkuhn
 - a) **RECEIVE** Update on the Project,
 - b) **CONSIDER** Amendment to Co-Operative Agreement with Caltrans for Construction and,
 - c) **CONSIDER** Agreement with PG&E for Utility Relocation
7. **APPROVE** Resolution 08-14 Authorizing the Executive Director to Apply for \$250,000 of Public Transportation Modernization, Improvement, and Service Enhancement Account Funds to Purchase two (2) Large Buses – LiOwen
8. **RECEIVE** Update on the AMBAG 2008 Population, Employment, and Housing Forecast - Dinkuhn

Chair Pike pulled Item 6 and Item 7 for discussion.

Upon a motion duly made by Director Marcus, and seconded by Director Emerson, the Director's unanimously voted to approve Items 2, 5, and 8.

Upon a motion duly made by Director Marcus, and seconded by Director Edge, the Director's voted to approve Items 3 and 4, with an abstention from Director Emerson for Item 3, and an abstention from Director Botelho for Item 4.

Item 6

Transportation Planning Manager Mary Dinkuhn asked to continue Item 6(c) to the next COG meeting due to pending information from PG&E.

Ms. Dinkuhn provided an update on the Highway 25 Safety and Operational Enhancements Project and asked the Board to consider an amendment to the Co-Operative Agreement with Caltrans for construction.

Director Marcus inquired if the estimated construction cost of \$10,825,000 would change with the amendment.

Ms. Dinkuhn stated that the amount would not change, it is the amount that staff had already programmed, however it had not been accounted for in the Co-Operative Agreement.

Upon a motion duly made by Director Edge, and seconded by Director Marcus, the Director's unanimously voted to approve Item 6(a), (b), and continue Item 6(c) to the next meeting.

Item 7

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated “this is a mock to taxpayers who are self-sufficient automobile owners paying their own transportation, but unfortunately because of bad policy they are also paying 99.9% of transit riders fees as well”.

Marvin Jones

Mr. Jones stated that for several weeks in a row he has observed the “38-passenger bus” on 4th Street transporting two passengers. Mr. Jones commented on the amount of carbon dioxide released per each passenger mile, and added that organization’s like COG need to stop abusing taxpayers.

Director Pike asked the Executive Director to provide some history on Item 7.

Executive Director Lisa Rheinheimer stated that the COG Board authorized staff to apply for Public Transportation Modernization, Improvement, and Service Enhancement Account Funds to purchase one large bus for the Local Transportation Authority in October 2007. Staff's recommendation will modify the original request to the state to purchase two buses, instead of the one bus that is no longer being manufactured.

Supervising Mechanic Pat Dunn provided technical information about the two buses that staff recommended to purchase.

There was discussion amongst the Board and staff. The Board noted that the two new buses will be used to replace the aging fleet and not as surplus vehicles.

Upon a motion duly made by Director Marcus, and seconded by Director Edge, the Director's unanimously voted to approve Item 7.

REGULAR AGENDA:
TRANSPORTATION ISSUES:

9. Highway 25 Bypass Project – Dinkuhn

- a) **RECEIVE** Update on the Highway 25 Bypass Project, and
- b) **CONSIDER** Contract Change Order Nos. 52S1-55 for an Amount not to Exceed \$78,000.

Transportation Planning Manager Mary Dinkuhn provided an update on the Highway 25 Bypass Project.

The Sunnyslope Road & Airline detour is now scheduled to begin July 21. Staff continues public information efforts for the detours and signage in the area will be in place beginning July 14, 2008.

Ms. Dinkuhn reviewed Contract Change Order Nos. 52S1-55 with the Board and noted that Kerry Theran from Quincy Engineer was present to answer any technical questions from the Board.

There was extensive discussion between the Board and staff regarding Change Order no. 55.

With regards to Change Order no. 55, staff noted that if the AC shoulder cracks are the result of contractor error, COG will require the contractor to pay for the repair and the testing.

Director Emerson inquired about the project expenditures and project funding.

Ms. Dinkuhn stated that there is approximately \$800,000 in RDA funds still available for the project.

Director Marcus recommended approving all change orders, and postponing Change Order no. 55.

PUBLIC COMMENT:
Stephen Rosati
Hollister, CA

Mr. Rosati inquired if staff will be submitting one claim to PG&E at the end of the project or if several claims will be submitted along the way.

Ms. Rheinheimer stated that PG&E has a claims process and staff has been coordinating with PG&E every step of the way.

Mr. Rosati inquired about a possible drainage issue at the detour because of the difference in elevation in front of Rite-Aid.

Kerry Theran stated that drainage is not an issue; the storm drain is more than adequate for that location. However, there will be about a 3-foot depression in front of the Heritage Plaza parking lot.

Upon a motion duly made by Director Marcus, and seconded by Director Edge, the Director's unanimously voted to approve Item 9, with an amount not to exceed \$63,000, and postponed Change Order No. 55.

10. DISCUSS Schedule for the Regional Transportation Plan and the Blueprint Plan – Dinkuhn

Transportation Planning Manager Mary Dinkuhn reviewed the schedule for the Regional Transportation Plan and the Blueprint Plan.

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

Director Edge inquired if AMBAG would continue to be the lead agency on the Blueprint planning efforts.

Ms. Dinkuhn stated that staff had considered the option of bringing the Blueprint Planning for San Benito County in-house, and completing the work independent of AMBAG, however, staff decided to keep AMBAG as the lead agency on the Blueprint planning efforts.

The Directors' asked if the Regional Transportation Plan would be brought to the Board of Supervisor's and City Council so that there is a consensus on regional items.

Ms. Rheinheimer stated that staff would take advice from the Technical Advisory Committee and direction from the COG Board.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the Regional Transportation Plan is a roadmap to failure. Mr. Thompson stated that the Board of Supervisors needs to sue COG for a declaratory judgment, stating that there are no mandates from 60% of the people in San Benito County for the COG Board's actions.

Chair Pike stated that all comments deserve some merit and discussion and added that sometimes it is good to take a step back and revisit certain subjects.

The Directors stated that continued communication with surrounding counties is essential in moving forward with sound planning.

REGIONAL HOUSING NEEDS:

11. ISSUE Final San Benito County Regional Housing Needs Plan – Rheinheimer

Executive Director Lisa Rheinheimer reported that staff made some final changes to the plan to include a final comment from the Department of Housing and Community Development. The comment is noted on page 8 of the plan as follows: A local jurisdiction may reduce their share of housing units built after January 1, 2007 in their submittal of the Housing Element update.

The Council of Governments has not received any appeals to the Plan by the Cities or County regarding the allocation of housing units. The Board of Directors is now scheduled to issue its final Regional Housing Needs Plan in July and hold a public hearing to adopt the Plan at its August meeting.

Staff recommended that the COG Board issue the final San Benito County Regional Housing Needs Plan.

Director Emerson inquired about the City of Hollister Ordinance Limits numbers.

Ms. Rheinheimer stated that Bill Avera, City Planning Director, provided staff with the numbers for the City Ordinance Limits.

Director Marcus directed staff to ask County Public Works Director, Jerry Lo, and County Planning Director, Art Henriques, or a representative from their departments, to attend the August meeting to answer any specific questions the Board may have.

There was brief discussion amongst the Board regarding the Regional Housing Needs Plan.

PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson reminded the Board that we are bound by the Constitution. Mr. Thompson stated that the State Constitution says that elected people will not surrender the tax power.

Upon a motion duly made by Director Marcus, and seconded by Director Emerson, the Directors unanimously voted to approve Item 11.

ADMINISTRATIVE ISSUES:

12. DISCUSS Transportation Development Act – Local Transportation Funds – Postigo

Administrative Services Specialist, Kathy Postigo provided a Power-Point presentation on the Transportation Development Act.

Ms. Postigo noted that after the final allocation of the State Transit Assistance funds and Local Transportation Fund, staff will bring the approximate amount that will be available for allocation for the local streets and roads to the Board for direction. Staff will also take this information to the Technical Advisory Committee at its August meeting and will bring back their recommendations at the August Board meeting.

Staff recommended that the Board provide direction regarding appropriate reserve for COG operations.

There was discussion amongst the Board and staff regarding the State Transit Assistance funds and the Local Transportation Fund and what percentage is expected of each funding source to run the transit system.

Ms. Postigo stated that there is not a fixed percentage, State Transit Assistance funds are used first, and in its entirety for transit, whatever expenses remain are paid through the Local Transportation Fund.

Ms. Rheinheimer stated that staff will come back to the Board with a report on where the funds are being expended in the budget.

There was discussion between the Board and staff regarding the sales tax on gasoline and where this money goes.

Ms. Rheinheimer stated that staff will provide a report to the Board that explains where the funds collected from gasoline sales tax go.

PUBLIC COMMENT:

Joe Thompson

Tres Pinos, CA

Mr. Thompson commented on the “Unmet Transit Needs that are reasonable to meet.” Mr. Thompson stated that the Board should use the word “reasonable” as discretionary authority from the state to put a seal on the hemorrhaging that is going on.

The Board directed staff to provide an update as cuts are made and provide the Board with options as far as evaluating the levels of service that are provided.

Upon a motion made by Director Marcus, and seconded by Director Edge, the Director’s unanimously voted to adjourn the COG meeting.