

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

**March 7, 2008 10:00 A.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Chair Pike, Vice-Chair Botelho, Director Edge, Director Emerson, and Alternate Director Loe

**STAFF PRESENT:**

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer, Transportation Planning Manager, Mary Dinkuhn; Secretary, Monica Gomez

**OTHERS PRESENT:**

Brenda Aguilar-Guerrero, Erickson, Beasley, Hewitt & Wilson, LLP; Richard Rosales, Caltrans District 5; Kerry Theran, Quincy Engineering; Tim Lee, URS, Inc.

**CALL TO ORDER:**

Chair Pike called the meeting to order at 9:37 A.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

*Upon a motion duly made by Director Botelho and seconded by Director Loe, the Directors unanimously acknowledged the Certificate of Posting.*

**CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of Litigation

No. of Cases: 2

**Authority:** California Government Code §54956.9(c)

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, and COG v. K&S Market

**10:00 A.M.**

**REGULAR AGENDA**

**TRANSPORTATION ISSUES:**

**2. Highway 25 Safety and Operational Enhancements Project**

- a. **CONDUCT** a hearing on the Resolution of Necessity to acquire the real property interest in Assessors Parcel No. 014-040-006
- b. **RECEIVE** public testimony from Property Owner(s), and
- c. **APPROVE** Resolution No. 08-02

Transportation Planning Manager Mary Dinkuhn stated that the COG Board must hold a hearing to consider a Resolution of Necessity to acquire one of the remaining property interests needed to construct the project.

Staff recommended that the Board make the following findings:

- 1) The public interest and necessity require the proposed projects; and
- 2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; and
- 3) The property interests are necessary for the purposes of construction, operation and maintenance of the proposed project; and
- 4) Prior to making the above findings and determinations, the offer required by §7267.2 of the Government Code has been made to the owner or owners of record.

Ms. Dinkuhn introduced Tim Lee of URS Inc.

Mr. Lee provided project information to make the above noted findings.

Mr. Lee stated that the primary objective of the project is to enhance safety on State Route 25 and reviewed the proposed project improvements that will be constructed.

The subject property is comprised of two adjacent parcels and is located on the north side of Highway 25, between Grant Line Road and Hudner Lane. A sliver take (varying in width from 8 to 17 feet) is required to accommodate the widening of Highway 25. The highway widening will provide standard shoulder widths, a concrete median barrier, a clear recovery zone for errant vehicles, private driveway improvements, and reconstruction of drainage ditches. These improvements will enhance safety on Highway 25 and eliminate the potential for head-on collisions. A 3-foot wide temporary construction easement is also required to reconstruct the property fence and gates outside of the state right-of-way.

Chair Pike opened the public hearing.

**PUBLIC COMMENT:**

**Ron Casseli  
Gimelli /Hollister Farms**

Mr. Caselli stated that Hudner Lane should not be considered as the main point of egress or ingress because it only goes out to the right. Mr. Caselli stated that if a left hand turn is constructed at Grant Line Road, he would not seek compensation. If construction at Grant Line Road is not permissible, they would request to be paid the value of the property, which is more than what has been offered.

Mr. Lee stated that the project is addressing the current land use and it is designed so that there is no throw away cost. It does not preclude work from being done in the future. Mr. Lee added that another reason why access is not at Grant Line Road is because Grant Line Road is an unpaved road serving farms whereas Hudner Lane and Shoreline Road are paved roads and are more recognized as County roads. Safer access can be provided for the slower moving farm vehicles at Hudner Lane and Shoreline rather than on Grantline Road which is on a curve on the

highway.

Director Botelho questioned if Caltrans would be able to provide something in writing stating that if there are changes in the future the project area will be reopened to suit those future needs.

Caltrans, Richard Rosales stated that Caltrans has met with Dell Web in regards to their proposed development. Dell Web asked if they would be able to remove the barrier and construct an at-grade intersection in the area. Caltrans did not have a problem with this, however Dell Webb's proposal would have to go through the planning process, and encroachment process since it is not an approved project.

Executive Director Lisa Rheinheimer noted that the Highway 25 4-Lane Widening Project is not fully funded and will not be going into construction anytime in the near future.

**PUBLIC COMMENT:**

**Ron Casseli**

**Gimelli / Hollister Farms**

Mr. Casseli stated that if there is going to be any long range planning for road construction, it should be done at Grantline Road because all future projects (State Route 152/156 Bypass Project, Dell Webb, and DMB) are nowhere near Hudner Lane.

Chair Pike noted that the main purpose of the Project is to enhance safety on State Route 25. Both Grantline Road and Hudner Lane are in areas that limit the driver's line of sight. It is very important that the agriculture workers with farm equipment are kept off the main highway in order to avoid collisions.

Mr. Lee pointed out that the Project does not preclude Grantline Road from becoming a future intersection; it simply has nothing to do with the "Safety Project" that has already gone through the Caltrans process. Mr. Lee also noted that if the Project is delayed any further, the Council of Governments could lose the State funds that they are scheduled to receive in July.

There was extensive discussion amongst Board members, staff, Mr. Lee and Mr. Caselli.

It was the consensus of the Board to move forward with the project. Board members stated that it is unfortunate that they cannot please everyone however; they must continue to move forward with the Project.

Chair Pike closed the Public Hearing at 10:58 a.m.

Ms. Dinkuhn clarified that the property in question is Assessor's Parcel Nos. 014-040-006, and 014-040-007 owned by Hollister Farms LLC. The Gimelli Property was not being discussed at this meeting. Ms. Dinkuhn also mentioned that changes were made to the Resolution provided in the Boards packets. A revised Resolution was provided at the meeting adding Assessor's Parcel 014-040-007 to Page 1 and language was added to Page 2 of the Resolution Item 4c. stating that the temporary construction easement is for two years commencing on July 1, 2008. In addition, Exhibits A1, B3, B4, and B5 which are associated with the temporary construction easement were updated by the surveyor to indicate the change in the date.

Ms. Rheinheimer noted that the Resolution number was also changed to 08-03.

*Upon a motion duly made by Director Loe and seconded by Director Emerson, the Director's unanimously voted to approve Resolution 08-03.*

## **CLOSED SESSION**

### **3. 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 Trailer)

Deputy County Counsel Shirley Murphy requested that the Board add as an urgency item #4.

### **4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation

1. Authority: California Government Code Section 54956.9 (b)

Deputy County Counsel Shirley Murphy stated that under the urgency provisions of Section 54954.2 (b)2 the Board would make the finding that the urgency has come to COG's attention since the Agenda was posted and has to be discussed before the next available Board agenda.

*Upon a motion duly made by Director Loe and seconded by Director Edge, the Director's unanimously voted to add urgency Item 4 to the agenda.*

Deputy County Counsel Shirley Murphy reported out of closed session that there was no reportable action taken under Item 3. Existing Litigation for COG v. Hollister Inn, COG v. McNamee, COG v. K&S Market, and COG v. Roberts (South Valley Trailers).

Deputy County Counsel Shirley Murphy reported out of closed session that there was no reportable action taken under Urgency Item 4.

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

**ADJOURN to COG Meeting on Thursday, March 20, 2008 at 2:00 p.m.**