

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
MEETING**

September 18, 2008 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Vice-Chair Botelho, 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, Veronica Lezama; Secretary, Monica Gomez

OTHERS PRESENT:

Kerry Theran, Quincy Engineering; Aileen Loe, Caltrans District 5; Art Henriques, Director, County Planning Department

CALL TO ORDER:

Vice-Chair Botelho called the meeting to order at 2:05 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

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

CLOSED SESSION:

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/Roberts
- 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. Property Reserve, Inc.

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

D. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that the bad government policy is out of control and we are ruining America for our grandchildren.

Vice-Chair Botelho stated for the record that the COG Board received Joe Thompson's public comment correspondence dated August 24, 2008 through September 18, 2008. The correspondence was entered into the public record.

E. COG DIRECTORS' REPORT:

None

F. EXECUTIVE DIRECTOR'S REPORT

Ms. Rheinheimer stated that Sacramento continues to report that the State Budget should be good for transportation, however staff will wait until the final budget is signed to provide a definite report.

Ms. Rheinheimer mentioned that she will provide a report on Senate Bill 375 at a future Board meeting.

Ms. Rheinheimer invited Board members and members of the public to attend the Bicycle and Pedestrian Advisory Committee Public Workshop, Tuesday, September 23, 2008 at the Hollister Community Center from 6:30 p.m. – 8:00 p.m.

Lastly, Ms. Rheinheimer announced that Transportation Planner Betty LiOwen is now on maternity leave. Ms. LiOwen had her baby boy on August 31, 2008, both mom and baby are doing well.

The Board extended their congratulations to Ms. LiOwen and her family.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Transaction Report (Financial Claims) dated August 2008 – Postigo
2. **APPROVE** Council of Governments Meeting Minutes dated August 21, 2008 – Gomez
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **ADOPT** Resolution No. 08-16 Declaring October 6-10, 2008 as Rideshare Week in San Benito County – Lezama
5. **APPROVE** Resolution COG 08-18, Revising the Council of Governments Conflict of Interest Code adding the Bicycle and Pedestrian Advisory Committee – Postigo

Upon a motion duly made by Director Emerson, and seconded by Director Marcus, the Director's unanimously voted to approve Items 1-5.

REGULAR AGENDA:

ADMINISTRATION ISSUES:

6. **FISCAL YEAR 2007/2008 Budget Report** – Postigo
 - a. **RECEIVE** Fiscal Year 2007/2008 Budget Report
 - b. **APPROVE** Budget Adjustments/Transfers for Year End Closing June 30, 2008

Due to the requirement of a 4/5ths vote, this item was continued to the next COG Board meeting.

Director Marcus asked staff to elaborate on the salaries and benefits expenditures that were over budget due to reapportioning funds.

Administrative Services Specialist, Kathy Postigo, stated that in order to balance administration expenditures, some of staff's time had to be distributed between the COG and Local Transportation Authority budgets.

Upon a motion duly made by Director Marcus, and seconded by Director Emerson, the Director's unanimously voted to continue Item 6 to the next COG meeting.

7. RECEIVE Report on Council of Governments Formation, Purpose and **APPROVE** Mission Statement – Rheinheimer

Staff requested that the Board continue Item 7 to the next COG meeting, so that all Board members are in attendance.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the COG Board should give serious consideration to the provisions in the California Constitution, whereby, this Joint Powers Authority and other JPA's in California are unconstitutional.

Upon a motion duly made by Director Marcus, and seconded by Director Emerson, the Directors unanimously voted to continue Item 7 to the next COG meeting.

TRANSPORTATION ISSUES:

8. RECEIVE Update on the Highway 25 Bypass Project – Dinkuhn

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

The project construction is 92% complete, with 45 days left in the contract to complete construction. There were no change orders for consideration by the Board at the September meeting.

With regards to the AC shoulder cracks, the contractor is now testing the shoulders of the roadway to determine the extent of the area that was not lime-treated. It is still anticipated that the contractor will be responsible for 100% of the cost for testing and repair.

Caltrans requested that core testing be done along the traveled way of the road way as well, to make sure that the lime-treatment is sufficient in that area. However, staff felt that this was beyond the scope of what is required, since there is no evidence to support that the travel way was not lime-treated.

There was discussion between the COG Board, staff, and Kerry Theran of Quincy Engineering regarding Caltrans' request.

Aileen Loe of Caltrans District 5 stated that ultimately the bypass will be transferred to the state and Caltrans has some concerns based on the shoulder cracks. Ms. Loe stated that COG will be responsible for the core testing until Caltrans is convinced that there is no reason for concern.

The Board inquired on the extent of core sampling Caltrans is requesting.

Ms. Dinkuhn stated that Caltrans' request works out to be an approximate 30-40 additional core samples, with an estimated cost of \$20,000 plus time and labor.

The Board directed staff to try to minimize core testing to the least impact in cost in an effort to satisfy Caltrans' request. The cost for additional testing should be incurred by the contractor.

COG staff will work with City and County representatives to prepare agreements for maintenance and law enforcement for the time period when the roadway is complete prior to Caltrans' acceptance of the new route.

Staff is beginning to plan for the Highway 25 Bypass Grand Opening celebration. Staff is preparing for a community event with a marching band. The community will be invited to walk or bike through the Bypass.

The Board was pleased with staff's plan for celebration.

9. Mobility Partnership – Route 152 Realignment – Rheinheimer

- a. **RECEIVE** Update on Mobility Partnership and
- b. **ADOPT** Resolution No. 2008 – 17 Supporting Improvements to Highway 152 as the Major Route to Address Regional Traffic.

Executive Director, Lisa Rheinheimer, provided an update on the Mobility Partnership. The Mobility Partnership ad-hoc committee met in early September to discuss the status of the Route 152 Corridor. The Board of Supervisors also adopted a resolution in support of the project and an alignment that is located in the most northerly area of San Benito County and southerly area of Santa Clara County. The San Juan Bautista City Council also passed a similar resolution.

Vice-Chair Botelho stated that the Mobility Partnership was pleased to receive the resolution that was passed by the Board of Supervisors. Vice-Chair Botelho mentioned that Supervisor Gage pledged that his Board would pass a similar resolution and looked forward to AMBAG doing the same.

Director Emerson stated that the City of Hollister had not taken a position on an alignment; however, he is going to place it on the City's agenda to pass a similar resolution as the Board of Supervisors.

Director Marcus reiterated the importance of supporting the alignment that is in the most northerly area of San Benito County.

Aileen Loe of Caltrans District 5 stated that it is significant that everyone is working cooperatively, but cautioned the resolution's support for a specific alignment, because all information must be brought forward in order for the decision makers to consider a preferred alignment. Ms. Loe asked the Board to keep in mind that no single improvement on any one route is the solution and added that a good decision will not be made without everyone's involvement.

Discussion continued amongst the Board.

Vice-Chair Botelho noted the importance of having a representative from Caltrans District 5 present at future Mobility Partnership meetings.

PUBLIC COMMENT:

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that COG should not be partnering up with "the worst transit agency in the United States". The Board of Supervisors already stated that they favor the northern most route. Mr. Thompson stated that this "Joint Powers Authority" does not have jurisdiction to adopt the resolution and should not be making decisions about public policy for San Benito County.

Ms. Rheinheimer noted one minor change to the resolution. The word "transportation" was removed from the title.

Upon a motion made by Director Marcus, and seconded by Director Emerson, the Director's unanimously voted to approve Item 9 b.

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