

**SAN BENITO COUNTY
COUNCIL OF GOVERNMENTS
MEETING**

April 16, 2009 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

Chair Botelho, Director De La Cruz, Director Edge, Director Emerson, and Director Gomez

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; Transportation Planner, Betty LiOwen; Secretary, Monica Gomez

OTHERS PRESENT:

David Murray, Caltrans District 5

CALL TO ORDER:

Chair Botelho called the meeting to order at 2:04 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

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

C. PUBLIC COMMENT: (Items Not on the Agenda)

**Damon Felice, Association of
San Benito County Contractors**

Mr. Felice stated that he wanted to introduce the COG Board to the new Association of San Benito County Contractors (ASBCC), of which he is a member. Established in 2009, ASBCC plans on being the hub for all construction related information in San Benito County, Monterey County, Santa Cruz County, and South Santa Clara County. Their mission is to provide the leadership and resources to ensure that the construction community has the opportunity to pursue and achieve their goals. Mr. Felice noted that ASBCC is looking for additional members to the Association.

Board members welcomed the Association of San Benito County Contractors (ASBCC), and stated that they look forward to working with them in the future.

D. COG DIRECTORS' REPORTS:

Chair Botelho noted that he attended funeral services for Matthew Plesik, who passed away in an automobile accident on Highway 129. Chair Botelho stated that the intersection from Rogue Lane to River Oaks is very dangerous and more needs to be done to raise safety awareness in the area.

Chair Botelho directed staff to work with Caltrans to see what can be done to improve safety awareness on Highway 129 and report back to the COG Board within the next two months.

E. EXECUTIVE DIRECTOR'S REPORT

Executive Director Lisa Rheinheimer reported that the State has informed COG that the Highway 25 Safety Project can move forward and COG can award a construction contract.

A special COG meeting is necessary to award the contract before May 4, 2009. The special meeting is being considered for the last week of April 2009. COG staff handed out a schedule for Board members to select a special meeting date and time.

Ms. Rheinheimer also reported that COG applied for \$4.9 million in transportation appropriations for the Highway 25 Widening Project – Phase I. The project was not funded through this year's transportation appropriations.

There is another opportunity to apply for federal funding under the new transportation authorization. Applications are due April 24, 2009. Staff will be applying for this High Priority Project through the office of Congressman Sam Farr.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated March 2009 – Postigo
2. **APPROVE** Council of Governments Minutes dated February 19, 2009, March 19, 2009, and Special Meeting Minutes dated March 19, 2009 – Gomez
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **Assembly Bill 2766 Vehicle Emission Reduction Grant Program** – Lezama
 - a. **AUTHORIZE** Staff to Submit two (2) Applications to the Monterey Bay Unified Air Pollution Control District for Consideration of FY 2009/2010 Assembly Bill 2766 Vehicle Emission Reduction Program Funds; and
 - b. **ADOPT** Resolution Number 09-09 Authorizing the Executive Director of the Council of Governments to Sign all Necessary Documents to Obtain Assembly Bill 2766 Vehicle Emission Reduction Grant Program Funding.
5. **APPROVE** Proclamation No. 09-10 Declaring May 10-16, 2009, Bike Week in San Benito County – Lezama
6. **APPOINT** Representative From a Local Social Service Provider for Limited Means to the Social Services Transportation Advisory Council – LiOwen
7. **APPROVE** Amendment to Employment Agreement #3 Between the County of San Benito and the Council of San Benito County Governments and Lisa Rheinheimer, COG Executive Director, Which Adds “Accomplishments in 2008 and Performance Goals and Objectives for 2009” – Rheinheimer

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Items 1-7 of the Consent Agenda.

REGULAR AGENDA

ADMINISTRATIVE ITEMS:

8. **RECEIVE** Presentation on Council of Governments Formation, Purpose, and Mission Statement – Rheinheimer

Ms. Rheinheimer provided a Power-Point presentation on the Council of Governments formation, purpose, and mission statement.

The presentation covered questions that the Board of Directors posed at the July 2008 meeting.

Director De La Cruz inquired about the voting authority alternate members have.

Ms. Rheinheimer stated that alternate COG members have the same power in voting as a regular COG director.

There was brief discussion with regard to representation and there not being any obligation under the Joint Powers Agreement for Directors to vote as a representative of their respective jurisdiction. The Directors represent the area-wide interests of San Benito County as a whole.

PUBLIC COMMENT:

Damon Felice, ASBCC

Mr. Felice asked which jurisdiction is responsible for the interchange between the Red Barn and Cole Road.

Ms. Rheinheimer invited Mr. Felice to schedule a time to meet with COG staff to discuss the different jurisdictions in the area.

9. Fiscal Year 2009/2010 Draft Overall Work Program – Lezama

- a. **RECEIVE** Presentation and Comment on the Fiscal Year 2009/2010 Draft Overall Work Program, Which Includes Planning Activities to be Performed by the Council of Governments; and
- b. **AUTHORIZE** Submittal of Fiscal Year 2009/2010 Draft Overall Work Program to the California Department of Transportation for Comment.

Ms. Lezama provided a Power-Point presentation on the Fiscal Year 2009/2010 Draft Overall Work Program.

Chair Botelho asked if the Overall Work Program addresses the growth that will occur do to current projects that are currently moving towards the approval process.

Ms. Lezama stated that Draft Overall Work Program is viewed as more of a short-term document which outlines what COG will be focusing on over the 2009/2010 Fiscal Year; however, the Regional Transportation Plan addresses the growth caused by projects that are already in progress and build-out of the General Plans.

Ms. Rheinheimer added that staff will be looking at the current developments that are underway as well, as they will impact the growth in the area.

Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Item 9.

TRANSPORTATION ITEMS:

10. American Recovery and Reinvestment Act of 2009 – Dinkuhn

- a. **RECEIVE** Project Delivery Report on the American Recovery and Reinvestment Act of 2009, and
- b. **ADOPT** Resolution 09-11 Approving San Benito County Local Transportation Authority's Programming of Eligible Projects

Ms. Dinkuhn provided a report on the American Recovery and Reinvestment Act of 2009.

Ms. Dinkuhn stated that staff is working with public works departments and the San Benito County Local Transportation Authority to help deliver local projects as approved by the Council of Governments Board in February and March.

Staff provided Board members with an updated handout that demonstrated the final allocation of funding from the State. Under the new legislation, San Benito COG will receive approximately \$2.5 million for highways, local streets, and roads. There is a separate set-aside for transportation enhancements projects totaling \$75,721 for San Benito County. The Act also includes a set aside for transit capital projects. The San Benito transit portion is \$374,275.

Ms. Dinkuhn stated that the list of projects approved by COG was modified to reflect actual amounts of funding that will be received. The project list was also modified to delete a street and road rehabilitation project in the City of San Juan Bautista, given that they do not have any projects that will be ready for construction before the funding expires. The City of San Juan Bautista will not receive Recovery funds and instead will receive a set-aside of the next distribution of Regional Surface Transportation Program funds equal to their share of the Recovery funding.

Ms. Rheinheimer noted, with regards to the city of Hollister's projects, there is a restriction in the Federal rules regarding local streets. Unfortunately, a majority of the local streets that the City had listed did not qualify; therefore, City staff is looking at other streets that will qualify.

Director Gomez inquired if there is a deadline to submit the updated list of local street projects from the City.

Ms. Rheinheimer stated that COG staff is working collectively with City and County staff to ensure that the projects move forward and meet the June 30, 2009 deadline.

Upon a motion duly made by Director Gomez, and seconded by Director De La Cruz, the Directors unanimously approved Item 10 (b).

11. Highway 25 Bypass Project – Dinkuhn

- a. **RECEIVE** Update on the Highway 25 Bypass Project,
- b. **APPROVE** Increase in Contract Change Orders for an Amount Not to Exceed \$1,000,
- c. **ADOPT** Resolution Number 09-12 ACCEPTING Grant Deed from the State of California, and
- d. **APPROVE** Escrow Agreement between COG, Heritage Plaza Associates, LLC and First American Title Insurance Company

Ms. Dinkuhn provided an update on the Highway 25 Bypass Project.

Project construction is substantially complete. Staff continues to work on the outstanding items related to route transfer and resolution of right of way issues.

Ms. Dinkuhn announced that the work to replace the signal pole and mast arm on the Bypass at the southeast corner of San Felipe Road will be completed on April 23, 2009. Staff sent notice to the newspaper to get the word out to the public.

Ms. Dinkuhn acknowledged the County Public Works Department's efforts to complete the clearing of weeds along the entire Bypass roadway.

Ms. Dinkuhn reported that the California Transportation Commission denied COG's request to help cover construction cost overruns. The request was denied due to inconsistency with the State Transportation Improvement Program guidelines, which prohibit any award of supplemental project funds for locally constructed projects.

Director Emerson inquired about the Financial Status Report and the remaining contingency fund balance.

Ms. Dinkuhn stated that there is approximately \$1 million remaining in the Redevelopment Agency fund, however, staff is trying to keep these funds set aside.

Upon a motion duly made by Director Emerson, and seconded by Director De La Cruz, the Directors unanimously approved Item 11(b).

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Directors unanimously approved Item 11(c).

Upon a motion duly made by Director Emerson, and seconded by Director Edge, the Directors unanimously approved Item 11(d).

12. APPROVE Draft 2009 Legislative Program and **ENDORSE** the California Consensus on Federal Transportation Authorization for 2009 – Rheinheimer

Ms. Rheinheimer provided an overview of the Draft 2009 Legislative Program.

Ms. Rheinheimer stated that the proposed Council of Governments draft 2009 Legislative Program is intended to guide the agency in direction of legislative matters before State and Federal lawmakers. This year there are several bills before State lawmakers that the Council of Governments will be watching.

Chair Botelho directed staff to coordinate with City and County staff when producing letters of support or opposition for the proposed legislation.

Chair Botelho noted concern with State Route 156 listed as an identified project under the “Preserve, monitor, and seek funding under the infrastructure bond implementation and other state programs for regional priority projects included in COG Resolution No. 06-38.”

Chair Botelho stated that he would like Caltrans to provide the Board with an updated report on State Route 156 and asked when this item can be placed on a future agenda.

Director Gomez directed staff to provide him with a status update on COG Resolution No. 06-38, as he is a new member to the COG Board.

Ms. Rheinheimer stated that staff would like Caltrans to provide the Board with a presentation on State Route 156 similar to the presentation they provided on the San Juan Road Interchange Project however, it will take time. Staff plans to have the State Route 156 Project on the July meeting agenda.

There was discussion amongst Board members regarding the omission of State Route 156 as being identified as one of the regional priority projects.

Ms. Rheinheimer recommended changing the statement under State Issues to: “Preserve, monitor, and seek funding under the infrastructure bond implementation and other state programs for regional priority projects”. This action would omit “included in COG Resolution No. 06-38, State Route 25, State Route 152, State Route 156”.

Upon a motion made by Director Gomez, and seconded by Director De La Cruz, the Director’s unanimously approved Item 12 with the recommendation noted above.

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

ADJOURN TO COG MEETING MAY 21, 2009. AGENDA DEADLINE IS MAY 12, 2009 AT 12:00 P.M.