

**SAN BENITO COUNTY  
COUNCIL OF GOVERNMENTS  
MEETING**

**July 16, 2009 2:00 P.M.**

**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; Secretary, Monica Gomez

**OTHERS PRESENT:**

David Murray, Caltrans District 5; Sean McRae, California Highway Patrol; Maggie Bilich, San Juan Bautista City Council member; Eugenia Sanchez, Mayor of the City of Hollister; Marvin Jones

**CALL TO ORDER:**

Chair Botelho called the meeting to order at 2:00 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

*Upon a motion duly made by Director Emerson, and seconded by Director De La Cruz, the Directors unanimously approved the Certificate of Posting.*

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

None

**D. EXECUTIVE DIRECTOR'S REPORT:**

Executive Director, Lisa Rheinheimer reported that the Council of Governments is gathering input from the public on the update of its 2010 Regional Transportation Plan. A public survey is being circulated for input and is available online at [www.SanBenitoCOG.org](http://www.SanBenitoCOG.org). After staff receives public input, staff will consolidate the comments and present them to the Board. Staff will also make a presentation to the City Councils and Board of Supervisors after public comment but before the draft Regional Transportation Plan is released.

Ms. Rheinheimer announced that the California Transportation Commission will hold a Town Hall meeting in Monterey on Thursday, August 27, 2009.

Ms. Rheinheimer reported that the California Transit Association filed suit against the State of California for taking Public Transportation Account funding to pay for home-to-school transportation and transportation bond debt service. Ms. Rheinheimer noted that it is likely that the State will appeal the case to the California Supreme Court. It is unlikely that this ruling will provide higher levels of funding to the Local Transportation Authority for transit purposes in the near future.

## **E. BOARD OF DIRECTOR'S REPORTS:**

Director De La Cruz stated that one of his constituents fell for the third time at the same location on Miller Road due to the poor condition of the sidewalk/road. Director De La Cruz stated that he spoke with the City Manager but was told that there are no funds available.

There was discussion amongst Board members regarding the lack of resurfacing funds for local streets and roads.

Chair Botelho directed staff to agendize the item to address the issue and try to come up with a collective solution.

## **CONSENT AGENDA:**

1. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated June 2009 – Postigo
2. **APPROVE** Council of Governments Minutes dated June 18, 2009 – Gomez
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **APPROVE** Comment Letter on Notice of Intent to Adopt a Mitigated Negative Declaration for Tentative Map Application 2009-4 (Hillview Subdivision) and **AUTHORIZE** the Chairperson to Sign – Dinkuhn

Chair Botelho pulled Item 3 for discussion.

*Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Items 1, 2, and 4 of the Consent Agenda.*

Chair Botelho inquired about Caltrans Construction Project Report and asked for clarification on how a contractor from Santa Barbara is awarded a contract to paint bridges in San Benito County.

Caltrans District 5, Dave Murray stated that Caltrans follows a state-approved standard for advertising construction projects. All projects go through a competitive bidding process where anyone can bid and the lowest bidder is awarded the project. Mr. Murray mentioned that all available projects are advertised on the Caltrans Office Engineer's website.

Board members requested more information from staff and Caltrans regarding what avenues can be taken to ensure that local businesses participate in the bidding process.

Executive Director, Lisa Rheinheimer stated that staff would explore what can be done to ensure that local businesses participate in the bidding process for local jobs and will report back to the Board.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Item 3 of the Consent Agenda.*

## **REGULAR AGENDA**

### **TRANSPORTATION ITEMS:**

5. **RECEIVE** Update on the Highway 25 Safety and Operational Enhancements Project – Dinkuhn

Transportation Planning Manager, Mary Dinkuhn provided a Construction Management Report handout and mentioned that the Board would receive a similar handout on a monthly basis.

Ms. Dinkuhn reported that project construction began on June 1<sup>st</sup>. The primary work to be completed in July includes roadway excavation in preparation for widening the roadway shoulders and private driveway access roads.

Director Gomez inquired why Redevelopment Agency funds are expended prior to the State Transportation Improvement Program (STIP) funds.

Ms. Dinkuhn stated that STIP funds can only be used for project construction.

Ms. Dinkuhn mentioned that staff will be bringing a change order before the Board at its August meeting.

There was brief discussion about the amount of contingency funds for the project.

**6. DISCUSS** Highway 25 Bypass Project Closeout and Direct Staff as Necessary (Verbal Report) – Dinkuhn

Ms. Dinkuhn stated that with project construction complete, COG staff is working with Quincy Engineering, Inc. under contract to COG to complete construction contract closeout and final right of way items.

The Contractor has submitted five claims for approximately \$480,000. Staff anticipates that additional assistance from Quincy Engineering, Inc is required to adequately defend COG against contractor claims.

Ms. Dinkuhn stated that an additional \$60,000 to Quincy Engineering would allow them to defend COG and complete the closeout process.

There was discussion amongst Board members and staff regarding some of the disputable claims. Board members commented that they did not have sufficient information to provide staff with an informed direction.

After some discussion, Chair Botelho directed staff to provide the Board with a detailed breakdown of outstanding issues and claims related to construction contract closeout at the next Board meeting.

**PUBLIC COMMENT:**

**Marvin Jones**

Mr. Jones inquired if the contract was a “not to exceed contract”.

**7. APPROVE** Contract with AECOM for Design Services Associated with the San Juan Highway Bike Lanes Project for an Amount not to Exceed \$35,705 – Dinkuhn

Transportation Planning Manager, Mary Dinkuhn reported that COG entered into contract with Korve Engineering in March 2006, for engineering services associated with the San Juan Highway Bike Lane Project. Korve Engineering has since merged with DMJM Harris. In 2009, DMJM Harris began doing business as AECOM. The previous contract expired before some services were rendered and a new contract with AECOM is necessary to complete the following scope of services:

1. Project Design Modifications
2. Plan Sheet Modifications
3. Specification Modifications
4. Cost Estimate Modifications
5. Design Services during Construction

Deputy County Counsel, Shirley Murphy stated for the record that although the contract was stamped “DRAFT”, no modifications were made to the contract and the copy in the agenda packet was the final copy.

*Upon a motion made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Item 7.*

*Upon a motion made by Director De La Cruz, and seconded by Director Emerson, the Director's voted to adjourn the COG meeting.*

**ADJOURN TO COG MEETING AUGUST 20, 2009. AGENDA DEADLINE IS AUGUST 11, 2009 AT 12:00 P.M.**