

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

**November 19, 2009 2:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Administrative Services Specialist, Kathy Postigo; Veronica Lezama; Transportation Planner; Transportation Planner, Betty LiOwen; Secretary, Monica Gomez

**OTHERS PRESENT:**

Tony Mercado, MV Transportation

**CALL TO ORDER:**

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 Gomez, and seconded by Director De La Cruz, the Director's unanimously approved the Certificate of Posting.*

**C. PUBLIC COMMENT: None**

**D. EXECUTIVE DIRECTOR'S REPORT: None**

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

Director De La Cruz commended the City of Hollister for implementing the Traffic Enforcement Program.

Director Gomez inquired if there was an update on the Highway 25 Bypass route transfer.

Executive Director, Lisa Rheinheimer, stated that staff would provide an update on the Highway 25 Bypass route transfer at the next meeting.

Chair Botelho reported that San Benito County Public Works acquired a radar-speed trailer which they will be rotating throughout different County roads in hopes to deter drivers from speeding on these roads.

**F. SELECT COG Vice Chairperson for 2009**

Chair Botelho mentioned that Vice Chair Edge had to resign from his COG Director position due to conflicts with his work schedule and the COG meeting's schedule.

After brief discussion amongst Board members, they decided to carry on without a Vice Chairperson for one more meeting in December and select a Vice Chairperson in January 2010.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously voted to strike Item C from the Agenda.*

#### **CONSENT AGENDA:**

1. **APPROVE** Council of Governments Special Meeting Draft Minutes Dated October 15, 2009 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated October 2009 – Postigo
3. **RECEIVE** Construction Projects Report – Caltrans, District 5
4. **APPROVE** Amendment No. 1 to the Contract with Kathy Wood & Associates for the San Juan Highway Bike Lanes Project – Lezama
5. **APPROVE** Memorandum of Understanding with the Transportation Agency for Monterey County which Exchanges Transportation Enhancement Funds – Rheinheimer
6. **RECEIVE** FY 2009/2010 Budget Report for the First Quarter – Postigo

*Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's unanimously approved the Consent Agenda, Items 1-6.*

#### **REGULAR AGENDA**

##### **TRANSPORTATION ITEMS:**

7. **Highway 25 Safety and Operational Enhancements Project** – Rheinheimer
  - a. **RECEIVE** Update on the Highway 25 Safety and Operational Enhancements Project,
  - b. **APPROVE** Contract Change Order No. 13 for an Amount Not to Exceed \$55,000

Ms. Rheinheimer provided an update on the project. The contractor is nearing completion of stage I of the construction on the west side of the roadway and taking steps to initiate construction of stage II of the project. Work in November will include continued excavation and construction of the roadway shoulders and driveway access roads.

Ms. Rheinheimer noted that there is night work scheduled for November 19, and November 22<sup>nd</sup> through the 24<sup>th</sup>. The contractor was directed not to work November 25<sup>th</sup> through November 27<sup>th</sup> due to holiday traveling.

Ms. Rheinheimer mentioned that Contract Change Order No. 13 compensates the contractor for asphalt/concrete price index adjustments per State contract law.

Director De La Cruz directed staff to inquire about the contractor's work schedule during the Christmas holidays and asked if the asphalt price index is mandated by the State.

Ms. Rheinheimer stated that the asphalt/concrete price index is mandated per State contract law. Staff will verify the contractor's work schedule during the Christmas holidays.

Director De La Cruz inquired if contractor's bids include the total dollar amount of asphalt.

Ms. Rheinheimer stated that all bids include the total dollar amount of asphalt based on the cost at that time.

*Upon a motion made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Item 7b, for an amount not to exceed \$55,000.*

**8. APPROVE** Regional Surface Transportation Program Fund Distribution for FY 2009/10 through FY 2011/12 – Rheinheimer

Ms. Rheinheimer stated that there is an amount of \$411,046 in federal Regional Surface Transportation Program funding that was not spent in previous years. The amount was exchanged with the Sacramento Area Council of Governments for other federal funds that were expiring for San Benito County. The County or Cities may use these funds at any time with the condition that the proposed project is considered federal and all federal requirements are met.

Ms. Rheinheimer reviewed the proposed formula distribution table with the Board.

Ms. Rheinheimer added that at the September Technical Advisory Committee meeting, Committee Members recommended a set-aside for a crosswalk on Fourth and Monterey Street with lights embedded in the pavement. An apportionment of \$60,000 was proposed for distribution to the City of Hollister for this purpose. The amount would be apportioned in FY 11/12 when the Courthouse is expected to be constructed.

Chair Botelho stated that he believed the crosswalk should be included as part of the construction of the new Courthouse. Chair Botelho added that the small share of funds that are apportioned to the County and Cities should not be used to fund the crosswalk.

Director Emerson inquired if the intention was to put in the crosswalk while the courthouse is being constructed, and recommended waiting to see if there is a true need for a crosswalk once the courthouse is built. Director Emerson stated that the new Courthouse will be completed by February 2012 and will include over 100 parking spaces. He questioned whether the crosswalk would be warranted 2 years from now.

Director's Gomez and Bilich concurred with Director Emerson's comment, to wait until after the Courthouse is constructed and see if the crosswalk is warranted.

Director De La Cruz stated that Director Emerson made valid points, however if the crosswalk project is delayed, the cost of the project would escalate. Director De La Cruz recommended moving forward with the project and approving the \$60,000 apportionment.

Chair Botelho inquired why the County's apportionment of funds should be allocated for the crosswalk project instead of using the City's apportionment.

Fellow Board members stated that the crosswalk would serve all City and County residents, in addition, the City had already allocated \$300,000 in Redevelopment Agency funds for the Courthouse project.

**PUBLIC COMMENT:**

**Gordon Machado, President  
Hazel Hawkins Hospital**

Mr. Machado spoke on behalf of Hazel Hawkins Hospital and the need to improve the crosswalk between the Hospital's main entrance and the doctor's offices across the street. Mr. Machado stated that they did not anticipate the cost of the actual bid that came in at \$56,850. Since the Hospital's general fund is already in the red, they requested \$60,000 in RSTP funds or the bid amount of \$56,850 to help with funding the crosswalk project.

Director Gomez stated that on many occasions he has witnessed pedestrians who are nearly hit when attempting to cross the street at the Hospital. Director Gomez stated that he understood that the crosswalk would be included in the current construction costs.

Mr. Machado stated that they did not anticipate such a high cost for the project.

Director De La Cruz stated that there is no doubt that a crosswalk is needed at the Hospital and added that if the Board is going to support the crosswalk project at the Courthouse, he was comfortable supporting the crosswalk at the Hospital. Director De La Cruz mentioned that additional parking is greatly needed at the Hospital.

Mr. Machado stated that the parking issue is being addressed in their Master Plan.

Chair Botelho stated that the Hospital crosswalk funds should be taken from the City of Hollister's 60% apportionment because the County is already at a 30% disadvantage. He noted that he would like to use the County's apportionment to maintain County roads.

Director Gomez stated that there is only one hospital in the County that is frequented by both City and County residents.

**Jerry Muenzer**  
**Hollister Downtown Association**

Mr. Muenzer concurred with Director Emerson's comments as well. He recommended waiting until the Courthouse is built and looking at the traffic patterns because he believes that a lighted intersection will be needed to move the traffic across Fourth Street.

Director Emerson commented that there is no question that a crosswalk is needed at the Hospital, however, is not a State entity, it is owned by the City and County. Director Emerson suggested that if COG is going to commit funds to the Hospital crosswalk, COG should have discussions to come to an agreement with the Hospital where the Hospital would come up with a share of the \$60,000.

Ms. Rheinheimer noted that the Hospital crosswalk would have to be a City of Hollister implemented project.

Director Gomez stated that it would be more than reasonable for the Hospital to come up with a portion of the \$60,000 and inquired what amount the Hospital had budgeted for the project.

Mr. Machado stated that the Hospital had budgeted \$15,000 for the crosswalk project.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's approved the formula distribution for RSTP fund for FY 2009/10 through 2011/12, and the allocation of \$60,000 for the Courthouse Crosswalk in 2011/2012 and a separate allocation for an amount not to exceed \$36,000 for the Hazel Hawkins Hospital in 2010/2011 with the City of Hollister as the lead agency on the project, with Chair Botelho voting no..*

**9. ADOPT Resolution No. 09-23 Supporting Improvements to Railroad Crossings in the City of Hollister – Rheinheimer**

Ms. Rheinheimer requested to pull this item from the agenda since the Railroad Crossings in the City were recently improved.

Chair Botelho noted that improvements were also made to the railroad crossing at Wright Road.

*Upon a motion made by Director De La Cruz, and seconded by Director Gomez, the Director's voted to table Item 9 indefinitely.*

*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 DECEMBER 17, 2009. AGENDA DEADLINE IS DECEMBER 8, 2009 AT 12:00 P.M.**