

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

**September 24, 2009 1:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Chair Botelho, Director De La Cruz, 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

**OTHERS PRESENT:**

Brenda Aguilar-Guerrero, Erickson, Beasley, Hewitt & Wilson LLP

**CALL TO ORDER:**

Chair Botelho called the meeting to order at 1:02 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

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

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

Executive Director, Lisa Rheinheimer reported that staff was successful in receiving several grants as follows: Transit Technical Planning Assistance Grant in the amount of \$44,265 and several Air District grants for the Guaranteed Ride Home Program in the amount of \$15,000; \$27,000 to restore some of the Intercounty Transit service; \$36,000 for the Rideshare Program; and \$10,000 for Bicycle and Safe Routes to School maps.

Ms. Rheinheimer announced that she graduated from Golden Gate University with an Executive Masters in Public Administration.

The Board congratulated Ms. Rheinheimer on her graduation and staff for their success in receiving several grant funds.

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

Director De La Cruz expressed gratitude to the Hollister City Council for repairing the sidewalk on Miller Road.

Chair Botelho directed staff to include on a future agenda the potential to advertise on County Express buses.

Ms. Rheinheimer stated that staff will report back to the Board at its October meeting as staff has been working on a Request for Proposal as well.

Chair Botelho expressed a suggestion that was made to him which was to have the County Express phone number posted on all of the buses.

Director De La Cruz inquired about the bus stops that are located in front of residential homes because a constituent was cited for parking in the red zone. Director De La Cruz directed staff to send a letter to residents who have a bus stop located in front of their homes so that they are aware that they will be cited if they park in the red zone.

**CONSENT AGENDA:**

1. **APPROVE** Council of Governments Transaction Report (Financial Claims) dated August 20, 2009 – Postigo
2. **APPROVE** Council of Governments Minutes dated August 20, 2009 – Gomez
3. **2009 Unmet Transit Needs Report** – LiOwen
  - a. **RECEIVE** 2009 Unmet Needs Report.
  - b. **ADOPT** Resolution 09-19 Concerning Unmet Public Transportation Needs Funding and Program for Fiscal Year 2008/2009.
4. **ADOPT** Scope of Services and Fee Schedule with the Association of Monterey Bay Area Governments for Metropolitan Planning Services for FY 2009/10 in an Amount Not to Exceed \$4,917 – Lezama
5. **RECEIVE** Report on Caltrans Construction Projects in San Benito County and **RECEIVE** Advertising for Construction Projects – Dinkuhn
6. **APPROVE** Amended Memorandum of Understanding with San Benito County for the San Juan Highway Bike Lanes Project – Lezama
7. **APPROVE** COG Office Closure Days as Part of the Work Furlough Program – Postigo
8. **ADOPT** Resolution 09-18 Accepting Right-of-Way Grant for the Highway 25 Safety and Operational Enhancements Project – Dinkuhn

Chair Botelho pulled Items 3, 4, 7, and 8 for discussion.

*Upon a motion duly made by Director Gomez, and seconded by Director De La Cruz, the Director's unanimously approved the amended Consent Agenda, Items 1, 2, 5, and 6.*

**Item 3.**

**PUBLIC COMMENT:**

**Joe Thompson**

Mr. Thompson inquired why COG does not follow the Brown Act when putting the agenda together. Mr. Thompson encouraged the Board to vote against increasing waste on behalf of San Benito County taxpayers.

There was discussion amongst Board members and the Executive Director regarding the allocation in Transportation Development Act funds to restore limited weekend Dial-A-Ride services.

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

**Item 4.**

**PUBLIC COMMENT:**

**Joe Thompson**

Mr. Thompson stated that Joint Power Authority's are unconstitutional. Mr. Thompson recommended that the COG Board not follow the Association of Monterey Bay Area Governments (AMBAG), or the Valley Transportation Authority (VTA), and stop the waste of taxpayer's dollars.

*Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's unanimously approved Item 4.*

#### **Item 7**

Director Emerson inquired about the effect furlough days may have on the employees' PERS retirement benefits.

Deputy County Counsel, Shirley Murphy stated that based on discussions and a PERS circulation, she did not believe furlough days would affect PERS retirement benefits.

There was brief discussion amongst Board members and Ms. Murphy.

Ms. Murphy stated that she would bring back a report from County staff who is working directly with furlough policies.

Director Emerson stated that he would like to see the "opinion" from PERS in the near future, as it would be beneficial for both County and City discussions.

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

#### **Item 8**

Transportation Planning Manager, Mary Dinkuhn provided a corrected Resolution No. 09-18 to Board members and noted that the correction was on Page 2 under the second paragraph changing the word "approves" to "accepts". The paragraph should read as follows: Be it further resolved that the San Benito COG Board of Directors hereby accepts the grant reflected in Attachment 1 to this Resolution for and on behalf of San Benito COG; and

*Upon a motion duly made by Director De La Cruz, and seconded by Director Gomez, the Director's unanimously adopted Resolution No. 09-18( Item 8) as amended.*

### **REGULAR AGENDA**

#### **TRANSPORTATION ITEMS:**

#### **9. CONSIDER** Draft 2010 Regional Transportation Plan Project List and Financial Projections – Dinkuhn

Transportation Planning Manager, Mary Dinkuhn stated that COG is required to update its Regional Transportation Plan (RTP) every five years, with the current update scheduled for completion in 2010.

Ms. Dinkuhn noted that COG's Technical Advisory Committee (TAC) reviewed the project list at its September meeting and staff incorporated the TAC's recommended changes. TAC also reviewed and approved the financial projections at its September meeting.

Chair Botelho inquired if the COG needs to incorporate the crosswalk project on Monterey Street and 4<sup>th</sup> Street.

Ms. Rheinheimer stated that the crosswalk project is not listed individually, but incorporated under a “lump sum” listed under “Non-Motorized Transportation”. This allows for more flexibility and funding coverage for smaller types of projects.

Chair Botelho voiced concern with how the Traffic Impact Fee Program is based on the projects listed in the Regional Transportation Plan. Chair Botelho stated that some of the projects listed in the Regional Transportation Plan are not very practical and this may increase the Traffic Impact Fees to a higher level than is necessary.

Ms. Dinkuhn stated that the Traffic Impact Fee program is based on the Regional Transportation Plan however, not all of the projects listed in the Regional Transportation Plan are in the Traffic Impact Fee Program.

Ms. Rheinheimer stated that the Traffic Impact Fee Program is more specific in identifying which project will receive certain funding and it has a 15-year time horizon. The Regional Transportation Program has a 25-year time horizon and identifies projects with reasonable expectation of future funding.

Chair Botelho stated that the Union Road widening project, especially on the west side, should not be listed in the Regional Transportation Plan.

Director Gomez stated that with regards to the Traffic Impact Fee Program, if there are many questionable projects, they should be discussed at the City’s and County’s Board level. Director Gomez added that he would like to see improvements made on Union Road.

Director Emerson stated that he views the Regional Transportation Plan as a way to identify regional needs and did not think projects should be removed from the list due to cost because improvements will be needed once new developments come in.

Director Emerson inquired about the Fairview Road/San Felipe Road East-West Arterial and the Fairview Road/Memorial Drive East-West Connector projects.

Director Emerson stated that there should be a project on the Regional Transportation Plan that brings Fairview Road to downtown Hollister.

Director De La Cruz stated that he supported Director Gomez’s comments, and added that infrastructure needs must be addressed now in order to plan for the future.

Chair Botelho stated that the Regional Transportation Plan should include projects that will be built in 25 years, and he does not believe that the Union Road project will ever be built.

Ms. Rheinheimer stated that the studies have not determined where the projects will be located however; staff will provide a report to the Board in the future.

Director Gomez inquired about the New Traffic Signals (Various Locations) project listed on page 79 of the agenda packet. Director Gomez asked if the intersection at Hillcrest Road and Memorial Drive is included as one of the “various locations”.

Staff was not certain if the intersection at Hillcrest Road and Memorial Drive was included however; if the City decides to move forward with the project it would be covered under the project list.

Director Gomez inquired if there has been any discussion under the project list about putting in a right turn lane going west on Union Road near the front of the fire station because there are always traffic issues in that location.

Director Emerson commented that the improvement at Union Road might be included in the agreement for the Award Homes development.

**PUBLIC COMMENT:**

**Joe Thompson**

Mr. Thompson stated that the COG Board is “entering into the RTP with one eye.” Mr. Thompson stated that some of the solutions rest in the private sector. There would be lower taxes in Traffic Impact Fees, more affordable housing, fewer Unmet Needs, etc.

The Board directed staff to agendize the Fairview Road /San Felipe Road project and identify how an individual project or an identified growth area pays for the impact fees.

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

**10. Highway 25 Safety and Operational Enhancements Project – Dinkuhn**

- a. **RECEIVE** Update on the Highway 25 Safety and Operational Enhancements Project,
- b. **APPROVE** Escrow Agreement between COG and Graniterock dba Pavex Construction Division

Ms. Dinkuhn provided an update on the project. The primary work that was completed in August included paving the western roadway shoulders and initiation of construction of private driveway access roads. Work in September includes continued excavation and construction of the roadway shoulders and driveway access roads.

Staff asked that the Board approve an escrow agreement between COG and Graniterock dba Pavex Construction Division.

Director De La Cruz asked staff to provide a brief explanation of what improvements are being made to Highway 25 so that he can relay the information to his constituents.

Ms. Dinkuhn stated that the project will widen the roadway to make room for a concrete median barrier and will be closing several private driveways. This will eliminate several access points and will keep tractors from accessing the roadway. In addition, a new farm road will be built on either side.

Director De La Cruz recommended using rubberized asphalt for future projects as a way of saving the environment.

*Upon a motion made by Director De La Cruz, and seconded by Director Gomez, the Director’s unanimously approved Item 10.*

**11. Highway 25 Bypass Project – Dinkuhn**

- a. **RECEIVE** Update on Highway 25 Bypass Project,
- b. **DISCUSS** Establishing Name of Roadway as Airline Highway, and
- c. **APPROVE** Amendment No. 1 to Contract with Kelley Engineering & Surveying for an Amount Not to Exceed \$40,000 and **AUTHORIZE** the Chairperson to Sign.

Ms. Dinkuhn stated that with project construction complete, COG staff is working to complete construction contract closeout, route transfer, and final right of way items.

Ms. Dinkuhn reported that staff, in conjunction with the City of Hollister, San Benito County, and Caltrans, determined that a new speed limit is appropriate along the Bypass. The Engineering Justification designated a new speed limit of 45 miles per hour between Sunnyslope Road and Santa Ana

Road and 55 miles per hour between Santa Ana Road and San Felipe Road. Both City and County will consider the adoption of ordinances setting these speed limits at meetings in September/October.

Ms. Dinkuhn stated that staff from the City of Hollister and San Benito County have identified that the roadway name should be identified as “Airline Highway” in the speed ordinances and in the future to remain consistent with the roadway name from Sunnyslope Road to the town of Tres Pinos.

Director De La Cruz stated that there are some intersections along the Bypass that do not allow drivers to turn or yield on green, and asked if it is possible to mitigate the issue to avoid accidents from occurring.

Ms. Rheinheimer stated the issue was a result from past City and County Board’s not wanting to take any more right of way from property owners. In order to make room and provide a turning pocket the roadway would have to be widened and properties would be affected.

Director Emerson and Gomez supported the identified name of “Airline Highway” for the Bypass because they would like the name to remain consistent along the entire roadway.

Director Gomez inquired if a guardrail is necessary north of the Bypass.

Ms. Dinkuhn stated that the engineers did not think a guardrail is warranted however, advisory signage will be installed in the area warning drivers to slow down.

**PUBLIC COMMENT:**

**Joe Thompson**

Mr. Thompson commented that if an MPO approves a highway design, there is government code section that states that the MPO has governmental immunity and there cannot be any damages recovered resulting from a defective design.

Mr. Thompson also recommended that that the Board name the Highway 25 Bypass “The Janet Graham Memorial Bypass”.

Chair Botelho asked Mr. Thompson to put his request in writing and submit it to the Board for review.

*Upon a motion made by Director Emerson, and seconded by Director De La Cruz, the Director’s unanimously approved Item 11c.*

With regards to Item 11b, Board members considered Mr. Thompson’s recommendation to name the Bypass after Ms. Janet Graham and suggested keeping the name as Airline Highway and dedicating the Bypass to Ms. Janet Graham. Board members also suggested opening up the item for public input. Director Emerson stated that it may be more appropriate to dedicate the Highway 25 Safety and Operational Enhancements route to Ms. Janet Graham.

Chair Botelho directed staff to bring Item 11b back to the Board once the project is closer to closeout.

**ADMINISTRATIVE ITEMS**

**12. APPROVE Resolutions 09-20 & 09-21 Allocating Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2008/2009 – Postigo**

Administrative Services Specialist, Kathy Postigo noted a correction to the staff report recommendation which should read as follows; **ADOPT** Resolutions 09-20 & 09-21 Allocating Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2008/2009.

Ms. Postigo reported that the State Transit Assistance Funds in the amount of \$116,568.83 will be allocated to the Local Transportation Agency for transit. The Local Transportation Fund in the amount of \$1,257,683.65 will also be allocated to the Local Transportation Agency for transit purposes. An amount of \$921,173.82 is allocated from FY 08/09 revenue while \$219,941.00 is allocated from reserves. The Local Transportation Fund in the amount \$264,309.83 will be allocated to the Council of Governments for planning and administration purposes.

Ms. Postigo stated that the State Transit Assistance Funds are monies allocated to the COG by the State Controller's Office based on population of San Benito County and returned to COG to be used for transit only.

Staff reviewed the request from the Local Transportation Authority and the Council of Governments and found them compliant with the Transportation Development Act requirements.

Chair Botelho inquired about the amount of funds that will go to local streets and roads.

Ms. Postigo stated that local streets and roads are last on the Local Transportation Fund priority list. All of the FY 2008/2009 funds were allocated. A portion of the reserves \$219,941 was allocated from reserves. Approximately \$700,000 in reserves is eligible to the Cities and County upon request.

Chair Botelho stated that he understands the importance of maintaining reserves however, he would also like to have the resources to make much needed repairs on local streets and roads.

**PUBLIC COMMENT:**

**Joe Thompson**

Mr. Thompson stated that COG does not have legal authority to take money from all San Benito County taxpayers and use it for appropriations. Mr. Thompson stated that the Board continues to ignore the constitutional rights of the citizens of three of the County's districts.

Director De La Cruz asked why staff is asking to adopt for Fiscal Year 2008/2009.

Ms. Postigo stated that staff has to formalize the transfers that were made.

Director Gomez asked when adjustments can be made to transit, since we have had to dip into the reserves.

Ms. Rheinheimer noted that staff made several adjustments in COG's existing budget which was approved in June. Staff will be bringing back a revised Budget to the Board. The Board will be able to review the ending quarter and make any adjustments necessary.

*Upon a motion made by Director Gomez, and seconded by Director Emerson, the Director's unanimously adopted Item 12.*

*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 OCTOBER 15, 2009. AGENDA DEADLINE IS OCTOBER 6, 2009 AT 12:00 P.M.**