

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

**April 15, 2010 2:00 P.M.**

**MINUTES**

**MEMBERS PRESENT:**

Chair Gomez, Director Bilich, Director De La Cruz, Director Emerson, and Alternate Loe

**STAFF PRESENT:**

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Administrative Services Specialist, Kathy Postigo; Transportation Planning Manager, Mary Dinkuhn; Transportation Planner, Veronica Lezama; Transportation Planner, Betty LiOwen; Transportation Intern, Regina Valentine

**OTHERS PRESENT:**

Dave Murray, Caltrans District 5; Tony Mercado, MV Transportation; Tim Lee, WMH Consultants; Mike Evanhoe, Gray-Bowen; Casey Emoto, VTA; Darrell Vice, VTA

**CALL TO ORDER:**

Chair Gomez called the meeting to order at 2:02 P.M.

**A. PLEDGE OF ALLEGIANCE**

**B. CERTIFICATE OF POSTING**

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

**C. PUBLIC COMMENT:**

**Joe Thompson  
Tres Pinos, CA**

Mr. Thompson asked the COG Chair to send a letter to congress telling them how wrong it would be to adopt the idea of the house transportation and infrastructure committee's chairman recommendation to have the next Highway Bill of one trillion dollars go all towards transit, with no money for highways.

Mr. Thompson asked that the COG Chair, on behalf of the COG Board and San Benito County residents, tell the legislature that he supports AB2121, which terminates funding for the Bullet Train.

Mr. Thompson reminded the COG Board that it does not have authority to construct a \$4-\$6 million highway in San Benito County. Mr. Thompson stated that only the Board of Supervisors has that kind of authority in San Benito County.

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

Ms. Rheinheimer announced that Caltrans will hold an open forum Public Hearing on the Draft

Environmental Impact Report/Draft Tier I Environmental Impact Statement for State Route 25 Widening and Route Adoption. The hearing will be held at R.O. Hardin School's Multi-Purpose Room, May 11, 2010 from 5:00 p.m. to 8:00 p.m.

Ms. Rheinheimer stated that she has reviewed the High Speed Train Supplemental Environmental Impact Report and noted that it largely deals with areas that are from Gilroy north and did not change the preferred alignment for the Pacheco Pass. Ms. Rheinheimer stated that she did not see the need to comment on areas that are not within our jurisdiction.

Ms. Rheinheimer stated that the former South Valley Trailer building that COG owns tested positive for asbestos and lead paint. Staff will report back to the Board in May with a preferred schedule to take down the building. Ms. Rheinheimer stated that she let the Leadership San Benito Class know that they may put up their welcome sign, as long as it is not on or near the building.

Ms. Rheinheimer was pleased to announce that Mary Dinkuhn has returned from maternity leave. Ms. Dinkuhn will be managing the Highway 25 Bypass route transfer report.

**E. BOARD OF DIRECTOR'S REPORTS:** None

**F. Closed Session:**

**1. Conference with Legal Counsel – Existing Litigation**

No. of cases: 1

Authority: California Government Code Section 54956.9(a)

Council of San Benito County Governments v. Hollister Inn

Deputy County Counsel Shirley Murphy stated that there was no reportable action taken under Existing Litigation: Council of San Benito County Governments v. Hollister Inn

**CONSENT AGENDA:**

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated March 18, 2010 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated March 2010 – Postigo
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **AUTHORIZE** Proclamation No. 10-01 Declaring May 10-16, 2010 Bike Week in San Benito County – Lezama
5. **APPROVE** Proclamation No. 10-02 Declaring May 16-22, 2010 as National Public Works Week in San Benito County – Rheinheimer
6. **RECEIVE** Update on the Highway 25 Safety Project and **APPROVE** Amendment #1 with MNS Engineers, Inc. Extending the Termination Date to June 30, 2011 – Dinkuhn
7. **ADOPT** Resolution Number 10-06 **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 – Lezama
8. **APPROVE** Contract with Majic Consulting Group for Triennial Performance Audit for Three Year Period Ending June 30, 2009 – Postigo
9. **APPROVE** Amendment No. 1 to Cooperative Agreement with Caltrans – Dinkuhn  
Chair Gomez pulled Item 5 from the Consent Agenda to allow Public Comment.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Items 1-9 from the Consent Agenda, with an abstention from Director Loe on Item 1.*

**REGULAR AGENDA**

**TRANSPORTATION ITEMS:**

**10. RECEIVE** Presentation on the Mobility Partnership and the Traffic and Revenue Study for a Possible Toll Road on State Route 152 between U.S. 101 and State Route 99 – Rheinheimer

Ms. Rheinheimer introduced Tim Lee, WMH Consultants; Mike Evanhoe, Gray-Bowen; Casey Emoto, VTA; Darrell Vice, VTA.

Mr. Emoto stated that the preliminary Phase I studies have been completed.

Mr. Lee provided the presentation on the Mobility Partnership and the Traffic and Revenue Study for a possible Toll Road on State Route 152 between U.S. 101 and State Route 99.

Chair Gomez inquired if the Los Baños Bypass project will be a commercial route or truck route.

Mr. Lee stated that the route would become the new State Route 152. Drivers would have the choice to drive through 14 sets of signals or driving the 4-lane freeway.

Director Emerson inquired about Alternative 2 and whether or not commuters will have another alternative to go to Santa Clara without going on the toll road.

Mr. Lee stated that commuters would have the option to take San Felipe Road onto Pacheco Pass (which is the existing Highway 152). Mr. Lee noted that he would be reviewing the advantages and disadvantages of each alternative.

Director Loe stated that the aspect of tolling on Highway 25 would be unacceptable for San Benito County residents, as they would not receive any benefit.

Mr. Lee stated that with tolling these days there is technology where local residents who travel locally can obtain an exempt toll tag. This was a preliminary study that was developed to see if the concept was financially feasible.

Director Loe stated that it is important to look at other revenue sources to pay for the toll service other than just using federal funds and toll funds.

Mr. Lee stated that there would be funds coming from toll revenues and from the private investor as well.

Director De La Cruz stated that he had concerns with the private sector having control as they are always involved to make a profit.

Mr. Lee stated that there would be discussion in the future on how the tolls are managed and there would be restrictions and controls on both public and private sectors.

The COG Board thanked Mr. Lee for the presentation and noted that there are some concerns; however they look forward to being informed about any developments along the way.

**PUBLIC COMMENT:**

**Joe Thompson**  
**Tres Pinos, CA**

Mr. Thompson inquired if the Mobility Partnership Meetings are now being held in public because the San Benito County taxpayers sued COG for not doing so to begin with. Mr. Thompson stated that 3-4 years ago the only elected body of government in San Benito County unanimously decided that Option 1 of the Southern Gateway Study was the only way to do the “3 in 1”. Mr. Thompson stated that COG does not have any jurisdiction, nor does the Valley Transportation Authority have any jurisdiction outside of Santa Clara County.

Mr. Thompson stated that this is the worst example of transportation planning and urged the Board to reject the plan.

Director Loe stated for the record, that she had never been on a Board or Commission that voted in favor of the “3 in 1”.

Mr. Thompson clarified that the Resolution approved by the Board of Supervisor’s, was called “Option 1 of the Southern Gateway Study”.

Ms. Rheinheimer stated that there will be more information to come on the subject and staff wants to ensure that the Board is well informed on the matter.

**11. RECEIVE Information Regarding Restrictions on Political Signs within a Highway Right-of-way – Rheinheimer**

Ms. Rheinheimer reported that during the three months before an election, candidates place signs in any number of locations including public rights-of-way. The placing of political signs in the public highway right-of-way, however, is not permitted.

Ms. Rheinheimer stated that in order to comply with the law, any political/campaign advertising placed within the Highway 25 Bypass right-of-way will be removed, either by the candidate or by Council of Governments staff.

**12. Fiscal Year 2010/2011 Draft Overall Work Program – Lezama**

- a) **RECEIVE** Presentation and **COMMENT** on the Fiscal Year 2010/2011 Draft Overall Work Program, Which Includes Planning Activities to be Performed by the Council of Governments and
- b) **AUTHORIZE** Submittal of Fiscal Year 2010/2011 Draft Overall Work Program to the California Department of Transportation for Comment

Ms. Lezama provided a Power-Point presentation on the 2010/2011 Draft Overall Work Program.

Ms. Lezama noted that there will be an additional opportunity to provide comments at the May meeting. The Board will consider adopting the fiscal year 2010/2011 Overall Work Program at the June 17, 2010 meeting in connection with the FY 2010/2011 Budget.

**PUBLIC COMMENT:**

**Joe Thompson  
Tres Pinos, CA**

Mr. Thompson stated that the Board should terminate this Joint Powers Authority. Mr. Thompson stated that all of this work can be done by the City and County and the Board can save the taxpayers money.

*Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Director’s unanimously approved Item 12.*

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

**ADJOURN TO COG MEETING MAY 20, 2010. AGENDA DEADLINE IS MAY 11, 2010 AT 12:00 P.M.**