

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

August 19, 2010 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT:

Mark McCumsey, Caltrans District 5; Mike Zen and Greg Chelini, MNS Engineers; Tony Mercado, MV Transportation

CALL TO ORDER:

Chair Gomez called the meeting to order at 2:01 P.M.

A. PLEDGE OF ALLEGIANCE

B. CERTIFICATE OF POSTING

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

C. PUBLIC COMMENT:

**Joe Thompson
Tres Pinos, CA**

Mr. Thompson stated that there is a redundant, inefficient, unnecessary Joint Powers Authorities plaguing us. Mr. Thompson asked the Board to think outside of the box.

Chair Gomez stated for the record that the COG Board received Joe Thompson's public comment correspondence dated July 19, 2010 through August 19, 2010. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR'S REPORT:

Ms. Rheinheimer reported that Caltrans responded to the request for a street light on State Route 156 and Buena Vista Road. Caltrans will move forward on the project once the state budget is in place. Ms. Rheinheimer will provide an update at a future meeting.

There will be a public hearing on the Draft Supplemental Environmental Impact Report for the San Benito Route 156 Improvement Project on Wednesday, September 22nd at 4:30 p.m. at the San Juan

Bautista Elementary School.

Ms. Rheinheimer announced that the flyover at the Interchange of State Highway Routes 152 and 156 will be dedicated to Mr. Zanger as the “Joseph A. Zanger Memorial Flyover”

Ms. Rheinheimer announced that COG received a Transit Planning Student Internship Program Grant of \$46,800 to fund the positions of two interns.

Ms. Rheinheimer asked to move the Closed Session item 12 from the end of the agenda to after Item E.

Director De La Cruz directed staff to look into the “Urban Green Grant” which removes trees that cause sidewalk problems to the City and County.

Director Botelho asked for an update on the San Juan Highway Bike Lanes project.

Ms. Rheinheimer stated that the project is moving forward and staff will place the item on the next meeting agenda.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director’s unanimously approved the amended agenda as noted above.

E. BOARD OF DIRECTOR’S REPORTS: None

Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Director’s approved moving Item 12 up on the agenda.

12. Closed Session:

1. Conference with Legal Counsel – Existing Litigation

No. of cases: 2

Authority: California Government Code Section 54956.9(a)

Council of San Benito County Governments v. Hollister Inn

Joseph P. Thompson v. San Benito County Council of Governments, San Benito County

Board of Supervisors

COG reconvened from closed session at 2:12 p.m.

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 and Joseph P. Thompson v. San Benito County Council of Governments, San Benito County Board of Supervisors

CONSENT AGENDA:

- 1. APPROVE** Council of Governments Draft Meeting Minutes Dated July 15, 2010 – Gomez
- 2. APPROVE** Council of Governments Transaction Report (Financial Claims) Dated June 30, 2010 – July 2010 – Postigo
- 3. APPROVE** Updated Council of San Benito County Governments Purchasing Policy – Postigo
- 4. AUTHORIZE** the Chair to Sign Resolution No. 10-15 Delegating Authority to the Executive Director to Act on Behalf of the Council of San Benito County Governments in Matters Relating to the CSAC Excess Insurance Authority – Postigo
- 5. APPROVE** Comment Letter on Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Fairview Corners Residential Specific Plan – Gilbert
- 6. RECEIVE** Construction Projects Report – Caltrans District 5
- 7. APPROVE** Contract with Grace & Associates for Financial Audit for Fiscal Year Ending June 30, 20100 – Postigo

Ms. Rheinheimer asked to continue Item 3 to a future meeting. Regarding Item 4, Ms. Rheinheimer asked to strike through AUTHORIZE and change to ADOPT Resolution 10-15.

Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved the amended agenda as noted above.

REGULAR AGENDA

TRANSPORTATION ITEMS:

8. RECEIVE Report on the Excess Building Demolition and the "Welcome to Hollister" Sign (Verbal Report) – Rheinheimer

Ms. Rheinheimer reported that the Leadership group will start construction of the "Welcome to Hollister" sign, which will be located at the corner of the Highway 25 Bypass and San Felipe Road. Ms. Rheinheimer mentioned that COG received a Thank You letter from the Leadership Group.

Chair Gomez stated that the installation of the sign is scheduled for August 26th with landscaping scheduled for the following week.

9. 2012 Regional Transportation Plan – Gilbert

- a. **AUTHORIZE** Executive Director to Sign Letter of Support for AMBAG Grant Application, and
- b. **PROVIDE DIRECTION** on the Formation of a Regional Transportation Plan Advisory Committee

Ms. Gilbert reported that COG is in the early stages of developing its 2012 Regional Transportation Plan Update. As part of the update process, staff is recommending that the Board establish an advisory committee made up of community members.

Ms. Gilbert noted that applications are due August 31, 2010. Staff recommended that the committee should be made up of no more than 11 members.

Director De La Cruz recommended someone from the recyclable industry.

Director Botelho requested that there should be a geographical balance on the Committee to ensure that all areas of the County are represented.

PUBLIC COMMENT

Joe Thompson
Tres Pinos, CA

Mr. Thompson stated that the Committee should be reflective of the fact that in San Benito County more than 99% of annual trips are made by private vehicles.

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

The Board directed staff to get the application for the Regional Transportation Plan Advisory Committee out to the public and recycling industry.

10. Highway 25 Safety and Operational Enhancements Project – Gilbert

- a. **RECEIVE** Update on the Highway 25 Safety and Operational Enhancements Project, and
- b. **APPROVE** Contract Change Order No. 21 for an Amount Not to Exceed \$140,504, and
- c. **APPROVE** Amendment No. 2 to Contract with MNS Engineers, Increasing the Contract Budget by \$185,000.

Ms. Gilbert reported that all major items of work have been completed. There is one outstanding item that requires service from PG&E.

Ms. Gilbert stated that the Resident Engineer submitted Contract Change Order No. 21 for approval. The Change Order compensates the contractor for loss of production for paving activities. The Contract bid price for paving was based on the bid documents. The subsequent change order for paving the entire roadway as an overlay significantly changed the nature of the paving work that was bid; therefore, the contractor is entitled to an adjustment of \$140,504.

Ms. Gilbert noted that in July, staff updated project financial reports and identified a potential balance of funding when construction is complete. Staff worked with the project design team and construction personnel to identify additional improvements that could be constructed in the project area; however, given the project scope and schedule, no major improvements were identified. New signage will be placed along the project area and minor drainage improvements have been made. Additional funds may be used to fund project closeout and pay any valid claims submitted by the contractor.

Ms. Gilbert stated that due to the increased time on the contract, which was a result of weather delays and the addition of pavement overlay, MNS Engineers has requested additional budget for its contract. Staff recommended approval of Amendment No. 2 to the contract with MNS Engineers, increasing the contract budget by \$185,000.

Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Director's unanimously approved Item 10b and 10c.

Ms. Gilbert mentioned that staff will be forwarding an invitation for the completion ceremony of this project. Staff is proposing the week of September 6th for the ceremony.

11. Highway 25 Bypass Project – Gilbert

- a. **RECEIVE** Update on Highway 25 Route Transfer,
- b. **APPROVE** Amendment No. 3 to Contract with Kelley Engineering & Surveying, Increasing the Contract Budget by \$15,150 for the Preparation of Right of Way Maps, and
- c. **APPROVE** Contract with BKF Engineers for an Amount Not to Exceed \$14,043 for Preparation of As Built Project Plans.

Ms. Gilbert provided an update on the Highway 25 Route transfer. In late July, staff from each agency met with Hollister Mayor and COG Chairperson Victor Gomez, State Assemblywoman Ana Caballero, and Caltrans District 5 Director Rich Krumholz to discuss the transfer of existing State Route 25 from Caltrans to the City of Hollister.

Ms. Gilbert stated that Caltrans has committed to follow the route transfer process and indicated at the meeting that it has limited funding to bring the existing route to a state of good repair. Caltrans maintenance staff met with the City of Hollister City Engineer to walk through the route and determine what level of repair could be completed given the limited funding. Caltrans will be providing the City with additional information outlining its plans for repair to the existing route. At a future meeting, the City of Hollister City Council will consider whether to adopt a resolution to accept the existing route from Caltrans.

Ms. Gilbert noted that in order for the Route Transfer to be complete, COG must prepare and submit a Route Transfer Report to Caltrans. Once the Report is approved, the California Transportation Commission (CTC) must take action to accept the new roadway and transfer the existing route to the local jurisdiction. Staff will finalize the Route Transfer Report upon receipt of final comments from Caltrans with anticipation of CTC action in December.

Chair Gomez inquired about the Highway 25 Bypass maintenance and how the work was distributed to the City and County.

Ms. Gilbert stated that the maintenance on the Bypass was distributed and determined based on the amount of resources each jurisdiction had. Ms. Gilbert stated that the cost for one year of maintenance was approximately \$12,000.

Chair Gomez mentioned that the City is not in the position to make some of the noted improvements on the Route and perhaps, with regard to maintenance, they may have to consider delaying the Route transfer. It will all depend on the improvements that Caltrans determines are necessary.

Director Botelho expressed his frustration over the transfer process with Caltrans. Director Botelho stated that the sooner that the Route can be transferred to Caltrans the sooner they can keep up the maintenance on it. Until then, he hoped that the City and County can continue to work together on maintaining the Route.

Ms. Rheinheimer stated that it is the City of Hollister who will be taking over the old roadway and it is ultimately in their control in terms of what they want to accept or not accept. COG can be the conduit to help move the process along.

PUBLIC COMMENT:

Ruth Erickson

Ms. Erickson stated that she was under the impression that Caltrans was to maintain the old Highway until the new Highway was transferred over to them. Ms. Erickson stated that between Rancho Drive and San Benito Street it is in the worse condition. She asked who is dealing with Caltrans, COG, or the City.

Chair Gomez stated when they met with Caltrans; according to Caltrans they have been maintaining the old roadway. Chair Gomez stated that the roadway between Rancho Drive and San Benito Street is definitely an area of concern for the City as well and they emphasized this area of concern to Caltrans during the walk through.

Upon a motion duly made by Director De La Cruz, and seconded by Director Botelho, the Director's unanimously approved Item 11b and 11c.

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

ADJOURN TO COG MEETING SEPTEMBER 16, 2010.