

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

December 16, 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; Transportation Planning Manager, Mary Gilbert; Administrative Services Specialist, Kathy Postigo; Secretary, Monica Gomez

OTHERS PRESENT:

Pauline Valdivia, Jovenes de Antaño; Dave Murray, Brandy Rider, Richard Rosales, Jack Walker, Caltrans District 5; Tony Mercado, MV Transportation

CALL TO ORDER:

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

C. PUBLIC COMMENT:

**Marvin Jones
Hollister, CA**

Mr. Jones provided the Board with a handout of the United Nations Agenda 21 Implementation. The report included an estimated 150 Countries who provided their latest report on sustainable development. Mr. Jones stated that the United States is doing better than average in the transportation aspect and San Benito County is doing its part to adhere to the United Nations Agenda 21 protocol.

Chair Gomez stated for the record that the COG Board received Joe Thompson's public comment correspondence dated October 24, 2010 through December 16, 2010. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR'S REPORT:

Ms. Rheinheimer reported that the Council of Governments office will be closed to the public from December 20, 2010 to December 31, 2010.

Ms. Rheinheimer reported that she has been working collaboratively with the Economic Development Corporation, Community Vision, as well as the Community Foundation to put together a Community-

wide Transportation and Economic Development Survey. Community Vision will be putting together an application to the Community Foundation for funding to partake in the community-wide survey. Ms. Rheinheimer will provide more information at a later date.

Ms. Rheinheimer wished everyone a Merry Christmas and happy and safe holidays.

E. BOARD OF DIRECTOR'S REPORTS:

Director Botelho reported that the Mobility Partnership Committee met a couple weeks ago for a status update. Director Botelho stated that they recognized Supervisor Gage and Supervisor Loe at this meeting, as it was their last meeting. Director Botelho stated that they provided outstanding leadership for several years in transportation and they will be sorely missed.

Director Botelho reported that Merced County has joined the Mobility Partnership and Madera County is in the process of joining the partnership so that the entire corridor is represented on the Mobility Partnership Committee in an effort to continue to move forward.

Director De La Cruz wished everyone happy holidays.

Chair Gomez asked to postpone the Closed Session Item to the end of the meeting, add Addendum Item F. Present Certificate of Recognition to David Murray, Caltrans District 5 – Rheinheimer, and move Item 10 up before Item 9 on the Agenda.

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

F. Present Certificate of Recognition to David Murray, Caltrans District 5

Ms. Rheinheimer presented a certificate of recognition to David Murray for the diligent work and support he has provided to San Benito County over many years.

Mr. Murray thanked everyone for the recognition. He stated that it has been a great 34 years and has enjoyed working with everyone, especially staff.

Mr. Murray introduced Brandy Rider, who will be replacing him as Senior Chief for Regional Transportation Planning for the Northern Region.

Chair Gomez congratulated Mr. Murray and thanked him for his work and support over the years and welcomed Ms. Rider.

CONSENT AGENDA:

2. **APPROVE** Council of Governments Draft Meeting Minutes Dated November 18, 2010 – Gomez
3. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated August 2010 – Postigo
4. **RECEIVE** Construction Projects Report – Caltrans District 5
5. **AUTHORIZE** Executive Director to Sign a Contract with Trailer Park for Design and Printing Services Associated with the 2011 Bike Week Campaign for an Amount Not to Exceed \$6,000 – Lezama
6. **APPROVE** Amendment No. 3 to Cooperative Agreement with Caltrans for the Highway 25 Safety and Operational Enhancements Project – Gilbert
7. **ADOPT** Resolution 10-18, Establishing Bylaws for the Regional Transportation Plan Advisory Committee – Gilbert
8. **ADOPT** Resolution 10-19, Allocating Transportation Development Act Funds for Fiscal Year 2009/2010 – Postigo

Director Botelho requested that Item 5 be pulled from the Consent Agenda.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director's unanimously approved Items 1-4 and 6-8 from the Consent agenda.

With regard to Item 5, Director Botelho stated that he felt very strongly about remaining consistent in promoting local jobs, and businesses in San Benito County. Director Botelho requested that the Board reject staff's recommendation and award the Bike Week Campaign services contract to the local company whose bid finished in second place and who has done the work before.

Ms. Gilbert stated that the Bike Week Campaign is a Tri-County Campaign. Staff has worked with the Transportation Agency for Monterey and Santa Cruz Counties for 17 years to promote bike week activities. The request for proposals was released by COG; however, the decision making was made by representatives from San Benito COG and the Monterey and Santa Cruz County agencies. Ms. Gilbert stated that if the COG Board were to consider delaying or not awarding the contract to the recommended firm, it would essentially negate the contracts that Monterey and Santa Cruz Counties have negotiated. Ms. Gilbert noted that there is a cost savings associated with the contract that all three Agencies are realizing because the contract was negotiated as a tri-county effort. If San Benito COG pulls out of the contract it would jeopardize this cost savings for all three agencies.

Director De La Cruz inquired if it is possible for the COG Board to deny the recommendation and award the contract to 2nd place contractor and if timing would be an issue for staff.

Ms. Rheinheimer stated that this was a qualifications only based proposal evaluation. If the Board decides to reject this proposal, staff would have to go back out and do another Request for Proposals. The Monterey and Santa Cruz Agencies would have to do the same. Ms. Rheinheimer stated that this would jeopardize staff's schedule as it would take staff at least three months to put out another Request for Proposals and negotiate another contract.

Director Emerson stated that he agrees with supporting local business, however, he also believes the Board has a greater responsibility when spending tax payer dollars, to acquire a firm that is most qualified for the price and to do the work, "the most bang for the buck". Director Emerson stated that if every jurisdiction had as their greatest priority to use local businesses, then pretty soon you would end up with inadequate products, because that would become the standard.

Director Bilich noted that the Board should be cautious about awarding the 2nd bidder because they may be opening themselves up for a potential suit. In addition, there are two other agencies that will be affected if the Board rejects this contract and she did not believe it would be the appropriate thing to do.

Deputy County Counsel, Shirley Murphy stated that if the highest ranked bidder were inclined to file suit against COG, she would find the fact that they were the first highest ranked proposer and the request for proposals stated that they would select based on qualifications ranked that way by three Counties would be a problematic fact.

PUBLIC COMMENT:

**Marvin Jones
Hollister, CA**

Mr. Jones stated that the Board should check the Request for Proposal's "Terms and Conditions" to see if the price is predicated on receiving all three awards from the three counties.

After continued discussion amongst Board members and Deputy County Counsel, Shirley Murphy, the Board voted to continue this item to the end of the meeting under Closed Session, based on the finding

that something has come to the Board's attention that requires action before the next regularly scheduled meeting and should be added on to the agenda as a Closed Session Item.

Upon a motion duly made by Director Bilich, and seconded by Director Botelho, the Board voted to continue Item 5 until the Closed Session item, with Director Emerson voting No. (Continued under Closed Session Agenda)

REGULAR AGENDA

TRANSPORTATION ITEMS:

10. Monterey Bay Area Blueprint – Gilbert

- a. RECEIVE** Presentation on the 2010 Draft Monterey Bay Regional Blueprint Plan,
- b. COMMENT** on the Draft, and
- c. DIRECT** Staff to Prepare a Comment Letter to the Association of Monterey Bay Area Governments and **AUTHORIZE** the Executive Director to Sign

Ms. Gilbert introduced John Doughty, Executive Director of the Monterey Bay Area Governments who gave the Board a presentation on the Blueprint Planning work that has been taking place in the San Benito, Monterey, and Santa Cruz region and the issues related to Senate Bill 375 and Greenhouse Gas Emissions reduction targets.

Director Botelho noted that the Greenhouse Gas Emissions target was set at an attainable level by the Association of Monterey Bay Area Governments Board of Directors.

Director De La Cruz expressed concern with the State of California creating mandates that would impact local government decision-making.

Director Emerson commented that the presentation made him more comfortable with the Blueprint Process; however, he noted that the Plan should recognize that unless San Benito can create more jobs, every house will add to greenhouse gas emissions based on the high number of commuters leaving San Benito County.

Director Bilich expressed concern that the State was treating each County as if it had the same makeup, and that San Benito County was not like all other counties in the state.

Mr. Doughty iterated that the Blueprint document and SB375 activities are consistent with all existing General Plans in the region and would not change General Plans and that AMBAG recognized the unique characteristics of each County in the region.

PUBLIC COMMENT

Marvin Jones
Hollister, CA

Mr. Jones noted that the Blueprint concepts were similar to those in the United Nations Agenda 21.

Bev Miller
Hollister, CA

Ms. Miller stated that she was increasingly concerned with California's decision-making, especially with regard to AB32 and SB375. She stated that carbon dioxide was not a poison and was needed by plants and animals. She stated that her main concern was that the decisions being made are not being supported scientifically.

Chair Gomez thanked Ms. Miller for her comments and stated that he was not a supporter of AB32 and SB375, and stated that Ms. Miller's comments might be better directed at state representatives.

**Allen Barker
Hollister, CA**

Mr. Barker stated that he appreciated the COG Board's understanding of AB32 and SB375. He encouraged the Board to look at what is being proposed and see how it fits San Benito County's land use and ensure that it is not contradicting local authority. He stated that there was a strong chance that SB375 would never come to fruition and that conditions in 25 years could be completely different.

**Stephen Rosati
Hollister, CA**

Mr. Rosati stated that he hopes the Blueprint document includes a statement about "What happens if air quality degrades from sources outside of San Benito County."

There was no further public comment.

Director Emerson stated that he would like staff to incorporate the City of Hollister's comments in the letter as well.

Director Botelho stated that he would like to ensure that State Route 156 from San Juan Bautista to Hollister is identified in the Blueprint.

Ms. Rheinheimer stated that most state highways were identified in the Blueprint except for the small segment of Highway 156 from San Juan Bautista to Hollister, and staff wanted to ensure that the segment was identified as an existing route.

Director Botelho inquired what will be done in the document to identify any future potential projects such as; the Highway 152 Realignment.

Mr. Doughty stated that he didn't believe the Highway 152 Realignment Project was included in the Travel Demand Model. What has been included and analyzed as they look at the modeling is what is in the Regional Travel Demand Model; however, the project can be looked at.

Director Botelho stated that the Highway 152 Realignment project needs to be looked at and incorporated into the draft letter as well.

The COG Board directed staff to prepare the draft letter and bring back to the Board at its January meeting.

9. Hollister to Gilroy State Route 25 Widening and Route Adoption – Gilbert

- a. **RECEIVE** Presentation on Modified Design of State Route 25 Widening Project, and
- b. **IDENTIFY** Preferred Project Alternative

Ms. Gilbert introduced Richard Rosales, Project Manager and Jack Walker, Design Manager from Caltrans District 5 who gave the Board a presentation on the Hollister to Gilroy State Route 25 Widening and Route Adoption.

Mr. Rosales reviewed Caltrans response to COG's comments. Caltrans reevaluated the project design and was able to modify the design for Alternative 2 and B in response to COG's concerns. The modified design included:

- Median width reduced from 62' to 46' – Mr. Rosales noted that it doesn't require a median barrier at this time, but will require one sooner than later due to additional volume or accidents.
- Typical Cross Section reduced from approximately 342' to 240'
- Reduction in acres of farmland required from 189 ac. to 128 ac. (30%) for Build Alternative B and from 660 ac. to 498 ac. (25%) for Route Adoption Alternative 2.
- Alignment moved closer to existing Route 25 from Route 156 to Hudner Lane, reducing right of way impacts and eliminating approximately 5.5 miles of frontage roads by proposing private access easements, similar to those acquired for the Highway 25 Safety and Operational Enhancements project.

Caltrans provided the modified design to the COG Board. Maps of the design were included for the Board's consideration.

Mr. Rosales stated that the Project Development Team for the project met in August. After discussing the proposed modifications to the project, the team selected Route Adoption Alternative 2 and Build Alternative B as the preferred alternatives for the project.

Director Botelho stated that he appreciated Caltrans' efforts to minimize the acres in farmland and reduced median; however, he still didn't understand the need for this project or the need for a frontage road. Director Botelho stated that the project will increase the Impact fees for potential future growth and he will not support any increases.

Ms. Rheinheimer stated that the purpose and need of this project is due to the growth of the County and the increase in traffic that is already present. Ms. Rheinheimer noted that there will be a noticeable impact on Highway 25 when you begin to add the additional trips from recently approved projects such as Santana Ranch, Fairview Corners, and Award Homes and if nothing is done, Highway 25 will essentially look like a parking lot.

Mr. Rosales responded to Director Botelho's comment about the frontage road and stated that the new construction eliminates all frontage road in the farmland area and utilizes existing Highway 25 to serve as needed access to the 11 businesses and residences in the area. Mr. Rosales noted that this access is definitely needed and cannot be eliminated.

Director Botelho recommended that the Board bring this item back to another meeting and schedule it as a workshop to better understand the project and include other stakeholders.

Chair Gomez commented that he is pleased with the alignment, and added that Caltrans put in extensive work and he believed that they addressed the concerns that COG submitted to them.

PUBLIC COMMENT:

**Stephen Rosati
Hollister, CA**

Mr. Rosati stated that the Board should keep in mind that the approval of the Santana Ranch project will have major impacts on our roads. Mr. Rosati stated that San Benito Street and 4th Street used to be easy to get through but the growth in the area has changed that. Mr. Rosati stated that this project has come a long way and if the Board does nothing for another 5 or 10 years and do not get the funding in place and don't get the fees up to about \$15,000-\$16,000 they will not be able to fund the infrastructure needs of all the growth that the City's approving today or the County's going to want to do for commercial and industrial growth. Mr. Rosati recommended that the Board move forward with this project, work with the system, and not lose it.

Ms. Rheinheimer stated that Caltrans is seeking the COG Board's input in selecting a preferred alternative

for the project. Based on the modified design and response to comments, staff is recommending that the Board concur with the Project Development Team's selection of Route Adoption Alternative 2 and Build Alternative B as the preferred project alternative.

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's approved staff's recommendation, selecting Route Adoption Alternative 2 and Build Alternative B as the preferred project alternative, with Director's Botelho and De La Cruz voting No. Motion carries 3/2 vote

11. Highway 25 Route Transfer – Gilbert

- a. **RECEIVE** Letter from the City of Hollister,
- b. **DIRECT** Staff with Regard to Transfer of Highway 25 Bypass to the State of California, and
- c. **APPROVE** Amendment No. 1 to Contract with BKF Engineers for Preparation of As-Built Project Plans, Extending the Expiration Date of the Contract

Ms. Gilbert reported that there are still some outstanding items of work to be completed before a transfer can be considered by the CTC, including preparation of right of way record maps and submittal of as-built project plans. These items are in progress and expected to be complete early next year. Caltrans has also indicated other concerns which are being addressed internally. Caltrans has also indicated a commitment to pursuing additional funding for repairs to the existing route. Given this information, COG staff recommends that the Board direct staff to continue work with Caltrans to determine if a successful route transfer is possible prior to involving the California Transportation Commission.

Director Botelho stated that the City of Hollister should find a way to take over San Benito Street and not transfer the new Highway 25 Bypass to Caltrans.

Director Emerson inquired if strategically, it would be more beneficial to continue to work with Caltrans for another 3-4 months rather than go to the California Transportation Commission (CTC) to agendize the item.

Ms. Rheinheimer recommended that the City meet with staff before going to the CTC.

Chair Gomez stated that he would like to see a timeline in working with Caltrans, in an effort to move forward more efficiently.

Ms. Rheinheimer stated that staff will work with Caltrans on developing a timeline and noted that in all fairness to Caltrans, there is still one item pending that is needed for Caltrans to be able to move forward, and that is the completion of the as-built plans.

BKF Engineers is under contract to COG to complete the as-built project plans. The current contract expires December 31. Staff has prepared an amendment to the contract, extending the expiration date to June 30, 2011. The consultant anticipates that the work will be complete by the end of January; however, the time extension to June will allow the consultant to continue to work with COG should any other issues arise.

Brandy Rider from Caltrans stated that as soon as they receive the as-built project plans Caltrans can move forward on preparing a route transfer report. Caltrans has every intention to work in partnership with the City and move forward.

PUBLIC COMMENT:

**Stephen Rosati
Hollister, CA**

Mr. Rosati stated that commitments were made to the residents and businesses that the existing truck

route would be transferred over to the Highway 25 Bypass and Highway 25 down San Benito Street would be relinquished by Caltrans. Resolution 1986-187 by the City of Hollister stated that the Truck Route would be transferred. At the open house for the Highway 25 Bypass project in 1995, the statement made to the public “It is intended to replace the existing Highway 25 through downtown Hollister.” Mr. Rosati stated that promises have been made to the public by previous elected officials and it has all been documented. Mr. Rosati recommended that the Board move forward with this transfer.

After brief discussion by the Board, they directed staff to work with Caltrans and allow Caltrans 60 days to report back to the Board.

Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Board unanimously approved Item 11c.

12. RECEIVE Update on Truck Route Planning in San Benito County – Rheinheimer

In the interest of time, Ms. Rheinheimer requested to continue this item to the January meeting.

Upon a motion duly made by Director Botelho, and seconded by Director De La Cruz, the Board directed staff to continue Item 12 to the January 2011 agenda.

13. COMMENT on the Draft 2011 Unmet Transit Needs “Reasonable to Meet” Criteria and **SET** Unmet Transit Needs Hearing Dates – Lezama

In the interest of time, Ms. Rheinheimer requested that the Board review the Unmet Needs Criteria at the January meeting, but go ahead and set the Unmet Transit Needs Hearing Dates on:

February 15, 2011
1:00 p.m.
Senior Center
300 West Street
Hollister, CA

February 17, 2011
2:00 p.m. and 6:00 p.m.
Board of Supervisor Chambers
481 4th Street
Hollister, CA

Upon a motion duly made by Director Botelho, and seconded by Director De La Cruz, the Board approved Item 13 as noted above.

ADMINISTRATIVE ITEMS:

14. RECEIVE Council of Governments Draft Audit Report for FY 2009/10 (Verbal Report) – Postigo/
Mike Grace

Ms. Postigo introduced Mike Grace who provided a brief presentation on the Council of Governments Draft Audit Report for FY 2009/10.

There was no discussion.

The Board continued to the LTA Agenda.

The COG meeting reconvened and went into Closed Session at 4:48 p.m.

CLOSED SESSION:

Deputy County Counsel, Shirley Murphy requested that the Board make a motion and a finding to add Item 1.5 under Closed Session agenda based on information coming to the attention of the Board after the agenda was posted and needing to be acted upon before the next meeting.

1.5 Conference with Legal Counsel: Significant Exposure to Litigation

Under Government Code Section 54956.9

Upon a motion duly made by Director Bilich, and seconded by Director Botelho, the Director's unanimously approved the addition of Item 1.5 to the Closed Session Agenda.

1. Public Employee Performance Evaluation

Title: COG Executive Director

Deputy County Counsel, Shirley Murphy stated that Item 1 Public Employee Performance Evaluation was continued to the January meeting

Deputy County Counsel, Shirley Murphy stated that there was no reportable action taken under Item 1.5 Conference with Legal Counsel: Significant Exposure to Litigation.

The COG meeting reconvened at 4:58 p.m.

5. AUTHORIZE Executive Director to Sign a Contract with Trailer Park for Design and Printing Services Associated with the 2011 Bike Week Campaign for an Amount Not to Exceed \$6,000 – Lezama

A motion was made by Director Botelho, and seconded by Director De La Cruz to reject the Bid and go back out for Request for Proposals.

Upon a motion duly made by Chair Gomez, and seconded by Director De La Cruz, the Board voted to proceed with a Roll Call Vote on the question as follows: Director Botelho, Yes, Director De La Cruz, Yes, Director Emerson No, Director Bilich, No, Chair Gomez, No. Motion died

Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Board approved Item 5 with Director's Botelho and De La Cruz voting No.

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 JANUARY 20, 2010.