

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

**July 15, 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

**OTHERS PRESENT:**

Dave Murray, Mark McCumsey, and Brandy Rider; Caltrans District 5

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

**C. PUBLIC COMMENT: None**

Chair Gomez stated for the record that the COG Board received Joe Thompson's public comment correspondence dated May 21, 2010 through July 15, 2010. The correspondence was entered into the public record.

Dave Murray introduced a new employee of Caltrans. Mr. Murray stated that Ms. Brandy Rider is Caltrans new Branch Chief for the Transportation Planning section of the Northern part of the District (AMBAG Region). Ms. Rider will be the Caltrans representative at future COG meetings, as Mr. Murray will be retiring at the end of this year.

Chair Gomez congratulated Mr. Murray on his future retirement and welcomed Ms. Rider.

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

Ms. Rheinheimer reported that she attended the California Transportation Commission meeting on July 1, 2010. San Benito COG received two allocations. One allocation was \$100,000 for Planning Programming and Monitoring funds. The second allocation was for \$416,000 of Transportation Enhancement funds for the San Juan Highway Bike Lanes Project.

Ms. Rheinheimer asked to pull Item F. Closed Session from the agenda until the next meeting. Ms.

Rheinheimer asked that the Board move Item 9 up on the agenda to be discussed after Item 4 on the Regular 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:**

Director Botelho acknowledged the Chair and staff for running a productive Joint meeting earlier in the week.

#### **F. 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

*Upon a motion duly made by Director Botelho, and seconded by Director Emerson, the Director's unanimously voted to strike Item F. from the agenda.*

#### **CONSENT AGENDA:**

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated June 17, 2010 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated June 2010 – Postigo
3. **RECEIVE** Construction Projects Report – Caltrans District 5
4. **APPROVE** Amendment No. 1 to Contract with AECOM for Design Services Associated with the San Juan Highway Bike Lanes Project, Extending the Contract Termination Date to June 30, 2012 – Gilbert

*Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Director's unanimously approved Items 1-4 from the Consent Agenda.*

#### **REGULAR AGENDA**

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

#### **9. Demolition and Removal of COG Owned Excess Building – Rheinheimer**

a. **ADOPT** Resolution 10-14 Adopting the Mitigated Negative Declaration for the Demolition and Removal of COG Owned Excess Building, and Approving the Project,

b. **APPROVE** Request by Leadership San Benito to Construct a “Welcome to Hollister” Sign on COG Owned Excess Property, and

c. **ACCEPT** Donation of “Welcome to Hollister” Sign Upon Completion of the Project.

Ms. Rheinheimer reported that since the June 2010 meeting, the public comment period ended for the environmental document, staff continued coordination with the San Benito Public Works Department for demolition, and received quotes from qualified asbestos and lead-based paint abatement companies.

The Hollister Planning Commission approved the “Welcome to Hollister” sign in June. COG staff and the Leadership San Benito County class have also discussed ownership of the “Welcome to Hollister” sign on COG owned property.

Director De La Cruz expressed concerns about liability issues with the construction of the sign and who

would be responsible if someone is injured and decides to sue.

Deputy County Counsel, Shirley Murphy stated that theoretically, all parties (City, County, and COG) could be sued.

Director De La Cruz inquired about the possibility of transferring ownership to the City as soon as possible.

Ms. Rheinheimer stated that staff would expedite the transfer of ownership to the City.

Director's Botelho and Emerson stated that they look forward to the installation of the sign and noted that the risks involved with the sign were small compared to the benefit it will have on the entire community.

**PUBLIC COMMENT:**

**Tracey Rodriguez  
Leadership San Benito**

Ms. Rodriguez stated that she wanted to ease the Board's concerns by describing the position and material of the sign. Ms. Rodriguez stated that they are following the set-back rules, with 15-20 foot set-backs off the road. There will be a 6 foot fence and the sign will be raised off the ground and placed on a mound. The area will be landscaped and the sign itself will be made out of a break away material.

**David Huboi**

Mr. Huboi provided a handout of the suggested "Welcome to Hollister" sign for Board members to view. Mr. Huboi stated that a licensed contractor will be working on the project and Mr. Huboi himself will be supervising the painting of the sign.

Director Botelho inquired if there was any discussion about adding donor plaques to the sign.

Mr. Huboi stated that they had to conform to the new definition for a "hospitality sign" as stated in the City Ordinance, which does not allow placement of plaques on the sign itself.

Director De La Cruz stated that his concerns had been satisfied and had no problem moving forward with the project.

Chair Gomez stated that he had been very supportive of the project from the beginning and expressed his appreciation to the Leadership San Benito class for taking on the challenge. Chair Gomez also thanked Mr. Huboi for his dedication to the community and the admirable design work on the project.

*Upon a motion duly made by Director Emerson, and seconded by Director Botelho, the Director's unanimously approved Item 9 a.*

*Upon a motion duly made by Director Emerson, and seconded by Director Botelho, the Director's unanimously approved Item 9 b and 9 c.*

**5. Highway 25 Safety and Operational Enhancements Project – Gilbert**

- a. **RECEIVE** Update on the Highway 25 Safety and Operational Enhancements Project, and
- b. **CONSIDER** Additional Project Improvements.

Ms. Gilbert reported that construction is nearing completion with construction scheduled to be complete August 16th. Night work will continue to the end of the project in August.

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 will bring a proposed contract amendment to the Board for consideration in August.

Ms. Gilbert reported that the updated Financial Status Report shows a fund balance of approximately \$479,000. Staff is working with the project design engineer and resident engineer to determine other improvements than can be made in the project area. They are looking at installing all new roadway signs in the project area and flashing beacon lights at the approaches to each intersection, especially at the Grant Line Road intersection where there is no lighting.

Chair Gomez suggested installing lights at the Shore Road intersection.

Ms. Gilbert stated that timing could be an issue, however, staff will look into installing lights at the Shore Road intersection.

Director's Botelho and De La Cruz recommended using the funds to replace any needed lights or signs, and return any remaining funds to the State.

Chair Gomez and Director Emerson did not agree with returning the funds to the State, and recommended using the funds to enhance safety on the roadway, such as lighting and signage improvements.

Director Botelho stated that he could identify with Chair Gomez and Director Emerson; however, at some point they need to reinvent government and the method in which tax dollars are spent.

There was discussion about using the state funds to back fill the RDA funds that were spent on the project. However, staff stated that it was not possible because the State funds were for project construction and the RDA funds were used for design, environmental, and right-away on the project.

Chair Gomez inquired about the proposed contract amendment from MNS Engineers.

Ms. Gilbert stated that staff had not received a proposal from MNS Engineers yet, and added that some funding will be used for the contract amendment. There may also be unknown construction contract claims at the end of the project.

After brief discussion between the Board and staff, there was a consensus from the Board to move forward with making additional improvements on the roadway.

Ms. Rheinheimer stated that staff would bring back a list of additional safety improvement items for the Board to consider at its next meeting.

## **6. State Route 156 Projects – Gilbert**

- a. **RECEIVE** Update on Caltrans Projects on State Route 156, and
- b. **APPROVE** Letter to Caltrans Regarding Lighting at State Route 156 & Buena Vista Road.

Ms. Gilbert provided an update on the status of four small projects located on State Route 156 in San Benito County: a TMS project, construction of a centerline rumble strip, lighting at Buena Vista Road, and proposed improvements to the Barnheisel Road/SR 156 intersection.

Ms. Gilbert reported that the traffic management system project was recently completed by Caltrans. The data collected will be used in planning purposes for the route.

Caltrans awarded a construction contract to Granite Construction in June for the Centerline Rumble Strip construction on State Route 156 in San Benito County, from the Alameda to the intersection with State Route 152. Construction is anticipated to begin in late July or early August 2010.

Caltrans has completed design engineering for the lighting at Buena Vista Road project and is awaiting approval of the State budget to program funding for the project. Staff has prepared a letter for the Chair's signature, requesting that Caltrans make funding for this project a priority.

Caltrans initiated an intersection improvements project for the State Route 156/Barnheisel Road intersection in 2007, at the request of COG and the Santa Clara VTA. Caltrans completed a Project Study Report for the project. The Report found that the project is not warranted, as the intersection currently operates at a Level of Service B or better. Future forecasts indicate that the intersection will operate at Level of Service C or better. Caltrans provided a letter detailing the report findings.

Director Botelho stated that he was pleased to hear about the progress on the Buena Vista Road project, and expressed disappointment on the denial of the Barnheisel Road improvements project.

Director De La Cruz thanked staff for their work with the Buena Vista Road project and hopes to keep moving forward and encourages Caltrans to make this project a priority.

Chair Gomez inquired about the Centerline Rumble Strip project and whether the project would be a waste of funds due to the future expansion of Highway 156.

Ms. Rheinheimer stated that the majority of project is between Union Road and the Santa Clara County line. Only the section between Union Road and the Alameda Road would be considered throw-away.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Item 6b.*

**7. RECEIVE** Update on the Monterey Bay Regional Blueprint and the 2012 San Benito County Regional Transportation Plan – Gilbert

Ms. Gilbert stated that COG is working in conjunction with the Association of Monterey Bay Area Governments (AMBAG) on the Monterey Bay Regional Blueprint Plan and will soon initiate an update of its 2012 Regional Transportation Plan.

AMBAG recently completed its first round of public outreach meetings for the Monterey Bay Area Blueprint Plan. AMBAG held several public workshops throughout the Monterey Bay region. There were two workshops held in San Benito County. Participants were asked to complete a survey to look at priorities for housing, transportation, and recreation. Following the workshops, AMBAG will hold meetings with targeted interest groups to gain more input on the plan. A Draft Blueprint Plan is anticipated to be released for public review and comment in late 2010.

Ms. Gilbert reported that COG recently completed the 2010 update of the San Benito County Regional Transportation Plan. COG staff is preparing for a 2012 update to the plan, which will require additional consideration of Greenhouse Gas Emissions Reductions. COG will work closely with AMBAG in the development of the Sustainable Communities Strategy and include its provisions in the 2012 Regional Transportation Plan. Caltrans recently updated its Regional Transportation Plan Guidelines to incorporate these new requirements. Ms. Gilbert noted that the 2012 update of the San Benito County Regional Transportation Plan must be consistent with the new guidelines.

Ms. Gilbert stated that in terms of the Regional Transportation Plan efforts in San Benito County, staff has had discussions in developing a small citizen's advisory group to work with COG staff and the Board on development of the plan. Staff will provide a report at a future meeting.

Director De La Cruz inquired if enough signatures had been collected to suspend Senate Bill 375 (SB375).

Ms. Gilbert stated that the signatures were for the suspension of Assembly Bill 32 (AB32), which would have some impact on planning efforts, but staff would still have to meet Senate Bill 375 requirements.

Director Emerson stated that he understood the logic between AB32 and SB375, however, he added that at some point we need to realize that the whole model doesn't fit for San Benito County. Director Emerson stated that there has to be a strategy to get jobs in San Benito County first, and then worry about housing.

Ms. Rheinheimer agreed with Director Emerson's comments, and added that she and City staff have made similar comments.

**8. APPROVE Request for Proposals for Consultant Services to Complete an Update to the Traffic Impact Fee Program – Gilbert**

Ms. Rheinheimer and Ms. Gilbert provided a presentation on the Traffic Impact Fee Program. Ms. Rheinheimer provided some background on the Program.

Ms. Gilbert stated that the Traffic Impact Fee Program has generally been updated every three to five years as needed. COG, City, and County staff have discussed the need to update the program for 2011 to ensure that the projects identified in the Program accurately represent the needs of the community and that the established fees are appropriate to fund the projects.

Ms. Gilbert noted that a revised Exhibit 1: Proposed Scope of Work was distributed to the Board. Ms. Gilbert stated that under Task 3: Staff added language to identify that the consultant would be expected to use the AMBAG Traffic Model.

Ms. Gilbert stated that the Request for Proposals would be released tomorrow if approved by the Board and staff would bring a contract back for the Board's approval at the September 16<sup>th</sup> meeting.

Director Botelho inquired about the number of identified projects and commented on how he couldn't see that many projects moving forward in the next 10 years.

Ms. Rheinheimer stated that it is a 15 year program and there are some houses and developments that have been approved by the City and County. She noted that the lack of building is likely a factor of the economy more so than the Impact Fees.

Director Botelho inquired if a study can be created in-house that is more reactive to what is going on currently, instead of spending another \$100,000 in another 3-4 years.

Ms. Rheinheimer stated that you would want a more fluid document because you want to be able to react to and anticipate the changing conditions of the economy. Staff would have to rely on AMBAG on running the Model and ask the consultant for help in terms of getting staff up to speed.

Director Botelho asked at what point the COG Board has the input to tell the consultant what projects should be on the list, which projects are a priority, and what expenses they should have.

Ms. Rheinheimer stated that if the Board wishes, they can evaluate and prioritize a project list at the following meeting, as staff expects to have a consultant in September.

Director Emerson stated that he would like to see a professional study that will give the Board the information to be able to provide suitable direction.

Director De La Cruz inquired if it was possible for the City and County to go in different directions in

terms of the updated Traffic Impact Fees.

Ms. Rheinheimer stated that it is possible for the City and County to go in different directions, however, it would make it more difficult to move forward with the projects that are on the list. Ms. Rheinheimer stated that this County is unique in the sense that most of the trips are shared between the City and the County.

Deputy County Counsel, Shirley Murphy stated that it would create more of a practical problem, in the sense that in practice it would mess up the formula that is used to determine the share between the City and the County.

After some discussion between the Board and staff, it was the consensus of the Board to move forward with the Request for Proposals.

Ms. Rheinheimer stated that staff would have the study complete by December 2010.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Emerson, the Director's unanimously approved Item 8.*

**10. San Benito County Vanpool Program – Lezama**

- a. **APPROVE** Vanpool Budget Amendment No.1 Totaling \$25,000 for the Purchase of One 15-passenger Vehicle; and
- b. **ISSUE** an Invitation for Bids (IFB) to Purchase One Vanpool Passenger Van.

Ms. Lezama reported that the Council of Governments operates four commuter vans under the Vanpool Program. The Vanpool Program consists of a fleet of four vehicles which are leased to commuters. Three of the vans are 2007 model vehicles, while the fourth vehicle is an older 2002 Chevrolet vehicle. The 2002 vehicle has experienced maintenance issues and staff proposed to replace the vehicle with the purchase of one new van. Once replaced, the 2002 Chevrolet vehicle would be used as a spare vehicle for when vans require routine maintenance.

Staff proposed a \$25,000 Vanpool Program budget amendment for the purchase of one 15-passenger vehicle and the release of an invitation for bids to purchase one vanpool passenger van.

Director De La Cruz inquired if staff could use local vendors for the purchase since these are not state funds.

Ms. Rheinheimer stated that COG's purchasing policy requires staff to obtain three bids although, in the past COG has purchased from local vendors.

*Upon a motion duly made by Director De La Cruz, and seconded by Director Bilich, the Board unanimously approved Item 10a and 10b.*

*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 AUGUST 19, 2010. AGENDA DEADLINE IS AUGUST 10, 2010 AT 12:00 P.M.**