

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

**November 18, 2010 2:00 P.M.**

**FINAL MINUTES**

**MEMBERS PRESENT:**

Chair Gomez, Director Bilich, Director Botelho, Director Emerson, and Alternate Director Loe

**STAFF PRESENT:**

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Gilbert; Secretary, Monica Gomez

**OTHERS PRESENT:**

Mark McCumsey, David Silberberger, 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 Botelho, the Director's unanimously approved the Certificate of Posting.*

**C. PUBLIC COMMENT:**

**Matthew J. Kelley  
Kelley Engineering**

Mr. Kelley commented on work related to the Highway 25 Bypass. Mr. Kelley stated that he was instructed to put his work on hold by COG staff over one month ago due to ongoing discussions about the route transfer between the City and Caltrans.

Mr. Kelley stated that the record of survey work that he is doing is not related to the route transfer. The map has been completed and gone through plan check at the County level. The only work remaining is to set the monuments in the ground and file the map with the County Recorder.

Mr. Kelley stated that he is obligated under State law to complete the work. If there are delays with the project there is the option to send a letter to the County Surveyor explaining why the work is being delayed, however, Mr. Kelley requested that the Board direct staff to allow him to continue with the record of survey work.

Ms. Rheinheimer noted that the Board had an opportunity to discuss Mr. Kelley's request under Item 11 Highway 25 Route Transfer later on the agenda.

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

Ms. Rheinheimer reported that the Local Transportation Authority installed four new bus shelters at the following locations:

- (1) San Benito and Fourth Street
- (1) Vet's Park (near Park and Ride lot)
- (2) Hazel Hawkins Hospital

Ms. Rheinheimer reported that staff met with the Regional Transportation Plan Advisory Committee (RTPAC) on Monday. The meeting was very productive and staff is looking forward to working with Committee members.

Ms. Rheinheimer mentioned that AMBAG's Draft Blueprint is out and this item will be on the December COG agenda.

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

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

Ms. Rheinheimer asked to continue Item F to the December meeting.

**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

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

Ms. Rheinheimer asked to withdraw Item 1 from the agenda.

*Upon a motion duly made by Director Bilich, and seconded by Director Botelho, the Director's unanimously approved to continue Item F to the December meeting and withdraw Item 1 from the agenda.*

**CONSENT AGENDA:**

2. **APPROVE** Council of Governments Draft Special Meeting Minutes Dated October 14, 2010 – Gomez
3. **APPROVE** Council of Governments Draft Special Meeting Minutes Dated October 21, 2010 – Gomez
4. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated October 2010 – Postigo
5. **RECEIVE** Construction Projects Report – Caltrans District 5
6. **RATIFY** Reimbursable Letter of Agreement with the California Highway Patrol for Traffic Control Services Rendered for the Highway 25 Safety and Operational Enhancements Project for an Amount not to Exceed \$49,500 – Gilbert
7. **APPROVE** Amendment No. 1 to the Fiscal Year 2010/2011 Overall Work Program to Include Federal Transit Administration Section 5304 Funding for Two Student Internship Positions for the Local Transportation Authority – Lezama
8. **APPROVE** Letter to San Benito County Planning Department Regarding Comments on the Proposed Equestrian Park and Event Center Located at 7777 San Felipe Road – Rheinheimer
9. **RECEIVE** First Quarter Budget Report for Fiscal Year 2010/2011 – Postigo

*Upon a motion duly made by Director Emerson, and seconded by Director Bilich, the Director's unanimously approved Items 2-9 from the Consent agenda.*

**REGULAR AGENDA**

**TRANSPORTATION ITEMS:**

**10. RECEIVE** Report on the Status of the San Juan Road Interchange Project and the Prunedale Improvement Project – Rheinheimer

Ms. Rheinheimer introduced David Silberberger from Caltrans District 5 who is the Project Manager for both projects.

Mr. Silberberger provided a Power-Point presentation and handouts on both projects and answered questions from the Board.

Regarding the San Juan Road Interchange Project handout, Director Emerson inquired about the 'Begin Construction' date under the Project schedule.

Mr. Silberberger stated that there was a typo on the handout for 'Begin Construction' date. The correct date should be 1/15/2013 instead of 2012.

Director Botelho stated that he highly supports this project as it will alleviate a highly dangerous intersection. Director Botelho offered to provide any help he can to move this project forward and keep it on schedule.

Chair Gomez agreed with Director Botelho's comment and inquired about the local match coming from Monterey County.

Ms. Silberberger stated that the match coming from the Transportation Agency of Monterey County (TAMC) is approximately \$18 million.

Director Bilich also voiced her support for the project.

With regard to the Prunedale Improvement Project, Director Botelho commented on how he took a tour of the project last week and he was amazed with Caltrans development of this project.

**11. RECEIVE** Update on Highway 25 Route Transfer (Verbal Report) – Gilbert

Ms. Gilbert stated that this item was placed on the agenda in anticipation of possible City Council action at their meeting this week; however the item was not on their agenda. The City Manager indicated that the item would be discussed at a special meeting on November 29, 2010. Staff is waiting to get direction from the City on how they would like to move forward.

Ms. Gilbert noted that as Mr. Kelley mentioned there are some contracts related to some of the transfer work that staff has put on hold in order to move in the proper direction. Staff has been following Caltrans standards for some of the work, if it turns out that the transfer does not occur at this time staff would want to make sure to follow the City's standards for some of the work including preparation of the as-built project plans and the right-of-way mapping would reflect either Caltrans ownership of the roadway or the City's ownership of the roadway.

There was discussion about when the City will make their decision on the route transfer.

Chair Gomez stated that the City expects to make a decision on the route transfer at its special meeting November 29<sup>th</sup>. The public's input will be a big part of making this decision. The City would prefer to

have seen much more from Caltrans; however, there are many issues that must be taken into consideration when making this decision.

Director Botelho stated that he hopes that people will take into account that we agreed to build this Bypass to Caltrans standards and yet they haven't kept their end of the agreement. Director Botelho added that he could see the rationale with keeping the Bypass and allowing accesses on it at key locations for commercial development.

Director Loe stated that she wanted to make sure that when the City goes into their deliberations on this issue, that they keep in mind that the Highway 25 Bypass was a Measure A project that was voted on by the public and one of the biggest selling points was getting the traffic out of existing neighborhoods. Director Loe stated that she understands that there are issues with Caltrans; however, a promise was made to the public to move the traffic out of existing neighborhoods.

Chair Gomez thanked staff and fellow Director's for their patience and noted that the City expects to make a decision at its special meeting.

## **12. RECEIVE** Update on the 2011 Traffic Impact Fee Program – Gilbert

Ms. Gilbert reported that in September, COG entered into a contract with Willdan Financial Services to complete the program update. A project team made up of COG, City, and County staff meets bi-weekly to monitor the progress of the fee update. The team is working on traffic modeling to identify roadway and intersection levels of service and identify projects to be included in the Traffic Impact Fee program, identifying project costs, and developing a methodology to assign Traffic Impact Fees to different types of land uses.

Ms. Gilbert stated that in order to maintain compliance with the *Mitigation Fee Act*, the Traffic Impact Fee program must identify the number of trips and impact of trips associated with new non-residential (i.e. commercial and industrial) development. Traffic modeling reflects that in San Benito County and Hollister, non-residential uses do not impact the transportation network as significantly as residential uses. This reduced impact will be reflected in the Traffic Impact Fee program and fee calculation.

The *Mitigation Fee Act* also allows for each agency to make a policy decision to exempt these uses from Impact Fees, provided that residential uses are not burdened with additional fees to make up for the fees that are not charged to non-residential uses. The City and County must then seek additional funding to fully fund the projects in the Traffic Impact Fee program in lieu of charging a fee to non-residential development.

Ms. Gilbert noted that the public meeting that was scheduled on November 18, 2010 at 5:00 p.m. has been delayed to November 30<sup>th</sup> at 3:30 p.m. at the Board of Supervisor's Chambers.

Ms. Gilbert stated that the project is on schedule to have a draft complete by December 31. The draft will be presented to the Board and circulated for public review in January 2011.

*Upon a motion made by Director Emerson, and seconded by Director Botelho, the Director's voted to adjourn the COG meeting.*

**ADJOURN TO COG MEETING DECEMBER 16, 2010.**