

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

February 17, 2011 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

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

STAFF PRESENT:

Deputy County Counsel, Shirley Murphy; Executive Director, Lisa Rheinheimer; Transportation Planning Manager, Mary Gilbert; Administrative Services Specialist, Kathy Postigo;

OTHERS PRESENT:

Aileen Loe, Caltrans District 5

CALL TO ORDER:

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

C. PUBLIC COMMENT: None

Chair De La Cruz stated for the record that the COG Board received Joe Thompson's public comment correspondence dated February 9, 2011 through February 15, 2011. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR'S REPORT:

Ms. Rheinheimer mentioned that staff was invited to attend a meeting with the Dunne Park Collaborative. The group is looking to improve the vitality of Dunne Park neighborhood and working to develop a grant application to the Department of Housing and Urban Development to create a strategic plan for neighborhood improvement.

Ms. Rheinheimer stated that staff held a successful grant meeting with the Cities and County. Staff reviewed some of the grant opportunities that are available and offered to provide letters of support for projects.

Ms. Rheinheimer provided a brochure on the US 101 Central Coast Coalition efforts.

Ms. Rheinheimer announced that there will be a Truck Route meeting February 28th, 2011 at 4:00 p.m. at the Board of Supervisor's Chambers.

Ms. Rheinheimer reminded the Board about the upcoming Unmet Needs Hearing: March 3, 2011 at 1:00 p.m. at the Community Center.

H. BOARD OF DIRECTOR'S REPORTS:

Director Botelho reported that he attended the Association of Monterey Bay Area Governments (AMBAG) meeting regarding the acceptance of the Blueprint Plan. Director Botelho stated that overall people were not pleased with the outcome of the Blueprint Plan. The study did not include Highway 156 on the map and there was no recognition of the Highway 152 Realignment project. Unfortunately, there are no remaining funds to correct some of the noted discrepancies. Director Botelho stated that AMBAG accepted the study in anticipation of corrections being made in the future.

Director Gomez asked staff to look into the illegal U-turns that are being made on San Felipe Road (dirt area) past the Valero Gas station, before getting to Dassel's.

Staff will look into the illegal U-turns on San Felipe and report back.

Direct Emerson announced that there will be a Ground Breaking ceremony for the new Courthouse February 28, 2011 at 1:30 p.m.

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated January 20, 2010 – Gomez
2. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated January 2011 – Postigo
3. **APPROVE** Contract between the Council of Governments and URS Corporation for Project Closeout Services for the Highway 25 Safety and Operational Enhancements Projects for an Amount Not to Exceed \$103,324 – Gilbert
4. **APPROVE** Comment Letter to the Association of Monterey Bay Area Governments on the Monterey Bay Area Blueprint Plan – Gilbert
5. **APPROVE** Amendment to Employment Agreement #5 Between the County of San Benito and the Council of San Benito County Governments and Lisa Rheinheimer, COG Executive Director, Which Adds "Accomplishments in 2010 and Performance Goals and Objectives for 2011" and Extends the Contract an Additional Three Years – Postigo

Chair De La Cruz requested that Item 1 be pulled from the Consent Agenda at Director Emerson's request. Chair De La Cruz tabled Item 3 indefinitely.

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Items 2, 4 and 5 from the Consent agenda.

PUBLIC COMMENT: Item 4

Marvin Jones
Hollister, CA

Mr. Jones agreed with Director Botelho's comments regarding the Blueprint Plan. Mr. Jones stated that the Plan should've been rejected at the meeting.

With regard to Item 1, Director Emerson noted a correction to the Draft Meeting Minutes under Item E. which should read *CALCOG* instead of *AMBAG* as noted below in bold.

E. COMMITTEE APPOINTMENTS

1. **Delegate and Alternate to the California Association of Councils of Governments**

(CALCOG)

Chair De La Cruz appointed Doug Emerson as Associate Member to CALCOG for 2011.

Chair De La Cruz appointed Tony Boch as the Alternate Member to CALCOG for 2011.

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's unanimously approved Item 1 from the Consent agenda with the noted correction.

REGULAR AGENDA

TRANSPORTATION ITEMS:

6. RECEIVE Construction Projects Report – Caltrans District 5

Aileen Loe from Caltrans District 5 provided an overview of the Construction Projects Report.

The Board was pleased to hear that the Highway 156 Lighting project will open up for bids in the spring and construction will begin in the summer.

7. RECEIVE Report on the Status of the Highway 25 Bypass Transfer and Direct Staff as Needed (Verbal Report) – Caltrans District 5

Mary Gilbert provided an update on the Highway 25 Bypass Transfer and noted that Aileen Loe would provide an update on behalf of Caltrans.

Ms. Gilbert stated that staff was responsible for providing Caltrans with the As Built Project Plans and Right-of-Way maps. Staff is also working with Caltrans staff in terms of the logistics of what is needed for a Route Transfer Report. Caltrans will be preparing the Route Transfer Report and providing the Report to the California Transportation Commission (CTC).

Aileen Loe stated that with regard to pavement on the existing route, there are some pavement crack sealing, localized spot repairs, and secured funding for preventative maintenance seal coat, these elements combined with Caltrans staff time, materials, and equipment is about \$250,000 value of work that they have scheduled to be carried on over the summer.

Ms. Loe stated that with regard to the compliance with Americans with Disabilities Act, Caltrans has noted several locations along the route with missing curb ramps. Caltrans has a programmed project with money funded and committed for constructing "missing curb ramps" at several locations. This work will be completed by December of 2012. There is a Phase 2 element of the ADA compliance update that is not programmed that would be at a future point in time to update non-standard curb ramps that exist (approximately another \$500,000 worth of work).

Ms. Loe mentioned that the Board should also take into consideration that ADA work can only be done by Caltrans on State owned and operated facilities. If the decision is to wait until Caltrans work is complete on this item, it would be until December 2012 when the work is complete. If Caltrans were to transfer the facility prior to this time, Caltrans cannot perform the work.

Director Gomez inquired if the transfer could still occur and the work is funded by Caltrans with the City performing the work.

Ms. Loe stated that Caltrans has looked into it and they cannot use State Highway Account resources on a City owned facility.

Director Emerson inquired how the Phase 2 work would be accomplished if the transfer occurs in December 2012.

Ms. Loe stated that the Phase 2 work would not be completed by the State because they would no longer own the facility.

County Counsel Shirley Murphy inquired if the court order that obligates the improvements would also obligate the City to fulfill the court order requirements once the facility is transferred.

Ms. Loe stated that she did not believe the court order applies to the City because each jurisdiction has their own obligation under the Americans with Disabilities Act compliance.

Director Botelho thanked Ms. Loe for the verbal report but asked that Caltrans provide a written summary of what is going to be discussed at future meetings.

Director Botelho stated that ultimately this is a decision that the City is negotiating with Caltrans however, he could not make sense of the fact that the City is transferring a road that is in compliance for a road that is not in compliance. Director Botelho added that there must be a deadline for Caltrans to complete the work.

Director Botelho asked how one can be assured that Caltrans is going to stand by their word in completing the work that Ms. Loe previously summarized. Director Botelho asked that Ms. Loe relay his message to Caltrans District Director.

Ms. Loe stated that the Court settlement is a fairly new mandate for Caltrans which came out within the last year. Ms. Loe stated that she was unsure if Caltrans could complete the work in advance of December of 2012.

PUBLIC COMMENT:

**Marvin Jones
Hollister, CA**

Mr. Jones stated "Caltrans is going to stiff you". Mr. Jones stated that the State Transportation Improvement Program associated with the Highway 25 Bypass still has \$375,000 that has not been committed and asked why COG can't commit this money to get San Benito Street in compliance before 2012.

Ms. Rheinheimer stated that the \$375,000 has been committed to the Highway 25 Safety Project not the Highway 25 Bypass project and can only be used for the Highway 25 Safety Project.

**Gordon Machado
Hollister, CA**

Mr. Machado stated that the Downtown Association formulated the MEA committee 25 years ago with the purpose of getting the truck traffic off of San Benito Street and here we are 25 years later asking what went wrong. He added that many people are frustrated because it is not right that the Highway 25 Bypass was built according to Caltrans specifications and now Caltrans wants to give the City \$125,000 in return for a \$53 million project.

Mr. Machado stated that as a former member of the Measure A Committee, he would like to go to the California Transportation Commission (CTC) to discuss the matter along with anyone else the Board appoints.

Director Emerson concurred with Mr. Machado's comments and recommended sending Gordon Machado and Stephen Rosati to the CTC because they can provide the essential history.

**Pat Loe
Hollister, CA**

Ms. Loe also expressed her frustration and noted that she would be pleased to go the CTC however; she recommended that the Board also appoint someone from the Board to attend as it makes a significant impact.

After brief discussion there was consensus from the Board to send Gordon Machado, Stephen Rosati, Pat Loe, and Director Gomez to the CTC.

Ms. Rheinheimer stated that staff will work with CTC staff on the issue.

8. RECEIVE Update on the 2011 Traffic Impact Fee Program – Gilbert

Ms. Gilbert reported that COG staff has been working on the update since late September 2010. A project team made up of COG, City, and County staff has met bi-weekly with the consultants to monitor the progress of the fee update.

Ms. Gilbert reviewed the scope of work items and stated that the majority of the scope of work for the fee update has been completed.

Ms. Gilbert stated that the project team is reviewing the administrative draft of the Traffic Impact Fee Program report. The Draft report will be presented to the Board at a special meeting in March.

After brief discussion the special meeting was set for March 29, 2011 at 10:30 a.m.

Ms. Rheinheimer commended Mary Gilbert and the rest of the project team for their diligent work in putting together this comprehensive update.

9. State Route 152 Mobility Partnership – Rheinheimer

- a. **APPROVE** Amended Route 152 Mobility Partnership Memorandum of Understanding to Expand its Current Membership of Santa Clara and San Benito Counties to Include Participation by Representatives of Merced County.
- b. **AUTHORIZE** Executive Director to Make Non-substantive Changes Upon Counsel Review, If Necessary.

Ms. Rheinheimer reported that the amended Memorandum of Understanding adds the Merced County Association of Governments to the existing partnership between the Council of Governments and Santa Clara Valley Transportation Authority. Expanding the partnership to include Merced allows the partners to elevate the importance of Route 152 as a vital trade corridor and highway of significance at the statewide and national levels. Additionally, the partnership hopes to attract funding from state and federal sources.

Ms. Rheinheimer stated that staff will return to the Board in the future should the Partnership seek approval to include Madera County. The Valley Transportation Authority approved the amended Memorandum at their February 3, 2011 Board Meeting.

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

10. APPROVE Letter to Governor Brown Opposing Proposed Elimination of Redevelopment Agencies – Rheinheimer

Ms. Rheinheimer reported that Governor Brown, in his fiscal year 2011/12 State Budget, proposes the elimination of Redevelopment Agencies across the State. This proposal would likely impact future transportation projects as Redevelopment Agency funds have been used in the past to help provide

matching funds for the Highway 25 Bypass Project and the Highway 25 Safety and Operational Enhancements Project.

Staff provided a draft letter that opposes the elimination of Redevelopment Agencies citing the two local transportation projects as reasons to keep the RDA.

Director's Emerson and Gomez stated that they would support the letter as the City adopted a similar resolution.

Director Gomez directed staff to incorporate photos of the Highway 25 Safety Project with the letter as this project was vital in saving lives and the project would not have been built without the RDA funds.

Director Botelho stated that he appreciated the City's position on this subject and the fact that RDA funds have helped fund important projects, however, at this point in time he could not support this letter because he believes that as a citizen of California these cuts must be made in order to correct the states financial situation.

Chair De La Cruz stated that he has seen many great projects and some questionable projects come from RDA funds however, overall, he believes that the RDA is beneficial to the community and expressed his support of the letter.

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director's approved Item 10 with Director Botelho voting No. Motion passed 3/1.

11. REVIEW and COMMENT on Fiscal Year 2011/12 Budget Assumptions – Postigo

Ms. Rheinheimer reviewed the Fiscal Year 2011/12 Budget Assumptions on behalf of Ms. Postigo and answered questions from the Board.

Director Botelho inquired about the efficiency of the Rideshare Program and whether or not the Board should consider discussing the elimination of the program at a future meeting. Director Botelho also inquired if the Rideshare Program funds could be transferred to local streets and roads.

Director Gomez concurred with Director Botelho's comments.

Ms. Rheinheimer stated that she will be meeting with staff to discuss the efficiency of the Rideshare Program and perhaps shifting funds from not so effective programs such as Rideshare Week, to more effective programs like Bike Week.

There was brief discussion about the Rideshare Program.

PUBLIC COMMENT

**Marvin Jones
Hollister, CA**

Mr. Jones commented that he appreciated and took advantage of the vanpool program for 10 years.

Chair De La Cruz closed Public Comment.

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

ADJOURN TO COG MEETING MARCH 17, 2011.

