

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

April 21, 2011 2:00 P.M.

FINAL MINUTES

MEMBERS PRESENT:

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

STAFF PRESENT:

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

OTHERS PRESENT:

Aileen Loe, Richard Rosales, Caltrans District 5; Scott Dwyer, Majic Consulting

CALL TO ORDER:

Chair De La Cruz called the meeting to order at 2:02 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 15, 2011 through April 21, 2011. The correspondence was entered into the public record.

D. EXECUTIVE DIRECTOR'S REPORT:

Ms. Rheinheimer announced that April 22, 2011 is a scheduled furlough day for COG staff and the COG office will be closed.

The Local Transportation Authority is holding its first County Express monthly open house Friday, April 29, 2011 between 2 p.m. and 4 p.m. Staff plans to hold the monthly open house the last Friday of every month between 2 p.m. and 4 p.m. to allow the public the opportunity to learn more about the transit service.

The 2011 San Benito County Bike Week is coming up and will be held May 9th – May 15th. May 12th is Bike to School day and Bike to Work Day. Staff provided Bike Week flyers.

Ms. Rheinheimer reported that the U.S. 101 Coalition Lobby Day was successful. Ms. Rheinheimer met with the Transportation Agency for Monterey County and Assembly member Luis Alejo. They discussed

the concept of the U.S 101 corridor and the importance of it to both the Central Coast California and the nation. Staff also met with TAMC, Anthony Cannella's staff, Caltrans and the California Transportation Commission and issued them a letter urging the state to issue the bond for transportation to keep projects moving forward.

Ms. Rheinheimer acknowledged Mary Gilbert and presented her with a certificate of appreciation for 10 years of dedication and service with the County of San Benito.

The COG Board congratulated Ms. Gilbert.

E. BOARD OF DIRECTOR'S REPORTS: NONE

CONSENT AGENDA:

1. **APPROVE** Council of Governments Draft Meeting Minutes Dated March 17, 2011 – Gomez
2. **APPROVE** Council of Governments Draft Special Meeting Minutes Dated March 3, 2011 – Gomez
3. **APPROVE** Council of Governments Transaction Report (Financial Claims) Dated March 2011 – Postigo
4. **RECEIVE** Construction Projects Report – Caltrans District 5
5. **ADOPT** Resolution No. 11-04 Amending Resolution 90-12 Unmet Transit Needs “Reasonable to Meet” Criteria – Lezama
6. **APPROVE** Proclamation No. 11-01 Declaring May 9-15, 2011 as Bike Week in San Benito County – Lezama
7. **APPROVE** Request for Proposals for Financial Audit for Fiscal Year Ending June 30, 2011 – Postigo
8. **APPROVE** Letter to Assemblyman Luis Alejo Supporting AB 484 for Habitat and Agricultural Land Mitigations – Rheinheimer
9. **APPROVE** Letter of Support for the San Juan Road Interchange Project Funding to the California Transportation Commission - Rheinheimer
10. **State Route 152 Mobility Partnership** – Rheinheimer
 - a) **APPROVE** Second Amended Route 152 Mobility Partnership Memorandum of Understanding to Expand its Current Membership of Santa Clara, San Benito, and Merced Counties to Include Participation by Representatives of Madera County.
 - b) **AUTHORIZE** Executive Director to Make Non-Substantive Changes Upon Counsel Review, if Necessary.

Chair De La Cruz pulled items 4 and 8 from the consent agenda.

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Items 1-3 and 5-7, and 9, 10 from the Consent agenda.

Item 4

Director Botelho inquired about the suspension of the Highway 156 Soft Median Barrier project due to supply shortage.

Aileen Loe from Caltrans explained that the supply shortage is for thermo plastic paint and it is essential material for the final stretch of the project. Caltrans is working with the contractor and urging them to begin in early May whether or not the product is available.

Director Botelho inquired about the Highway 156 Lighting project schedule.

Aileen Loe stated that the Highway 156 Lighting project will be in construction this summer and should take a few weeks to complete.

Aileen Loe offered to make the Caltrans District Director's Report a standing item on the COG agenda if the Board so wishes. This would allow Caltrans staff to present information about construction projects or other project information. Ms. Loe also mentioned that a Caltrans representative sits as an ex-officio member of the Board on the other four Regional Transportation Planning Organizations acting as a non-voting member. This representation allows Caltrans the opportunity to provide a more active dialogue with the Board.

The COG Board directed staff to add the Caltrans District Director's report as a standing item on the COG Agenda and make the Caltrans Representative an ex-officio member of the Board.

Ms. Rheinheimer noted that staff must amend the Joint Powers Agreement and take it to both City Council's and the Board of Supervisor's for approval.

Item 8

Director Botelho stated that he was opposed to AB 484. He stated that the bill will take out farmland which impacts jobs, value of the property and causes tax implications at the local level.

Director Boch concurred with Director Botelho's comments and added that AB 484 is not a solution.

Public Comment:

Marvin Jones

Mr. Jones spoke against AB 484 and suggested that the Board direct staff to write a letter in opposition of AB 484.

After discussion, the Board directed staff to write a letter in opposition of AB 484 and bring it back to the next COG meeting.

Upon a motion duly made by Director Botelho and seconded by Director Boch, the Director's directed staff to write a letter opposing AB484 with Director Emerson voting No. 4/1 Motion passes

REGULAR AGENDA

TRANSPORTATION ITEMS:

11. RECEIVE Presentation on Triennial Performance Audit for Fiscal Years 06/07 through 08/09 – Postigo

Ms. Rheinheimer introduced Scott Dwyer from Majic Consulting, who provided a presentation on the Triennial Performance Audit for fiscal years 06/07 through 08/09.

Ms. Rheinheimer mentioned that COG staff will provide a response to the Audit and implementation plan at the May meeting.

Chair De La Cruz directed staff to provide a matrix that lists the findings and recommendations as well as an implementation plan at the next meeting.

12. APPROVE Letter to Caltrans Commenting on the San Benito Route 156 Improvement Project Draft Supplemental Environmental Impact Report – Rheinheimer

Ms. Rheinheimer provided a review of the draft letter addressed to Caltrans.

Chair De La Cruz opened Public Comment.

PUBLIC COMMENT:

Larry Cain

Mr. Cain commented on the importance of the Hydrology and Floodplain Report. He stated that the provisions for the bridges are not adequate and the design takes away a lot of farm land. Mr. Cain stated that the report does not address the traffic problem.

**Cara Vonk
San Juan Bautista**

Ms. Vonk's comments were against the project. Ms. Vonk stated that Caltrans' project purpose is route continuity, reduce congestion, and increase safety can be easily accommodated through feasible and less drastic alternative means. She added that transportation of east/west interregional truck and commuter traffic can be devised through the Highway 152 Improvement Project without destroying one of the most scenic and historic places in California.

Director Botelho reported that the Board of Supervisor's is drafting a comment letter addressing the farmland, hydrology, noise, and habitat for endangered species issues.

There was a lengthy discussion about where the \$9.6 local match for the project would come from.

Director Botelho commented that we should not be spending money we don't have and TIF funds should be spent on local streets and roads.

Director Emerson stated that the Project is scheduled to begin construction in 2014. In terms of Impact fees and future Impact fees collected, the City of Hollister currently has three housing construction projects underway so the City will be getting some funds back. Director Emerson stated that from the City of Hollister's financial standpoint, he does not see a problem moving forward with the project and added that the project is needed as there is definitely a safety issue when traveling on Highway 156.

Director Gomez concurred with Director Emerson's comment about the project being a priority for the City and County as there are safety issues on Highway 156. He added that the North Street Extension project may come before the Highway 156 Project and he would favor the North Street Extension before dedicating funds to the Highway 156 Project.

Director Boch stated that from a financial standpoint it does not make sense to spend money we don't have. He does not see where the money is going to come from.

Chair De La Cruz stated that based on the fact that 63% of San Benito constituents commute on Highway 156 and Caltrans is contributing 72% of the finances he will support that the funding will be there. He will support working with Caltrans and COG to come up with the funding for the project.

Director Botelho stated that he would like the letter to reflect that they can still work on the design of the project.

Director Emerson stated that the meeting Director Botelho was referring to is an advisable process and something positive may come out of it however, the comment letter should not be held up because of it. He added that he supports forwarding the comment letter because it is in response to the EIR.

Director Boch stated that Director Botelho's comment was a sensible approach to take.

Chair De La Cruz concurred with Director Emerson's comments to forward the comment letter and work concurrently with the meeting group.

Director Boch commented on the EIR. He stated that the EIR does not properly address the hydrology issues. The idea of providing farm acreage as a mitigation measure is not a solution because it needs to stay in San Benito County. Director Boch concluded by saying that the citizens of San Juan Bautista and the City Council are strongly against the project as it is currently designed.

Chair De La Cruz directed staff to include a sentence in the letter stating that “the COG strongly suggests that the purchase of acreage as a mitigation measure remains within San Benito County.”

Upon a motion duly made by Director Emerson, and seconded by Director Gomez, the Director’s approved Item 12, with Director Botelho and Director Boch voting No. 3/2 Motion passes

Chair De La Cruz postponed Item 13 and opened the Special Joint meeting.

Chair De La Cruz reconvened the Regular COG meeting at 3:50 p.m.

13. Highway 25 Bypass Project – Gilbert

- a. **RECEIVE** Update on the Highway 25 Bypass Route Transfer and Highway 25 Relinquishment
- b. **APPROVE** Amendment No. 2 to Contract with BKF Engineers for Preparation of As-Built Project Plans, for an Additional Amount Not to Exceed \$9,552.72
- c. **APPROVE** Amendment No. 1 to Contract with Meyers Nave for Legal Services for an Amount Not to Exceed \$50,000.

Ms. Gilbert provided an update on the Highway 25 Bypass Project.

Ms. Gilbert reported that CTC staff recommended that the City and Caltrans attempt to come to an agreement regarding the level of repair needed on the existing route prior to its relinquishment to the City and also that Caltrans determine if any nonstandard features on the Bypass should be corrected prior to its transfer into the state highway system. CTC staff did note that there is no excess funding currently available to make repairs to the existing route. Any funding for the project would have to be deprogrammed from an existing project. Once the City and Caltrans reach an agreement, the transfer/relinquishment will be presented to the California Transportation Commission. The current schedule is to present the item before the Commission in October 2011.

Staff recommended approval of an amendment with BKF Engineers to the contract approving additional compensation not to exceed \$9,552.72. This cost is with additional work required to complete the as-built project plans to Caltrans standard.

Staff also recommended approval of an additional amount not to exceed \$50,000 to the contract with Meyers Nave to complete legal services associated with an active appeal of an eminent domain case. The original contract with Meyers Nave was for an amount not to exceed \$200,000.

PUBLIC COMMENT:

Marvin Jones

Mr. Jones stated that if Caltrans is not going to honor their obligation to bring San Benito Street up to standard before relinquishing it to the City, then the Board should keep it mind when trusting Caltrans promises on other projects.

Director Gomez reported that at the April 6 meeting between CTC staff, Caltrans, and COG staff, there were some concerns expressed by CTC staff over some of Caltrans responses. He provided a summary of what was discussed at the meeting.

Ms. Gilbert stated that the direction that they were going was that the agreement that the City of Hollister and Caltrans would come to would have some financial obligation associated with it and the CTC is definitely willing to work with COG to find funding for the existing State Route Highway 25 repairs.

Director Botelho inquired if there is a guarantee that Caltrans will take over the Bypass even after all has been done according to their requirements.

Director Gomez mentioned that Director Krumholz stated at the meeting that there is the possibility for the City to keep the Bypass and then take control of San Benito Street. Highway 25 would stop at the Valero Gas station and it would become a Highway again at Safeway. There would be obvious liability issues involved for the City.

Directors Emerson and Gomez stated that although they shared Director Botelho's sentiments, it is important to move forward in a positive direction.

*Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's approved Item 13b, with Director Botelho voting No, and Director Boch abstaining.
3/1/1 Motion passes.*

Upon a motion duly made by Director Gomez, and seconded by Director Emerson, the Director's unanimously approved Item 13c,

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 MAY 19, 2011.