

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

May 19, 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; Transportation Planner, Veronica Lezama; Secretary, Monica Gomez

OTHERS PRESENT:

Brandy Rider, Mark McCumsey Caltrans District 5; High Speed Rail team

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

D. EXECUTIVE DIRECTOR'S REPORT – Rheinheimer

Ms. Rheinheimer acknowledged Monica Gomez and presented her with a certificate of appreciation for 10 years of dedication and service to the County of San Benito. The COG Board congratulated Ms. Gomez.

Ms. Rheinheimer displayed a "Quality in Construction Award" which was presented to Graniterock Company and the Council of San Benito County Governments for the Highway 25 Safety and Operational Enhancements Project. The award recognizes excellence in asphalt pavements for 2010. Chair De La Cruz directed staff to send out thank you letter to all involved.

Ms. Rheinheimer announced that May 15th -21st is National Public Works Week.

Ms. Rheinheimer stated that the Route 156 discussion that took place earlier in the week was successful. Staff will place the item on the June 2011 agenda to allow more discussion.

Ms. Rheinheimer announced that Friday, May 27, 2011 is a scheduled furlough day for COG staff and the COG office will be closed.

E. CALTRANS DISTRICT 5 REPORT – Krumholz/Loe

Brandy Rider reported on behalf of Caltrans District 5.

The Public Comment period for the Highway 156 Improvement Project closed May 5th. Staff will incorporate the comments into the final Environmental document, which should be finalized this summer.

The Buena Vista Lighting Project is pending the contract award for the project and will go into construction in early summer.

The Highway 156 Soft Median Barrier Project began construction this week.

The FHWA Discretionary Grants Program applications are due May 25, 2011. The Federal Safe Routes to School Program applications are due July 15, 2011.

On April 22nd, Caltrans participated in the Litter Awareness Day, which helps educate the public to keep the coastal roadways clean.

Director Botelho stated that there was another accident on Highway 129 at the railroad crossing. He recommended that the COG Board draft a letter to Caltrans asking that they install more signage near the location on Highway 129, as it is a very dangerous area where several lives have been lost.

Chair De La Cruz requested that Director Botelho meet with Ms. Rheinheimer to draft a letter to Caltrans regarding Highway 129 and inform him when the letter is ready for signature.

F. BOARD OF DIRECTOR'S REPORTS:

Director Botelho provided an update on the Route 156 Improvement project discussion that took place earlier in the week. The next step is to meet with the Caltrans District Director to see if he is open to some of the suggestions that were discussed.

Director Emerson also sat on the panel for the Route 156 Improvement project discussion. He was pleased with the outcome and felt that the model of discussion worked better than some of the formal meetings that have taken place.

Director Emerson stated that a colleague has expressed concern to him with hitting the curb 3 times at night when heading northbound on Airline Highway and making a left into Safeway. He requested if it is possible to put in some reflectors in the area.

CONSENT AGENDA:

- 1. APPROVE** Council of Governments Draft Meeting Minutes Dated April 21, 2011 – Gomez
- 2. APPROVE** Council of Governments Draft Special Joint Meeting Minutes Dated April 21, 2011 – Gomez
- 3. APPROVE** Council of Governments Transaction Report (Financial Claims) Dated April 2011 – Postigo
- 4. RECEIVE** Construction Projects Report – Caltrans District 5
- 5. AUTHORIZE** the Application of a \$12,000 Assembly Bill (AB) 2766 Vehicle Emission Reduction Program Grant to Fund a Rebate Program for Electric Vehicle Charging Stations in San Benito County – Lezama
- 6. APPROVE** Memorandum of Understanding between the Council of Governments, the Transportation Agency for Monterey County (TAMC) and Ecology Action of Santa Cruz County for the 2011 and 2012 Tri-County Bike Week Promotion – Lezama

7. **ADOPT** Resolution 11-06 Authorizing the Execution of Certification and Assurances for the Public Transportation Modernization, Improvement and Enhancement Account Bond Program – LiOwen
8. **APPROVE** Proclamation No. 11-02 Declaring May 15-21, 2011 as National Public Works Week in San Benito County – Rheinheimer
9. **APPROVE** Amendment to Employment Agreement #6 Between the County of San Benito and the Council of San Benito County Governments and Lisa Rheinheimer, COG Executive Director – Rheinheimer
10. **RECEIVE** Council of Governments FY 2010/11 Third Quarter Budget Report – Postigo

Chair De La Cruz pulled item 10 from the consent agenda.

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

Item 10

Marvin Jones

Mr. Jones inquired about the 3rd Quarter Budget Report for COG \$4-5 million surplus.

Ms. Rheinheimer explained that the fund balance is not a surplus. The monies have been carried forward from previous years and have been designated for various different projects. Since the funds haven't been expended the amounts have been brought forward to the current fiscal year.

After brief discussion, the Board recommended that staff identify the fund balance that has been allocated to certain projects.

Ms. Rheinheimer stated that staff will identify the fund balance into two categories: designated fund balance and undesignated fund balance.

Upon a motion duly made by Director Emerson and seconded by Director Botelho, the Director's unanimously approved Item 10.

REGULAR AGENDA

TRANSPORTATION ITEMS:

11. **RECEIVE** Presentation on the San Jose to Merced Section of the Proposed High-Speed Train System – Rheinheimer

Ms. Rheinheimer introduced the San Jose to Merced High Speed Train Regional Manager, Gary Kennerly, Dave Manson, Project Manager, and Dave Wemmer, Engineering Manager who provided a Power-Point presentation on the project.

Director Emerson inquired about the recent Legislative Analysts Office study which stated that the estimate of \$42.6 billion cost for the project was grossly underestimated and the project cost was closer to \$67 billion.

Mr. Kennerly stated that there has been a great deal of discussion on the Legislative Analysts study. He added that the \$42.6 billion project cost was based on the 2009 business plan. They are currently in the process of developing a new business plan which will be released in the fall of this year.

Director Emerson commented that it is important from a public standpoint to have a consistent number that people can agree on.

12. APPROVE Letter to Assemblyman Luis Alejo Expressing Concerns about AB 484 for Habitat and Agricultural Land Mitigations – Rheinheimer

Ms. Rheinheimer stated that per Board direction and review by Director Botelho, a draft letter was prepared expressing their concerns.

Director Emerson stated that at the last meeting he did not know enough about AB 484 to make an informed decision. However, he fully supported this letter and commended Director Botelho and staff for putting the letter together and addressing the concerns.

PUBLIC COMMENT:

**Michael Zeller, Associate Transportation Planner
Transportation Agency for Monterey County**

Mr. Zeller's comment was in appreciation to the Board for revising the letter to a letter of "concern". He added that the items that the Board addressed in the letter are vitally important, specifically with regards to agricultural land and farm workers jobs. Monterey County staff looks forward to working with COG staff to ensure that the items of concern are protected.

Marvin Jones

Mr. Jones expressed concern about the letter and added that the letter should be more specific. He recommended that the Board not send the letter.

Upon a motion duly made by Director Emerson, and seconded by Director Boch, the Director's unanimously approved Item 12.

13. RECEIVE Update on Remaining Items of Work and Budget for the Highway 25 Safety and Operational Enhancements Project – Gilbert

Ms. Gilbert reported that the remaining project closeout activities include final survey monumentation and right of way mapping, which have been initiated and are expected to be complete in six months.

Staff did research other options to use available funding to make improvements to the project; however the options were not eligible for STIP funding under STIP guidelines.

The additional STIP funds will be returned to the state balance after COG submits a final invoice for the project. The deadline to submit a final invoice is October 2012, which is when staff anticipates that project closeout work will be complete.

14. RECEIVE San Benito County Rideshare Three-Year Plan and **PROVIDE** Direction on the Future of the Program – Lezama

Ms. Lezama provided a Power-Point presentation on the San Benito County Regional Rideshare Program.

There was brief discussion regarding the possibility of using Rideshare Program funds elsewhere.

Ms. Rheinheimer stated that Congestion Mitigation and Air Quality funds are from the Federal Government for the purpose of reducing emissions. These funds could not be used for highway projects, local streets and roads rehabilitation. The funds can be used for other things, such as bicycle lanes and Ridesharing programs.

Board members stated that staff does an excellent job of putting the funds that are provided to good use; though they would have liked to apply the funds towards local streets and roads.

Upon a motion duly made by Director Botelho, and seconded by Director Gomez, the Director's unanimously approved Item 14 as per staff's recommendations outlined in the staff report.

Chair De La Cruz postponed Item 15 and opened the Local Transportation Authority meeting.

Chair Emerson reconvened the Regular COG meeting at 3:18 p.m.

CLOSED SESSION:

15. Public Employee Performance Evaluation

Title: COG Executive Director

Deputy County Counsel, Shirley Murphy stated that there was no reportable action taken under Item 15 Public Employee Performance Evaluation, Title: COG Executive Director.

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

ADJOURN TO COG MEETING JUNE 16, 2011.