

FINAL MINUTES

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
EXECUTIVE COMMITTEE MEETING**

*Members are: Frank Sollecito. (Chair),
Lou Calcagno (1st Vice Chair), Steve Villegas (2nd Vice Chair),
Dave Potter (Past Chair), Simón Salinas (County representative),
Sue Kleber (City representative)*

Wednesday, June 3, 2009

*****9:00 a.m.*****

Transportation Agency Conference Room
55-B Plaza Circle, Salinas

1. **CALL TO ORDER:** Vice Chairman Calcagno called the meeting to order at 9:03 a.m. Board members present: Calcagno, Potter, Salinas, Villegas, and alternate Reichmuth for Sollecito. Staff present: Bachman, Cook, Goel, Myers, Muck, Rodriguez, Zeller and Agency Counsel Blankenship. Others present: John Arriaga, JEA Associates; Paul Greenway and Trish Lopez, Monterey County Public Works; Mr. & Mrs. Gary Gerbrandt, City of Soledad.
2. **PUBLIC COMMENTS:** None.
3. **CONSENT AGENDA**

On a motion by Board member Salinas and second by Board alternate Villegas the committee voted 4 – 0 to approve the consent items as follows:

- 3.1 Approved enclosed minutes from the Executive Committee meeting of May 6, 2009. – Rodriguez

Abstained: Board member Potter abstained, because he was not present at the May 6, 2009 meeting.

END OF CONSENT

4. **RECEIVED** update and **PROVIDED** comments on the Strategic Expenditure Plan for the Regional Development Impact Fee and Proposal for fee reductions.

Mike Zeller, Associate Transportation Planner reported that the Joint Powers Agency contracted with the Transportation Agency to perform all fee-related services, including the Strategic Expenditure Plan to schedule fee program projects. He noted that the draft plan uses three tiers to schedule project delivery from 2009-2015, 2016-2024, and 2025-2030. Staff is proposing to phase projects that will not be fully funded by 2030, resulting in fee reductions.

Deputy Executive Director Bachman reported that the fee reduction matter has been discussed at the mayor's meetings. They're concerned we're not seeing the revenues and proposed an out right suspension of the fee program. Mr. Bachman noted that staff does not recommend suspending the fee program.

Vice Chairman Calcagno commented on the fast food chains having to pay high fees. Mr. Bachman noted that there were exceptions and appeals and that the fast food rate had been reduced for pass by- trips as opposed to destination trips.

Gary Gerbrandt, City of Soledad, expressed the Cities concern with future development in Soledad; if fees were reduced all of their projects would be removed from the list. He asked that staff keep the south Highway 101 improvements on the list. Mr. Bachman noted that the proposal does not call for removal of any of the south county interchange projects from the list. He also noted that the south county fees are reduced the least. Mr. Gerbrandt reported that he did not think Soledad Council has made a decision on this matter. Mr. Bachman noted that staff would be happy to meet with south county cities staff for discussion.

5. **PROVIDED** direction to support staff's recommendation to assign the Soledad Prison populations in the Agency's apportionment of Local Transportation Funding to the County of Monterey, noting that staff prepared the report to comply with the Transportation Development Act.

Andy Cook, Associate Transportation Planner, reported that the Transportation Agency is responsible for apportioning and allocating Local Transportation funds to county jurisdictions based on population, pursuant to the Transportation Development Act. The Agency has historically included the Soledad prison populations in the unincorporated county population for purposes of allocating the local funds based on the state statutes, which reference the area including the Correctional Training Facility as being included in the County of Monterey apportionment, even if annexed by the City of Soledad.

He noted that Soledad staff is arguing that the Salinas Valley State Prison is a separate facility not referenced in the statutes and that the population of that facility should be included in the City's population for purposes of apportioning and allocating local funds to the City. City staff is also arguing that the Agency has incorrectly apportioned the local funds since 1996, and that the funds apportioned to the County of Monterey based on the Salinas Valley State Prison population since 1996, be reapportioned back to the City.

Mr. Cook noted that the Agency Staff believes the legislative intent of the statutes is clearly to include the prison populations in the County's Local Transportation Fund apportionment and that the Agency has not erred in its apportionments or allocations.

Board alternate Reichmuth commented that the staff should review the gas tax subventions, which could be consistent with Agency's Local Transportation Fund apportionments.

Vice Chairman Calcagno and Boardmember Potter questioned why staff was proposing to include the population of the Gabilan Camp in the city's population if it is located on prison grounds.

Paul Greenway, Assistant Director of Monterey County Public Works, reported that their Counsel has reviewed the issue and Transportation Development Act statutes and that the County of Monterey supports the Agency staff's recommendation to assign the prison population to the County of Monterey.

Gary Gerbrandt, City of Soledad, reported that this has been a very sensitive issue for the City of Soledad and is looking at the issue from a legal perspective. He noted that the city's attorney asked that he report that the issue of gas tax subvention sharing for the Soledad prisons has been disputed between the City of Gonzales and the City of Soledad. Mr. Gerbrandt reported that there is no specific reference or guidance if another prison is constructed/annexed and that only the Correctional Training Facility is referenced in the statutes. He also noted that the City of Soledad has two prisons that operate and are completely different.

Board member Potter commented that the Agency has apportioned the funding consistently for the past 13 years and that the other prisons in the state are counted in the same manner as in the Agency's apportionments; we need to do exactly what we've been doing. Board member Salinas reported that the City of Soledad has the right to litigate this issue and suggested that the city ask the Attorney General for an opinion. Mr. Gerbrandt commented that it may have been consistent for 13 years but it doesn't make it right. He noted that he strongly suspects this matter will be litigated.

Mr. Cook noted that there is a 60-day statute of limitations to appeal the Agency's action to the Secretary of the California Housing, Transportation and Business Agency.

Agency Board Counsel Blankenship reported that he will provide a written opinion and noted that his opinion is consistent with the staff's report.

6. **RECEIVED** state legislative and budget update and recommended that the Board approve positions on new legislation in the bill list.

On a motion by Board member Potter and second by Board member Salinas the committee voted 5 – 0 to receive state legislative and budget update and approve the staff recommendation to recommend the Board adopt positions on new legislation in the bill list.

John Arriaga, JEA Associates, gave an update on state budget and bills of interest and recommended Agency "support" positions. He reported that there was a \$23 billion deficit, and that there is going to be severe cuts. He noted that everything is on the table including transportation; this includes taking away from Public Transportation Account and \$1.6 billion of Proposition 42 funds. Mr. Arriaga also highlighted the AB 1321-Regional Advance Mitigation bill, which enables Caltrans and Department of Water Resources in cooperation with state and federal resources agencies to pro-actively engage in regional advance mitigation.

Board member Potter noted that a massive amount of state parks would be closing. Vice Chairman Calcagno asked if it was possible to tell the State that we will run and keep the parks in our county open. Board member Potter noted that this was an urgency item and he will bring it up at the County Legislative meeting. The Committee discussed the notion that, with the state proposing to take local funds, it would be a good time to request relief from state mandates, such as reducing the two-thirds requirement to raise local transportation funds. Mr. Arriaga urged staff to take action on this issue now, noting this is the right time.

7. **RECOMMENDED** that the Transportation Agency Board of Directors approve Board member Salinas' appointment of alternate delegate to the California Association of Council of Governments.

8. **RECEIVED** report on draft agenda for TAMC Board meeting of June 24, 2009.

Deputy Executive Director Bachman reviewed the draft agenda. He announced that there would be a public hearing for the Environmental Impact report for the Carmel Hill and River Bicycle Trail project. Mr. Bachman noted staff would ask for approval of Resolution 2009-10 and 2009-11 to allocate fiscal year 2009-10 Local Transportation Funds for public transit services in Monterey County and for Article 8 streets and roads, bicycle and pedestrian projects, and Congestion Management contributions. He also reported that at the request of Board member Delgado the Transportation for Livable Communities Transit-Oriented Development incentive grant for the City of Marina would be on the agenda for discussion.

Gary Gerbrandt, City of Soledad, asked, that the statement “pending agreement between the County, the City of Soledad and the Transportation Agency regarding assignment of Soledad Prison populations” be removed from the report on Local Transportation Funds. Mr. Bachman noted that it would be deleted from the staff report.

Deputy Executive Director Bachman reported that there will be an item requesting Board support of federal bill HR 467 regarding a federal bailout of local government losses from the Lehman Brothers failure. Committee members indicated that it is a good idea.

In conclusion, Deputy Executive Director Bachman reported that staff would ask the Board to authorize the Executive Director to negotiate the contract amendment with Parsons to continue work on the Commuter Rail Extension to Monterey County project. Board member Potter asked that staff delete the Capitol Corridor analysis from the staff report to the Board and asked that it be taken to the Rail Policy Committee for review.

9. **ADJOURNMENT:**

Chairman Sollecito adjourned the meeting at 10:32 a.m.

Respectfully Submitted,

Elouise Rodriguez, Senior Administrative Assistant