

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)

Final Minutes of February 27, 2008 TAMC Board Meeting

Held at the

Agricultural Commission – Nutter Conference Room

1428 Abbott Street, Salinas

	FEB 07	MAR 07	APR 07	MAY 07	JUN 07	AUG 07	SEP 07	OCT 07	DEC 07	JAN 08	FEB 08
F. Armenta, Supr. Dist. 1 (A. Chavez)	P	P(A)	P	P	P(A)	P	P	P	P	P	P
L. Calcagno, Supr. Dist. 2 2nd Vice Chairman (H. Gowin)	P	P	P(A)	P	P	P(A)	P	P	P	P(A)	P
S. Salinas, Supr. Dist. 3 (D. Dunham)	P	P(A)	P	P	P	P	P	P	P	P	P
Supr. Dist. 4 (C. Link)	P(A)	E	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P	P(A)
D. Potter, Supr. Dist 5 1 st Vice Chairman (K. Lee)	P	P(A)	P(A)	P	P(A)	P	P	P	P	P	P
K. Sharp, Carmel-by-the-Sea	P	P	P	P	P	-	P	P	P	P	P
J. Edelen, Del Rey Oaks (J. Russell)	P	P	E	P	E	P	P	P	P	P	P
M. Orozco, Gonzales	-	P	P	-	E	P	P	-	P	P	-
J. Huerta, Greenfield - Chairman (Y. Teneyuque)	P	P	P	P	P	P	P	P	E	P	P
S. Kleber, King City (J. Pereira)	P	P	P	P	P	P	P	P	P	P	P
G. Wilmot, Marina (I. Mettee-McCutchon)	P	P	P	P	P(A)	P	-	P	P	P	P
F. Sollecito, Monterey - (C. Della Sala, W. Reichmuth)	P	P	P	P(A)	P	P	P	P(A)	P	P	P
S. Miller, Pacific Grove (R. Huitt)	P	P	P	P(A)	E	P	P	P	P	P	P
S. Villegas, Salinas (R. Russell, J. Serrano)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P(A)	P	P
K. Morgan, Sand City (S. Matarazzo)	P	P	P	P	P	P	E	P	P	P	P
R. Rubio, Seaside (S. Bloomer)	P	P	P	P	P	-	P	P	P	P	P
R.Ortiz, Soledad (G. Gerbrandt)	P	P(A)	-	P(A)	P(A)	P(A)	P(A)	P	P(A)	P	P
R. Rubio, AMBAG (M. Griffin)	P	P	P	P	P	P(A)	P	P	P	P	P
M. Bersamin, Watsonville (M. Rodriguez)	-	-	-	-	-	-	-	-	-	-	-
R. Krumholz, Caltrans, Dist. 5 (A. Loe, D. Murray, M. McCumsey)	P(A)	P(A)	P(A)	P(A)	P	P	P(A)	-	P(A)	P(A)	P
J. Getchell, MBUAPCD (D. Quetin, D. Fairchild)	-	P	P	P	-	P	P	E	P	-	-
R. Devoe, Mtry Pen. Airport Dist. (D. Petrak)	-	-	-	-	-	-	-	-	-	-	-
C. Sedoryk, MST (H. Harvath, M. Hernandez)	P	P(A)	P	P	P		P(A)	P	P	P	P

TAMC STAFF	FEB 07	MAR 07	APR 07	MAY 07	JUN 07	AUG 07	SEP 07	OCT 07	DEC 07	JAN 08	FEB 08
D. Hale, Executive Director	P	P	P	P	P	P	P	P	P	P	P
L. Blankenship, TAMC Counsel	P	P	P	P	P	P	P	P	P	P	P
D. Bachman, Deputy Executive Director	E	P	P	P	P	P	P	P	P	P	P
K. Chen, Transportation Planner	P	P	P	P	P	P	P	P	P	P	P
A. Cook, Associate Trans. Planner			P	P	P	P	P	P	P	P	P
D. Delfino, Finance Officer/Analyst	P	P	P	P	P	P	P	P	P	P	P
R. Goel, Administrative Services Mgr.	P	P	P	P	P	P	P	E	P	P	E
K. Hoschouer, Transportation Planner	P	P	P	P	P	P	P	P	P	P	P
M. Montiel, Administrative Assistant			P	P	P	P	P	P	P	P	P
T. Muck, Principal Trans. Planner		P	P	P	E	P	P	E	P	P	P
E. Rodriguez, Senior Admin. Assistant	P	P	P	P	P	P	P	P	P	P	P
C. Watson, Senior Trans. Planner	P	P	P	E	P	P	P	P	P	P	P
M. Zeller, Transportation Planner	P	P	P	P	P	P	P	P	P	P	P

OTHERS PRESENT

Lynn Terry	TAMC Staff	John Arriaga	JEA & Associates
James Serrano	City of Salinas	Patricia Lopez	MCPWD
Rob Russell	City of Salinas	Brian Finnegan	Brian Finnegan Attorney At Law
Vanessa Vallarta	City of Salinas Attorney	Jim Cullem	Harris & Associates
Michael Martins	Access Monterey Peninsula	Chris Orman	North County Fire Department
Alex Vasquez	Access Monterey Peninsula	Derrick Mills	Sound consultant
Mario Romo	Access Monterey Peninsula	Tim O'Halloran	City of Seaside

1. CALL TO ORDER

Staff confirmed that a quorum was present. Chairman Dave Potter called the meeting to order at 9:05 a.m., and led the pledge of allegiance.

2. PUBLIC COMMENTS

Chris Orman, North County Fire Chief, announced that Monterey County was granted \$325, 000 for the purchase of rescue equipment, tools and training from the office of Traffic Safety. He noted that this was the second major grant received. In conclusion, Mr. Orman announced that he would be attending a ceremony to distribute the equipment to County agencies in Las Lomas later today.

3. CONSENT AGENDA

Executive Director Hale noted that item 3.2.1, pages 29-30, were replaced on the Consent Agenda.

M/S/C Rubio/Morgan/unanimous
Approved Consent Agenda as follows:

ADMINISTRATION and BUDGET

- 3.1.1** Approved draft minutes of the Transportation Agency for Monterey County (TAMC) meeting of January 23, 2008.
- 3.1.2** Accepted the list of checks written for January 2008 and credit card statements for the months of October and December 2007.
- 3.1.3** Approved revisions to the Human Resources Rules and Regulations and the Administrative Policies.

3.1.4 Approved appointments of Agency staff Debbie Hale as ex-officio member and Don Bachman and Todd Muck, Principal Transportation Planner as ex-officio alternates to the Fort Ord Reuse Authority Board and Administrative Committee.

3.1.5 Approved a performance-based salary increase of 3% for Debra L. Hale, Executive Director, retroactive to January 1, 2008 as recommended by the Executive Committee.

BICYCLE, PEDESTRIAN, and SOCIAL SERVICES

3.2.1 Regarding Section 5311 Rural Public Transit Grant Funding:

1. Approved the Section 5311 Program of Projects in the amount of \$383,451 for rural public transit services in the Cities of King, Greenfield, and Soledad, and for Monterey-Salinas Transit for increased service on rural transit routes;
2. Adopted Resolution 2008-04 authorizing federal funding under Federal Transit Administration Section 5311; and
3. Authorized the Executive Director to sign Part II – Certification and Assurances of the Regional Agency as part of the project application.

3.2.2 Received update on the planning effort of the 14th Annual Monterey County Bike Week.

PLANNING

3.3.1 Authorized Executive Director to submit letters of support for AMBAG Caltrans planning grant applications.

PROJECT DELIVERY and PROGRAMMING

None this month.

RAIL PROGRAM

3.5.1 Approved draft scope of work for Caltrain Commuter Rail Extension to Monterey County Project Assistance with Negotiations and Authorized the Executive Director to release the request for proposals.

3.5.2 Regarding Employment Development Data Memorandum of Understanding:

1. Approved the Memorandum of Understanding between the Transportation Agency for Monterey County and The State of California Employment Development Department.
2. Authorized the Executive Director to make minor changes, approved by legal counsel, to the Memorandum of Understanding, as needed.

COMMITTEE MINUTES

3.6.1 Accepted minutes from Transportation Agency committees:

- Executive Committee – Draft February 11, 2008
- Bicycle & Pedestrian Facilities Advisory Committee – Draft February 7 2008
(online at www.tamcmonterey.org)
- Rail Policy Committee – Agenda February 25, 2008
- Social Services Transportation Advisory Council – Draft February 14, 2008 (online at www.tamcmonterey.org)
- Technical Advisory Committee – No Meeting

END OF CONSENT

4. **EMPLOYEE OF THE QUARTER**

The Board recognized Todd Muck, Principal Transportation Planner, as the Transportation Agency Employee of the Quarter for October through December 2007.

The Agency employees recognized Todd for his professionalism, hard work and dedication, most notably his efforts on the Investment Plan for Transportation Sales Tax, STIP funding and many other major initiatives.

5. **POLICY MATTERS REGARDING REGIONAL DEVELOPMENT IMPACT FEES LEGAL DOCUMENTS**

M/S/C Miller/Link/unanimous

Approved the following policy issues to finalize the regional transportation impact fee program legal documents: Indemnification, Amendment Threshold, Geographic Fund Distribution and Government Facility Exemption.

Deputy Executive Director Bachman reported that staff retained Nossaman, Guthner, Knox, & Elliott LLP, who worked on the 2004 legal documents, to update the documents for approval by the jurisdictions. He noted that at its January 2007 meeting, the Transportation Agency Board approved a draft set of legal documents necessary to implement the regional development impact fee program, which were based off of the documents used for the 2004 Nexus Study. Staff has been working with attorneys for the County and cities to finalize the legal documents for the 2008 Nexus Study Update. He reported that five policy issues needed resolution by the Board to finalize the documents.

Chairman Dave Potter noted that the Executive Committee concurred unanimously on these policy issues, but had a debate on the fee Relationship to the sales tax. He directed the Board to vote on the following policy issues: Indemnification, Amendment Threshold, Geographic Fund Distribution and Government Facility Exemption as one vote, and hold a separate vote for the Fee Relationship to the Sales Tax.

Vanessa Vallarta, City of Salinas Attorney, presented a letter from City of Salinas Mayor Donohue outlining the position of the City Council. She reported that the linkage question is the City's main point of contention. The City appreciates other staff recommendations, as they address some of the cities attorney's issues. Ms. Vallarta reported that the City of Salinas supports the sales tax and the regional developer impact fee. She also reported that there are legal concerns if TAMC precedes with an approach that de-links the sales tax from the impact fee program. In conclusion, Attorney Vallarta noted that the safest course is to have a clear financing program in place at the time of the adoption of the fees, noting that the linkage assures the voters they have clear financing.

Brian Finnegan, Attorney At Law, reported on behalf of the builders and developers noting that his clients want the improvements on the list, the sales tax to pass and want to pay the impact fees, but do not want to be the only one paying. He urged support of the linkage of the sales tax and impact fee program.

Counsel Lee Blankenship reported that legal documents were prepared for the Transportation Agency by outside counsel, noting he feels comfortable with the documents. He reported if the sales tax and fee program were not linked, the legal issues would not preclude the collection of the developer fee. Chairman Dave Potter asked that the issue of the fee relationship to the sales tax be addressed.

The Board discussed the matter of whether or not to make the implementation of the impact fee contingent on passage of the sales tax. Board members in favor of making the fee contingent on the sales tax expressed their concerns, noting that without the passage of the sales tax there would be insufficient funds generated by just the fee to implement all the mitigation projects. Some felt that this contingency would make the tax measure attractive to voters because a positive vote on the sales tax would also implement the fee.

Board members in favor of keeping the creation of the fee and the sales tax separate commented that development would still be creating impacts that need to be mitigated if the sales tax does not pass. It was noted that developers would pay only their share, which would be the same whether or not, the sales tax passes. Some of the members commented that having a fee in place prior to the sales tax vote would be a positive for the voters. It was also noted that the County and cities collect fees and that those revenues have helped implement projects in their jurisdictions.

There was general consensus that both programs should move forward.

M/S/F Rubio/Miller/failed

The Chairman called for roll call vote on a proposal that the fee program implementation **not be linked** to the sales tax. This roll call vote passed 9 to 7. The Board then asked for a weighted vote. **Board Counsel Blankenship reported the motion failed on a weighted vote (452) in favor and (527) against.**

Ayes: J. Huerta, H. Gowin, C. Link, D. Potter, K. Sharp, F. Sollecito, K. Morgan, S. Miller, R. Rubio J. Edelen

Noes: F. Armenta, S. Salinas, S. Kleber, G. Wilmot, R. Ortiz, S. Villegas

Absent: M.Orozco

Chairman Dave Potter called a 5-minute recess.

M/S/F Villegas/Salinas/failed

On request of the City of Salinas the Board called a weighted vote for the fee program implementation **to be linked** to the sales tax. **Board Counsel Blankenship reported on a weighted vote (527) in favor and (452) against, this motion failed due to failure to achieve a majority of the roll call vote 6 to 10.**

Ayes: F. Armenta, S. Salinas, S. Kleber, G. Wilmot, R. Ortiz, S. Villegas

Noes: J. Huerta, H. Gowin, C. Link, D. Potter, K. Sharp, F. Sollecito, K. Morgan, S. Miller, R. Rubio J. Edelen,

Absent: M.Orozco

In conclusion, Chairman Dave Potter reported that the Board had failed to reach a resolution on this item thus requiring further discussion at the March Transportation Agency Executive and Board meetings.

5.1. LANGUAGE IN THE SALES TAX INVESTMENT PLAN

M/S/C Armenta/Salinas/Carry

The Board called a roll call vote to approve the following changes to language in the Sales Tax Investment Plan: ***To modify the plan, an amendment must be approved both by a 2/3 vote of the Transportation Agency for Monterey County Board of Directors and by simple majority weighted vote of the Transportation Agency for Monterey County Board of Directors based on population, following a noticed public hearing a 45-day comment period and Citizens Oversight Committee review***, including direction to staff to work out language on the transit element with Monterey Salinas Transit.

Chairman Dave Potter reported on a roll call vote of 11 to 5 this motion carried.

Ayes: J. Huerta, F. Armenta, S. Salinas, S. Kleber, G. Wilmot, R. Ortiz, S. Villegas, C. Link, D. Potter, F. Sollecito, R. Rubio

Noes: H. Gowin, K. Sharp, K. Morgan, S. Miller, J. Edelen

Absent: M.Orozco

Executive Director Debbie Hale reported that there were minor changes, re-organization and edits to the language. She noted that the City of Salinas wanted the population factor in to the equation, this would allow the City of Salinas to have the veto power as 1-city. Chairman Potter reported that the Executive Committee had unanimous concurrence.

Vanessa Vallarta, City of Salinas Attorney, reported that the City of Salinas supports the staff recommendation, due to the recognition that amendments can only be made by high threshold 2/3 vote and recognition of the population factor.

Board Ex-Officio member Sedoryk reported that Monterey Salinas Transit is also analyzing Bus Rapid Transit in the east Salinas corridors as well as those listed and suggested that the language be changed accordingly. Chairman Potter directed Sedoryk to meet with Executive Director Hale on these issues.

Board Counsel Blankenship reported that the language proposed to be changed ***To modify plan, an amendment must be approved both by 2/3 vote of the Transportation Agency for Monterey County Board of Directors based on population, following a noticed public hearing a 45-day comment period and citizens oversight committee review***, is to ensure the investment plan is protected.

Chairman Potter noted that the motion included the change requested by Monterey-Salinas Transit.

6. PUBLIC OUTREACH

M/S/C Sollecito/Wilmot/unanimous

Approved the 2007 Annual Report and video.

Kristen Hoschouer, Transportation Planner, reported the 2007 Transportation Agency Annual Report would address recent accomplishments and also provide focus on ongoing safety and congestion issues in Monterey County. It will describe the potential solutions in the Transportation Investment Plan. Staff has been working with Caltrans and the Transportation Agency Executive Committee to incorporate their comments. She noted that the Transportation Agency 2007 Annual Report, which addresses Agency accomplishments for 2007 and goals for 2008, would be mailed to residents and businesses throughout the County during the month of March. Also, the new Transportation Agency informational video will be shown on public access television and on the Agency website as part of the outreach efforts to raise awareness about transportation.

Board member Kelly Morgan commented that the video and report were great. He asked if there is a citizen group organized to sell the packages. Executive Director Debbie Hale noted that Agency staff's role is to draft the plan and bring it forward for adoption by the member agencies. Ms. Hale advised that there are some community members who have begun organizing to support the plan.

Board member Edelen also commented that the video and report were excellent. He noted that staff needs to spell out if the sales tax doesn't pass scenario for the voters. Ms. Hale replied that staff would work with counsel to see what is allowed.

7. OVERALL WORK PROGRAM FY 08/09 AND THREE-YEAR BUDGET (FY 08/09 – FY 10/11)

M/S/C Sollecito/Huerta/unanimous

Authorized the Executive Director to submit the draft fiscal year 08/09 budget and work program to federal and state funding agencies for initial review; provided direction and guidance to staff on the three-year budget for fiscal years 08/09 through 10/11, and the work program for fiscal year 08/09; and directed the Executive Director to bring the final three-year budget and one-year work program back to the Board on May 28, 2008 for approval.

Executive Director Debbie Hale presented the three-year budget on behalf on Rita Goel, noting that Ms. Goel was in India due to the passing of her brother. Ms. Hale reported that the Executive Committee reviewed the budget on February 11, 2008 and recommends approval. This initial February Board approval of the draft three-year budget is required in order to meet federal and state review deadlines. The Agency budget separates expenditures into two types: operating and direct program. Operating expenditures include staff salaries and benefits, materials and supplies, and equipment purchases, noting that staff may have to replace one of the Agency's old vehicles and computers. Meanwhile, staff will respond to Board comments on the budget and work program and incorporate any changes suggested by federal and state funding agencies as part of their review process in time for final approval by the Board on May 28, 2008. She noted that the budget presented does not include potential new revenue from the November 2008 sales tax measure, should it pass, since dollars will not flow until fiscal year 09/10.

8. **STATE LEGISLATIVE UPDATE**

Received an update on the state legislative and budget program from the Agency's state legislative consultant, John Arriaga of JEA & Associates. He reported that the legislature is moving forward, noting that there are many new bills recently introduced that his office is reviewing and will report back to this body at a future meeting. The enacted State 2007-08 budget fully funded Proposition 42 this year and Public Transportation Account at \$1.343 billion; but it also transfers half of the projected \$910 million in "spillover" transit funding to address non-transit programs (in addition to the \$1.3 billion in spillover funds taken to balance the 2007-08 budget). The proposed deferral of local gas tax subventions will create problems for county operations and maintenance budgets, and many counties indicate that the Administrations proposed delay will have a significant impact on the basic road maintenance functions. In conclusion, Mr. Arriaga noted that he would continue to monitor the budget and bills and report back to the Board with a full report at a future date.

9. **UPDATE ON COMPLETION OF HWY 68/COMMUNITY HOSPITAL INTERSECTION PROJECT**

This item was postponed to a future date.

10. **REPORTS ON MEETINGS ATTENDED BY BOARD MEMBERS AT TRANSPORTATION AGENCY EXPENSE, AS REQUIRED BY STATE LAW**

Chairman Potter reported that he, Board member Sollecito, and Executive Director Hale attended the California Transportation Commission hearing on February 14, 2008 in Burlingame. He noted that the Agency did receive support for \$25 million for Rail Corridor improvements. Chairman Potter also reported that he had attended the Intercity Rail Group meeting on February 21, 2008 at the Capital in Sacramento. He noted that Will Kempton had applauded the Transportation Agency for our efforts on rail projects. There were three groups of intercity rail representatives who met with 21 Senators and Assembly Members to emphasize the importance of rail and Amtrak. The group created a video that highlights rail service in the State of California. The video features a coastline that emphasizes the value of investing in that corridor.

Executive Director Hale reported that she and Board member Calcagno attended the Trade Corridor Hearing on February 21, 2008 in Oakland and spoke on behalf of the San Juan Interchange project.

11. REPORTS FROM OTHER AGENCIES

- ❑ Caltrans –Rich Krumholz announced that the Caltrans Construction project report in the agenda was current. He reported that he had attended the California Transportation Commission hearing on February 14, 2008 in Burlingame and reported that the Prunedale Improvement Program was noted as a good project. He reported that this was a good opportunity to re-acquaint the old and new CTC Commissioners on the importance of the PIP. Mr. Krumholz also reported that the Caltrans STIP proposal is going to the CTC for approval in May and includes \$28 million for the San Juan Inter Change. This is a significant contribution for Caltrans funding. In conclusion, he noted that John Arriaga provided a good summary on the budget.

Chairman Potter thanked Caltrans for the improvements on Highway 1.

- ❑ Association of Monterey Bay Area Governments – Mark Griffin announced that at the next meeting they'd be asking their Board to release drafts for the Public Participation Plan and the Human Services Transportation Plan for public comment. He noted that he appreciated the information received from TAMC and the other jurisdictions.
- ❑ Fort Ord Reuse Authority – No report this month.
- ❑ Monterey Peninsula Airport District – No report this month.
- ❑ Monterey Bay Unified Air Pollution Control District – No report this month.
- ❑ Monterey-Salinas Transit (MST) – Carl Sedoryk gave an update on the California Transportation Association lawsuit of \$1.3 million from public transit. He also announced that MST was granted \$3 million of Prop IB funds from the State and anticipates receiving another \$20 million that will be used to design and construct the Frank L. Lichtanski Operation Center on Fort Ord. In conclusion, Mr. Sedoryk reported that he, and Supervisor Armenta would be attending a conference in D.C. to discuss federal funding in March.

12. EXECUTIVE DIRECTOR'S REPORT

Executive Director Debra Hale introduced Lynn Terry as TAMC's newly hired, part time Accountant Clerk. She announced that in the green effort, staff did not provide copies of the power point presentations. Ms. Hale reported great news on the inter-regional fund recommendations from Caltrans for the Highway 101, San Juan Road Project; noting that we have good shot on Trade Corridor funds, but this is contingent on us coming up with \$28.5 million non-state funds. She encouraged the Board to move forward to November 4th with the sales tax, noting this is a good example, how you get the attention if you bring local funds to the table. Ms. Hale reported that staff would work closely with the Board and the Executive Committee to resolve issues. In conclusion, Ms. Hale announced that staff would be going to the cities and county asking for approval of the sales tax and however we decide to move forward on the impact fee program.

13. ANNOUNCEMENTS AND/OR COMMENTS FROM TRANSPORTATION AGENCY MEMBERS ON MATTERS THAT THEY WISH TO PUT ON FUTURE TRANSPORTATION AGENCY AGENDAS

Correspondence can be found at www.tamcmonterey.org.

Board member Huerta asked for a report on the Agency Rail Committee meeting. Ms. Hale reported that the Rail Committee met on February 25, 2008 and discussed the Bus Rapid Transit Branch Line Station. She also announced that on September 21, 2008, there might be a Steinbeck Special Train from San Francisco to Salinas. In conclusion, Ms. Hale reported that there was a proposal by the Rail Committee to change the meeting start time to 3:00 p.m., noting that the March meeting had been cancelled. Chairman Potter announced that he would be riding the Steinbeck Special Train from San Francisco to Salinas and asked if anyone would like to join him in the ride.

Board member Kelly Morgan asked for future organized business meetings. Ms Hale noted that the Agency would be holding a Board workshop in April to discuss issues.

14. ADJOURNMENT

TAMC Chairman Potter adjourned the meeting at 11:28 a.m.