

**AMADOR COUNTY TRANSPORTATION COMMISSION**

**MINUTES**

**August 20, 2008 – 6:21 P.M.**

The Amador County Transportation Commission (ACTC) met at the County Administration Center, 810 Court Street, Jackson, California on the above date, and the following proceedings were had, to wit:

**Present on Roll Call:**

Greg Baldwin  
Louis Boitano - Chairman  
Richard Forster  
Al Nunes – Vice Chairman  
Dave Richards  
Jerry Sherman

**Also Present:**

Dan Brewer, Chief, Rural Planning and Administration, Caltrans District 10  
Charles Field, ACTC Executive Director  
Robyn Sheehan, ACTC Administrator  
Neil Peacock, ACTC Planner/Program Manager  
Patrick Ireland, ARTS General Manager

**Agenda:**

**Motion:** It was moved by Commissioner Sherman, seconded by Commissioner Nunes, and unanimously carried to approve the agenda as presented.

**Public Matters Not on the Agenda:** Al Reese, resident of Sutter Creek, expressed a safety concern regarding trucks pulling out of the Jackson Valley Quarry. He stated that if the expansion to the Jackson Valley Quarry is to be approved, the State should provide a stacking lane to the right for trucks so the trucks won't pull out in front of traffic and create a safety hazard. Dan Brewer, Chief, Rural Planning and Administration, Caltrans District 10, stated that he will communicate with Mr. Reese regarding the expressed concern.

Mr. Reese inquired about the funding source of approximately \$300,000 being provided by ACTC to the County's New York Ranch Road/Ridge Road project. Mr. Field responded that the ACTC is not contributing funds to this project. The project is likely funded with State or federal funds with the County providing the local match. Commissioner Forster stated that the local match was not identified during discussions at the Board of Supervisors meeting but he believes the funds are coming from the Public Works budget. We will check with Public Works and advise Mr. Reese concerning the local match funding source.

Bruce Kynaston introduced himself as the new Lieutenant Commander of the California Highway Patrol office in Amador County.

**CONSENT AGENDA**

**Consent Agenda Item No. 2 - ACTC Action Items List:** Commissioner Forster stated that, per the meeting with Senator Cox on February 8, 2008, regarding Dr. Richards' property, the County is still committed to making a loan to the City of Sutter Creek even if the Prop 1B funding is not received.

**Consent Agenda Item No. 5 – Railroad and Light Rail Service:** Commissioner Forster stated that at \$35 million per mile it is clear that the County cannot afford to bring light rail to Amador County and this subject should be put to rest. Commissioner Nunes concurred with Commissioner Forster. Commissioner Sherman stated that the right-of-way needs to be preserved for a future use of something else.

**Motion:** It was moved by Commissioner Forster, seconded by Commissioner Sherman, and unanimously carried to approve the consent agenda as presented and discussed.

**Resolution No. 08-26**

Resolution approving submittal of application for FTA Section 5310 grant funds for the Arc of Amador and Calaveras

**REGULAR AGENDA**

**Request for Upcountry Representation:** Chairman Boitano stated that the Amador Regional Transit System (ARTS) agenda item concerning upcountry representation is being combined with this ACTC agenda item. Both agenda staff reports state that appointments to the ACTC and ARTS are the responsibility of the Board of Supervisors.

Ruth Gottstein, resident of Volcano, stated that she supports the intent of the recommendation contained in the ACTC staff report of August 13, 2008, and requests that the ACTC ask the full Board of Supervisors to implement the recommendation and hold a public meeting to discuss necessary changes. The Board of Supervisors should also create time limits for the appointments so that the entire Commission is on the same time wave length. Ms. Gottstein stated that she takes exception to paragraphs 2 and 3 on page two of the staff report and they should be stricken. She also commented that according to the Transit Development Plan the highest County population of elderly, the highest population of those below poverty, and the highest zero vehicle households exist in upcountry and westward in the unincorporated areas of Amador County. She suggested a committee of concerned citizens and knowledgeable staff should meet to study these statistics to determine how both ACTC and ARTS can move towards solutions to these inequities in the County.

Debbie Dunn, speaking on behalf of the Upcountry Community Council and Pine Grove Council, stated that the concern expressed by the Councils is not a question of the ACTC's performance or an accusation of misconduct or errors. She stated that the Upcountry Council and Pine Grove Council are moving collaboratively toward solutions to dissolve impasses and improve and enhance the County process. Both Councils desire to support the ACTC in improving the process. She noted that the ACTC is responsible for making decisions concerning public tax dollars and stated that the County's populous from a geographic standpoint is very divided and

they have different needs. In addition, a major concern of the Councils is that the current Commissioners are not elected officials to the ACTC and there are no term limits or policies to remove a Commissioner. She also stated that regional thinking removes the ability to provide public specific representation.

Sherry Curtis, representing Amador County Upcountry Council from the Amador Pines Area and Chairman of Highway Safety Committee of Upcountry Council, stated that they concur with Debbie Dunn's comments and they would like better representation and a fair allocation of tax dollars to everyone in the County.

Laura Imperial, resident of Pioneer and business owner in Pine Grove, expressed concern that the Commission considered the Pine Grove project without the consensus of the Upcountry group. Pine Grove does not have representation because it has too much representation; Pine Grove is served by three supervisors but none of which their primary constituents are in the Pine Grove area.

Chairman Boitano, District 4 Supervisor, stated that he represents everyone in Pine Grove and Pine Acres Community Service District. A lot of people live up Shake Ridge Road and call Sutter Creek their primary address and yet they are in District 5. There will always be this inequity. It may or may not be straightened out with the next census in a couple of years.

John Carlson, resident of Pine Grove, stated that he was confused because the staff report argues that the Commissioners represent Amador County as a whole but the statistical summary and list of projects are based on an analysis by constituency. He also stated that the Silver Lake and Cooks/Hams passing lanes projects should not be included as upcountry projects because they serve Kirkwood and Alpine County. Charles Field stated that the supplemental data was not intended to defend the staff report, it was provided as additional information.

Commissioner Forster stated that there is no doubt that the members on the ACTC Board try to do what is best for the entire County. For example, he supported the Pine Grove project as the number one priority over the Ione Bypass project. If the newly completed Sutter Creek Bypass is removed from the project list, the funding for upcountry and down country would be almost equal. The funds from Alpine County were negotiated and staff did a good job negotiating on behalf of Amador County to make improvements for Amador County. Mr. Forster stated that the ACTC representatives will not be here forever, there will be turnover, and they will do a good job on behalf of the entire County. He also stated that he takes exception to the letter from ARTS legal counsel Cota Cole & Associates and he asked that future letters from ARTS or ACTC legal counsels not contain personal comments. Mr. Forster further stated that he does not support changing the composition of the Commission at this time but the membership may be broadened when the ACTC considers a Joint Powers Agency (JPA) in the fall. He also reported that the Board gave the Amador County Recreation Agency over a million dollars and about 95% went to Upcountry rather than giving each community \$225,000.

Commissioner Baldwin stated that the ACTC meetings are open to everyone and interested persons can be notified of meetings through the ACTC agenda notification list. He advised that he is from the City of Plymouth, which sees traffic from various areas of the County. He has worked for the public highway department in Sacramento for over 34 years and is very concerned

about all aspects of the County. The passing lanes on SR 88 are useful for everyone in the County. He also advised that the State is putting the tax dollars into the General Fund and it impacts the funding available for transportation projects in Amador County.

Chairman Boitano stated that he concurs with Commissioner Forster and on Tuesdays he works very hard as a Supervisor to represent the entire County. The rest of the week he works for his District. If a JPA is formed, then the membership can be considered at that time.

Mr. Field clarified that State law sets the membership of the Commission. ARTS, as a JPA, uses the same paragraph out of State law for its membership: three members appointed by the Board of Supervisors and three members appointed by the City Selection Committee. The ACTC will consider becoming a JPA in the fall because the requirements on the County are becoming more complicated.

Burt Clark, resident of Sutter Creek and former Caltrans employee, advised that a lot of the highway work requires Caltrans' approval and sometimes changes to the project are required in order to get the money from Caltrans. There is not as much money available from Caltrans as there was previously.

Sherry Curtis asked if the Joint Powers Agency will have the ability to issue bonds or any form of debt and if the ACTC currently has this ability. Chairman Boitano responded that as a JPA the ACTC would have the ability to issue bonds, as a Commission it does not.

**State Route 88 Pine Grove Corridor Project:** Mr. Field stated that a letter was submitted by John Carlson, representing the Pine Grove Council, concerning the Pine Grove SR 88 Corridor Project. The letter requests that the Commission delay finalizing any actions relating to the Memorandum of Understanding II and the reduction of the Pine Grove SR 88 Corridor Project to a 5 lane highway widening through Pine Grove until the Pine Grove community has had a chance to review all information, hold town hall meetings, and decide on a project via public meetings. A response to Mr. Carlson's letter was not prepared but a copy of the staff memo from the June 18, 2008, Commission meeting agenda was disseminated.

The following persons expressed opposition to a five lane highway through Pine Grove:

Ginger Rolf, Pine Grove Council  
Lynda Burman, President of Pine Grove Civic Improvement Club  
John Carlson, Pine Grove  
Gary Reinoehl, Upcountry  
Rebecca Brown, Amador Pines  
Sherry Curtis, Upcountry  
Debra Brown, Pine Grove  
Laura Imperial, Pioneer  
Deanna Tasto, Pine Grove  
Debbie Dunn, Pine Grove  
Roy Regan, Pine Grove

Concern was expressed that a five lane highway through Pine Grove would impact or destroy the park, businesses, parking, gas pumps, a tax base, and the quality of life. It is contradictory to the Pine Grove vision statement to keep the core of Pine Grove the center of the town and contradictory to a General Plan Land Use option for development of town centers. Opinions were expressed that the ACTC did not consider public input and deleted consideration of the bypass alternatives. The cost estimate of \$83 million for a bypass and future funding constraints were questioned.

Support for traffic calming, retaining the core of the community and local businesses, and the importance of quality of life were expressed.

Renee Chapman, resident of Pine Grove, stated that the south bypass would impact and devalue her home as well as many of her neighbors' homes. She expressed support for the purpose of the funding as stated in the staff report dated August 15, 2008.

Charles Field advised that when he left the Pine Grove Town Council meeting on July 2, 2008, he stated that the project could not be done without the community. He explained that State Transportation Improvement Program (STIP) funds are for capacity and the State's interest is to handle the highway traffic on Highway 88. The regional responsibility is regional circulation and to ensure that regional traffic from one community to another operates smoothly. These are things to be considered but the ACTC plans to be one of the first community's in the State to lean heavily on "context sensitive solutions." This is a new area for Caltrans but ACTC will challenge Caltrans. It means that what the community wants also has to be balanced. Mr. Field stated that it was conveyed during the Town Council meeting that if the balance could not occur and the community's needs could not be met, then the ACTC would be on the community's side and the project would not go forward.

Mr. Field provided a history of the events between 2006/07 and the present. In 2006/07 the ACTC held three workshops with the Board of Supervisors concerning degrading levels of service and the problem areas. Six communities suffer traffic problems and there are limited funds. Options for spreading the STIP funds among the communities were discussed. In December 2007 the Tri-Counties went to the CTC with MOU II which included the Pine Grove Improvement project at the estimated cost of \$83 million. This would take Amador County's share of State revenues out past 20 years and the CTC advised it was unrealistic. ACTC staff began to reduce the Pine Grove project cost but Caltrans Director Will Kempton advised the ACTC to stick with the \$83 million project. On May 21, 2008, CTC staff advised the CTC that the Tri-County MOU II was a hoax because there will be no money to finish the proposed projects and they invited the Tri-Counties to explain the MOU II at the June 25, 2008 CTC meeting. This gave the Tri-Counties less than a month to reduce the scope of MOU II. The only Pine Grove alternative that will fit within the State's funding constraints is the lowest cost alternative, the widen existing highway alternative. This revised scope also fits with previous County discussions to provide some STIP funding to other areas in the County within the next 50 years. Mr. Field went to the next Pine Grove Pine Grove Council meeting July 2, 2008, to inform them of the situation and that federal grant funds can be used this coming winter to determine what the community wants to do.

**At 8:15 p.m. Chairman Boitano recessed the meeting until 8:25 p.m. at which time regular business was resumed.**

Chairman Boitano advised that public input will be taken in the fall and the project will not proceed without public input. He also stated that the regional traffic mitigation fee was not waived.

Commissioner Forster stated that the cost estimate for the Pine Grove bypass project comes from Caltrans. These numbers are high and they affect the Tri-County partnership. Construction costs are proving to be very expensive, such as the Amador Transmission Pipeline which increased from \$7 million to \$25 million. The County needs to pass a sales tax, become a self-help county, and be creative if projects are to be constructed. Chairman Boitano stated that the Angels Bypass is an example of a project with huge cost overruns.

Commissioner Baldwin stated that no one wants to destroy the Pine Grove community and he would not support a five lane highway through the community. He encouraged the public to help the County promote a half-cent sales tax. The sales tax must be promoted by the public and businesses not public agencies. A sales tax increase would provide matching funds to leverage more state funding.

Mr. Field reviewed the recommendation for High Priority Project (HPP) funding to reinstate the SR 88 Corridor project.

**Motion:** It was moved by Commissioner Forster, seconded by Commissioner Richards, and unanimously carried to authorize staff to pursue an agreement with Amador County to use federal earmark (High Priority Project-HPP) funding to reinstate work on community involvement and project definition for the Highway 88 Pine Grove Corridor project. The Commission also authorized the Chairman or Executive Director to execute such agreements with the County as well as documents related to securing HPP funds from the State and federal government.

#### **Resolution No. 08-27**

Resolution authorizing Chairman or Executive Director to sign documents related to the SR 88 Pine Grove Corridor Improvement project

Commissioner Nunes stated that the City of Jackson considered an east and a west bypass but could not get either through. A project in the \$30 to \$40 million range can be tolerated but the State will not provide \$80 million for a project. If STIP funds are used for an \$80 million project, it will take the STIP funds from other areas in the County for approximately 40 to 50 years. This is too much time for other areas to go without funding.

**Highway 49 Bypass Follow-up Items:** Kathleen Clark, Commission on Aging, stated that a sign is needed to direct traffic at the Highway 49/Valley View intersection so that people traveling on Old Highway 49 will know in advance what lane they should be in to turn left onto Highway 49. A sign indicating Jackson is not adequate. Mr. Field stated that this item will be referred to ACTC consultant Scott Maas. Burt Clark, resident of Sutter Creek, stated that the sign needs to be located below Patricia Lane.

Commissioner Richards asked if the acquisition of excess property at Tonzi Road will give Mr. Hartwick more access to his property. Mr. Field responded that this will be a County matter once they receive the property and the intent was to improve Tonzi Road and Mr. Hartwick's access. Chairman Boitano stated that the County may need to acquire additional property from another land owner in order to make the access improvement.

**Tri-County State Transportation Improvement Program (STIP), State Highway Operation and Protection Program (SHOPP) Projects:** No comments were provided.

**Caltrans Reports:** Dan Brewer, Chief of Rural Planning and Administration, Caltrans District 10, encouraged the citizens to participate in the public involvement process concerning the SR 88 Pine Grove Corridor project.

Mr. Brewer reported that there is not enough aggregate being produced in the State to support transportation projects that are to be constructed. The Governor is urging rural counties to help support the need for aggregate mining. Commissioner Forster stated that George Reed has requested an extension of their use permit to increase their mining by 700,000 tons per year citing the Governor's emergency declaration. He stated that George Reed has not been a very good neighbor at times and there were several complaints from the public today concerning dust. The quarry also creates more truck traffic in the County. Mr. Brewer stated that when a quarry requests an expansion Caltrans is interested in reviewing the environmental effects of the quarry and providing feedback through the IGR process. Chairman Boitano stated that there are substantial reserves in the County for aggregate and the County has discussed a per ton tax on the aggregate to help fund roads. He suggested that Mr. Brewer take this idea back to Caltrans. Commissioner Forster stated that the County does not benefit from the rock since the majority of the rock goes out of the County. Commissioner Baldwin stated that Caltrans should also look at the impact on health from the Air Resources Board aspect since the silicate in the air is a health issue.

Commissioner Forster reported that details concerning the Inside Corner project in Ione are being worked out. The County will deed the property to the City and it appears that the excess property on Tonzi Road will come to the County for a reasonable amount.

**Caltrans Rural Coordinated Transportation Plan:** Commissioner Forster expressed concern that he has not seen the document in advance of approving the Plan. ACTC consultant Mel Welsh stated that the draft Plan has been submitted and approved by Caltrans. She stated that the Plan must be submitted to Caltrans prior to applying for 5310 grant funds. One copy of the Plan was made available at the meeting and Ms. Welsh will email copies of the document to each of the Commissioners.

Commissioner Forster asked how the Plan will improve the mobility of individuals who are disabled, elderly or low income status. Ms. Welsh responded that the Plan is intended to increase the role of the Consolidated Transportation Services Agency (Amador Regional Transit System Agency) by working more closely with social service agencies to coordinate transportation services and to avoid duplication of efforts and improve efficiency.

Rod Schuler asked if the Plan addresses Neighborhood Electric Vehicles (NEV). Ms. Welsh responded that NEVs are not addressed in this Plan but they are addressed in the Transit Development Plan.

**Motion:** It was moved by Commissioner Baldwin, seconded by Commissioner Sherman, and unanimously carried to adopt, by resolution, the Coordinated Public Transit – Human Services Transportation Plan.

**Resolution No. 08-28**

Resolution adopting the Coordinate Public transit – Human Services Transportation Plan

**Sutter Hill Transit Center:** Mr. Field advised that the Consultant Selection Committee reviewed proposals received from nine firms and interviewed the top three candidates. It is recommended that a contract be negotiated with Dokken Engineering.

**Motion:** It was moved by Commissioner Forster, seconded by Commissioner Baldwin, and unanimously carried to authorize staff to solicit bids for construction of the Sutter Hill Transit Center pending Caltrans’ formal notice of Authorization to Proceed. Staff is authorized to negotiate a contract for construction management services for the Sutter Hill Transit Center and the Chairman is authorized to execute said contract.

**Claims:**

**Motion:** It was moved by Commissioner Richards, seconded by Commissioner Baldwin, and unanimously carried to approve the revised claim list as presented.

**Adjournment:**

**Motion:** It was moved by Commissioner Sherman, seconded by Commissioner Baldwin, and unanimously carried to adjourn the meeting to **6:00 p.m. September 17, 2008, at the Amador County Administration Center, 810 Court Street, Jackson, California.**

At 9:15 p.m. Chairman Boitano adjourned the meeting.

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Louis Boitano, Chairman  
Amador County Transportation Commission

ATTEST:

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Recording Secretary

Note: Copies of referenced documents are available at the ACTC office.