

## MINUTES

### SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, March 18, 2004

Board of Supervisor Hearing Room  
511 East Lakeside Parkway  
Santa Maria, CA

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#### 1. CALL TO ORDER AND ROLL CALL

**Members Present:** Susan Rose, Supervisor, Second District; Gail Marshall, Supervisor, Third District; Joni Gray, Supervisor, Fourth District; Joe Centeno, Supervisor, Fifth District; Bill Traylor, Mayor, City of Buellton; Richard Weinberg, Mayor, City of Carpinteria; Jack Hawxhurst, Councilmember, City of Goleta; Dick DeWees, Mayor, City of Lompoc (SBCAG Vice-Chair); Dan Secord, Councilmember, City of Santa Barbara; Larry Lavagnino, Mayor, City of Santa Maria; David Smyser, Mayor, City of Solvang.

**Members Absent:** Naomi Schwartz, Supervisor, First District (SBCAG Chair); Sam Arca, Mayor, City of Guadalupe.

**Staff Members Present:** Jim Kemp, Executive Director; Michael Powers, Deputy Director of Planning; Stephen VanDenburgh, Deputy Director of Programs; Heather Diez, Transportation Program Coordinator; Cathy Muneio, Executive Secretary/Board Clerk; Kevin E. Ready, Sr., Senior Deputy County Counsel; Rich Krumholz, Caltrans District 5 Representative.

#### 2. PLEDGE OF ALLEGIANCE

Vice Chair DeWees called for the pledge of allegiance.

#### 3. RECESS TO CLOSED SESSION

The Board recessed to a closed session at 8:35 a.m.

#### 4. CONVENE IN OPEN SESSION

When the Board reconvened at 8:55 a.m. County Counsel Kevin Ready reported that there was no reportable action relative to either closed session item.

#### 5. APPROVAL OF MINUTES: FEBRUARY 19, 2004

A motion was made by Mayor Lavagnino, seconded by Mayor Traylor and unanimously carried to approve the minutes of February 19, 2004.

**6. PUBLIC COMMENT**

Scott Wenz, Cars are Basic, stated that he had just received a letter regarding accident rates at the Milpas roundabout. He said he had been told this roundabout was ill advised and that they had to go to extraordinary means to do this project.

**7. APPROVAL OF CONSENT CALENDAR:**

A motion was made by Mayor Lavagnino, seconded by Mayor Smyser and unanimously carried to approve the consent calendar as presented.

**8. RESOLUTION OF APPRECIATION**

Vice-Chair DeWees presented a resolution to Butch Abeloe for his volunteer activities in medical and social service transportation. He received a standing ovation from the Board and the public present.

Mr. Abeloe said that he was pleased to work with such a wonderful organization as Community Partners In Caring.

Rene Hoskinson with Community Partners In Caring stated that their work could not be done without such wonderful volunteers like Butch Abeloe. Ms. Hoskinson introduced each individual family member that was in attendance.

**9. CALTRANS DISTRICT DIRECTOR'S REPORT**

Rich Krumholz, Deputy District Director of Caltrans 5, reported that Jeff Morales, Caltrans Director, had resigned at the beginning of March. He said that the environmental documents for the Milpas/Hot Springs had been approved by the Federal Highway Administration and that the Project Report was signed by Caltrans on March 11<sup>th</sup>.

Supervisor Centeno said he asked at the previous board meeting what the situation was with Caltrans regarding road maintenance work. He said that on Hwy 135 from Broadway to St. Andrews Street that the road was in very bad disrepair. Mayor Lavagnino and Supervisor Gray agreed with Supervisor Centeno.

Mr. Krumholz said that the road maintenance dollars and employees were down and that the projects were frozen. He said that there was a SHOPP project fully designed and ready to go for Route 135, but would need to wait until funding was available from the CTC.

**10. 2004 Regional Transportation Improvement Program**

Mr. VanDenburgh, using slides, presented the staff report. Mr. VanDenburgh said that the Public Works Directors and TTAC supported the Hybrid B option as the basis for the 2004 RTIP with minor adjustments made by SBCAG staff. He said that staff recommended that the board approve the RTIP with Hybrid B as the reprogramming basis. Staff also recommended that a policy be adopted stating that the Milpas/Hot Springs has priority for funding in the year it is ready to go to construction. Staff also recommended that an interim project on Rt. 246 be evaluated after the corridor environmental study is completed.

Supervisor Gray expressed concern that it would take five years to complete the environmental document for the 246 Corridor. Mr. VanDenburgh said that it might be less than five years depending on what project was pursued.

Supervisor Gray said she was concerned about the environmental documents becoming outdated and useless. Mr. VanDenburgh said that this is a possibility if the full widening project were pursued because it could take ten years or more to begin construction on the widening. But an interim project could be completed and could use the same environmental document.

Supervisor Marshall expressed concerns on the costs associated with an environmental study on the Hwy 246 corridor due to the size of the project, and asked what the cost would be if the scope of the environmental study were reduced.

Mr. VanDenburgh said that they could complete a Negative Declaration document if the improvements were minor and explained that an environmental document for interim improvements would take less time and cost less if it was thought that they would not be encountering any endangered species.

Supervisor Marshall also expressed concern that if the corridor study took eight years to complete the environmental document, it would have to be redone at the end of that time since possibly a portion might be outdated. She indicated that improvements on the Hwy 246 corridor east of Hwy 101 might be needed and requested that Caltrans make a presentation at a future board meeting on its Route 246 Transportation Concept Report.

Mayor Lavagnino said he would support all three of the recommendations. He asked if it was mandatory to provide an explanation of the programming assumptions that explain to the California Transportation Commission (CTC) the SBCAG Board's decisions. Mr. VanDenburgh said that the CTC would probably have questions about SBCAG's programming decisions and it might be better to just present the information with the RITP.

Councilmember Secord asked about the e-mail he had forwarded to staff about accidents on the South Coast 101 corridor in response to Supervisor Centeno's request last month for safety statistics as criteria for setting project priorities. He said that one of the slides staff presented showed that the accident statistics on the South Coast were within normal limits, which was a different message than what was in the forwarded e-mail. He asked if staff's slide was accurate.

Mr. Kemp replied that the data that was compiled by Dr. Secord reflected different limits than what SBCAG had presented. He said that the information that came from Cottage Hospital reflected from the Las Positas to Olive Mill Road portion of Highway 101.

Mayor Weinberg said that Supervisor Schwartz had raised concerns that 2005/06 was the target date for the Milpas/Hot Springs/101 project and that if it wasn't moved on quickly it would move into 2006/07. He said that Caltrans had said it was possible to keep it in 05/06 as long as the pressure was kept on. Mayor Weinberg said that at previous meetings the Board had said that the Milpas/Hot Springs project would be the priority project but said he did not see the dedication to get that project completed and expressed concern about other projects slipping in ahead of it.

Mr. Krumholz said the Board should assume that Caltrans would be working in close partnership with the city of Santa Barbara and that they would look at every opportunity to accelerate this project.

Mayor Weinberg asked when the decision date would be on whether to move ahead with the Milpas/Hot Springs project in 2005/06.

Mr. Kemp said that staff would be monitoring this project closely and that the closer it got to the deadline they would know where it stood. Mr. Kemp said that no decisions could be made at this time on what the future date would be when a decision could be made.

Supervisor Centeno said that the Hwy 101 six-lane project in Santa Maria was already approved for construction and it should be able to move forward.

Councilmember Secord said these funds were available on a regional basis and that there has been a recognition that the Milpas/Hot Springs project needs to be done. He noted that on Hwy 101 near Milpas the congestion is rated a D-F, and the Santa Maria portion of Hwy 101 is rated a C. He said he acknowledged that the Santa Maria six-lane widening was in preparation for future growth.

Mayor Smyser said that the Hybrid B recommendation was a reasonable compromise. He acknowledged the importance of the 101/Milpas to Hot Springs project and indicated that he would like to see the project completed as soon as possible and said he would support the Hybrid B recommendation.

Mayor Lavagnino said that he also supported the Hybrid B recommendation.

Mayor Lavagnino moved to adopt staff's recommendation. Supervisor Marshall seconded the motion and the motion carried with Mayor Weinberg opposed.

Mayor DeWees asked whether Caltrans owned the right of way necessary for the widening of Hwy 246. Mr. Krumholz stated that he believed that much of the right of way was purchased. He said the original intention of the project was to make it four lanes. He said it would take five years to complete the environmental document for the four-lane project into Lompoc and a little less time for the interim projects.

Supervisor Gray left at 10:20 a.m.

Mayor DeWees stated that if both projects were ready to go at the same time the south county had the greater need. He express his concern that if the region did a couple of interim projects on Hwy 246 then the next board would not approve widening the highway to four lanes.

## **11. ROUTE 217/EKWILL/FOWLER PROJECT STATUS**

Ms. Diez presented the staff report. She said the presentation would be done in three phases. She would present the current status, Mr. VanDenburgh would discuss the options, and that the City of Goleta would also make a presentation. She said that UCSB and airport representatives were also in attendance.

Mr. VanDenburgh said that he was looking for direction from the Board on whether or not the Board supported a re-scoped project. He said there would be no connections added to Hwy 217 at this time and that this re-scoped project would cost \$17 million in STIP funds. Mr. VanDenburgh said that there was a question as to what extent Goleta should share in the cost of the project because it was also a redevelopment project.

Mr. Wagner with the City of Goleta provided an update on the re-scoped project. He said that there was an expenditure deadline for environmental funds of June 2005. He requested that the board support the re-scoped project.

Laurie Owens, representing Santa Barbara airport, said she supported the re-scoped work. She stated it was important to design extensions so they may be connected to Hwy 217 in the future and would provide good circulation improvements.

Jerry Hess, Director of Governmental Relations with UCSB said they supported the project and requested that it move forward.

Councilmember Secord asked what was meant by the suggestion that the project could be phased. Mr. VanDenburgh said that they would use STIP funds to do a portion of the project, perhaps by building the Ekwill extension and leaving the Fowler extension to a later time.

Mr. Wagner said that if they did not build the Fowler and Ekwill portions there would be no benefit because they wouldn't be offloading traffic off Hollister and circulation benefits would be lost.

Mayor Smyser asked about the deadlines for funding.

Mr. Wagner said that all funds were allocated to complete the environmental study by June 2005 and that they were well into that process, but he said he had a concern that it would take the project off track if the options are reevaluated. Mr. Wagner said his concern was losing funding for the environmental document. Mayor Smyser asked how much. Mr. Wagner said \$1.6 million is needed to complete the environmental document.

Mr. Kemp said that if there are reasons outside the city's control that they can't meet the deadline then the city could seek an extension to that deadline. Mayor Smyser asked if in staff's opinion if reevaluation of alternatives would be the kind of circumstance that would receive an extension. Mr. Kemp said that this could provide the justification for an extension but that it was up to the CTC.

Supervisor Rose asked if there was a chance the City of Goleta could lose some of its funds if this project were phased. Mr. Wagner said that Goleta was comfortable with delaying the project but did not think reducing funding was reasonable.

Councilmember Secord said staff had suggested that the City of Goleta contribute to this project and asked if there was a history of cities participating in this type of project.

Mr. Kemp said that local agencies have made funding contributions to regional projects before but there was no set policy for requiring local contributions to projects. The reason he said it was brought up with this project was due to the change from the original project scope and the loss of regional benefits through direct access to the airport. The benefits of the project now

have to do primarily with the redevelopment of old town Goleta. He said that requiring local contributions for regional projects that provide access benefits to property owners is a policy that the board should consider. Cost sharing through impact fees is common for local street improvements and should be extended to regional projects since there is insufficient funding to complete many of the projects that SBCAG has programmed.

Supervisor Marshall said she has always looked at this project to relieve the situation on Hollister to Fairview. She said that circulation improvements that come from this project will have a lot to do with moving traffic along the Hollister corridor.

Mr. Kemp said he did not mean to imply that there was no transportation benefit to the project. He said by and large it would accomplish those. He said there was not enough funding to pay for everything in the STIP.

Mayor Smyser said there should be some contribution by municipalities on re-scoped projects. He said that this project may be a little different since the City of Goleta was bringing forward a cost savings.

Councilmember Hawxhurst said that the revitalization effort depends on Hollister becoming safer and pedestrian friendly. Hollister improvements depend on Ekwil picking up traffic. He said the original project was impossible due to high costs and the interests of UCSB. The original project would be double the cost and the full interchange solution would be 3-4 times more expensive than the re-scoped project.

Supervisor Gray returned at 11:20 a.m.

Scott Wenz, Cars are Basic, said that the connection to the airport would only save between 2-3 minutes. He said that roundabouts were not pedestrian friendly and was not ADA compliant.

Supervisor Rose said she believed that the project was important and should move forward as-is and said she was concerned that they may lose the opportunity to complete it. She said that there was a great deal of stakeholder support for this and that it would be very helpful in the redevelopment of old town Goleta. She said there was an opportunity to connect this project to Highway 217 in the future and encouraged the Board to support it.

Councilmember Hawxhurst moved to receive the project status report, to support the re-scoped project and support the \$18.5 million project funding proposal. Supervisor Rose seconded the motion.

Supervisor Centeno asked whether the need for the city to support this project should be looked at. He said it was hard to see this project as a benefit to the region.

Mayor Smyser asked how many roundabouts were being discussed and asked if this re-scoping project met the CTC requirements. Mr. VanDenburgh responded that as far as he knew this would be accepted as a STIP amendment. Mr. Kemp said that the CTC would have to approve both the programming change through the STIP amendment and would have to approve the allocation of funds in the future.

Supervisor Gray asked if there was a way to put those funds towards the Milpas 101 projects. Mr. Kemp said when discussing priorities they only come into play when there are scarce

projects. He said they were not talking about whether they get programmed but whether funds will be allocated. He said that if the Board passes the motion staff will make the argument that this project is beneficial.

The motion carried with Supervisor Gray abstaining.

**12. 2002 FTIP AMENDMENT AND 2003-04 MEASURE D PROGRAM OF PROJECTS AMENDMENT**

John Asuncion presented the report.

Mayor Lavagnino moved to adopt a resolution approving an amendment to the 2002 Federal Transportation Improvement Program (FTIP) and approve an amendment to the 2003-04 Measure D Program of Local Projects to support the City of Guadalupe's purchase of a replacement bus for the Guadalupe Flyer service. The motion was seconded by Mayor Weinberg and carried unanimously.

**13. FEDERAL BUDGET APPROPRIATION REQUEST**

Mr. Kemp reported that the board had indicated that congestion relief projects that have been identified through the 101 in Motion process be given a high priority--especially lower cost projects that have community support and can be implemented quickly. He said one of these projects was the South Coast 101 Corridor Operations and Management. He said there was a potential for implementing a pilot program. could contract with a tow truck company to respond quickly to incidents that cause congestion. He said he was recommending that the Board authorize staff to send a letter to Congressman Capps to assist in identifying funding that would relieve congestion on Hwy 101. He said the request would need to be submitted to the House Transportation Committee by tomorrow to be considered for the 04-05 appropriations bill.

Supervisor Centeno stated that the tow truck idea seemed illogical due to not knowing where an accident may occur but that he was supportive of the program. He said they should respond through the police as is normally done. Mr. Kemp responded that the tow trucks would be radio dispatched by the CHP and that this significantly reduces the response time to clear incidents.

Mayor Lavagnino moved approval to approve the FY 04/05 Federal budget appropriation request for the South Coast 101 Corridor Operations and Management Program. The motion was seconded by Supervisor Marshall and carried unanimously.

Supervisor Gray requested a quarterly report.

**14. FY 2004-05 OVERALL WORK PROGRAM**

Mr. Kemp said the Overall Work Program was an annual requirement.

Supervisor Marshall said that there was a discussion on Page 5 recognizing the Chumash. She said she thought this was a policy decision for the agency. She said that on Page 37 relative to consulting with the Chumash on concerns, she said it seemed like they were being treated differently.

Supervisor Rose said that Supervisor Marshall was not in attendance at the earlier SBCAG meeting where inviting other agencies to participate was discussed. She said she supported the outreach to the Chumash and wondered why other groups were not included such as UCSB, Vandenberg, MTD, etc.

Mr. Kemp said that federal metropolitan planning regulations do confer special status for Native American tribes and that they require government consultation by SBCAG with the Chumash.

Mayor Lavagnino moved approval of the Overall Work Program. The motion was seconded by Councilmember Secord and carried unanimously.

#### **14 A. INTERREGIONAL JOBS HOUSING PARTNERSHIP PROGRAM**

Legal Counsel, Kevin Ready, said this had come up out of allegations from the media. SBCAG Board and counsel made a written inquiry. He noted a letter in response had been received from Mr. Frutchev but none was received from Mr. Chiat.

Mr. Ready explained that SBCAG received a grant from the State HCD for a Regional Jobs Housing Balance Study. A contract was approved in December 2002. The contract was signed on behalf of the Center for Excellence in Government by Mr. Frutchev. He said that staff and counsel had determined that there were irregularities in the contract between SBCAG and the Center for Excellence in Government. Mr. Ready said that Mr. Frutchev acting signed the contract as an officer of CEG, but that he is not an employee or officer of the company and is not authorized to sign on the company's behalf.

He further explained that Mr. Frutchev presented a proposal in the name of Center for Excellence in Government. He said that it was learned that Mr. Frutchev was not an owner or principal or employee of CEG at the time he made the proposal to SBCAG. He had been in a business relationship with Mr. Chiat in 1997-98 and Mr. Frutchev acknowledged the he had not been with them since that time. When he sent the proposal to SBCAG he was not an officer or employee and had no interest in the entity. He said at best this contract could be voided under Section 1090 of the Government Code by the SBCAG Board because of the irregularities. However, apparently CEG as an entity was not involved in this project directly. Staff's recommendation was that SBCAG declare the contract void with CEG, and direct the Executive Director to negotiate a different contract to carry out the purposes of the HCD and county grant to SBCAG. He explained that fifteen months of work had already taken place. He also said that it was recommended that the SBCAG board ask the county auditor to initiate an audit of funds and transfers that have taken place to date by SBCAG with Mr. Frutchev, using County and HCD funds so that the amounts of the contract can be mitigated as soon as possible.

Supervisor Centeno requested that as part of the contract that Mr. Frutchev not be a subcontractor or consultant.

Mayor Smyser requested that it be understood that Mr. Frutchev's assistance was in no way taken as a complete mitigation of what had occurred.

Supervisor Centeno moved to declare the contract with CEG void and to authorize the Executive Director to negotiate a replacement contract with a different contractor, such contract to not include Thomas Frutchev, William Chiat, James Gladfelter or Susanne Drace as subcontractors. The motion was seconded by Mayor Smyser. The motion carried unanimously.

**15. 101 IN MOTION PROJECT**

Due to time constraints this item was continued.

**16. SANTA BARBARA METROPOLITAN TRANSIT DISTRICT**

This item was continued.

**17. LOS ANGELES – SAN DIEGO – SAN LUIS OBISPO RAIL CORRIDOR AGENCY**

This item was continued.

**COMMITTEE REPORTS**

None.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Kemp mentioned that there would be a public workshop on March 24 and 25 in Lompoc at the community center and a workshop at the Santa Maria town center to obtain public input on the draft Intercommunity Transit Service Implementation Plan between Lompoc and Santa Maria.

Mr. Kemp stated that an extension of the operator contract with Santa Barbara Airbus had been negotiated through the end of the fiscal year and staff reissued the request for proposal for a new contractor for the Clean Air Express service. He said that they have received new proposals and are in the process of evaluating them. He said he expected this to come back to the Board with a new operator contract in April.

**COMMUNICATIONS**

None.

**ADJOURNMENT**

The meeting was adjourned at 12:17 p.m.