

## MINUTES

### SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, December 18, 2003

**Board of Supervisor Hearing Room  
105 East Anapamu Street, 4<sup>th</sup> Floor  
Santa Barbara, CA**

---

1. **CALL TO ORDER AND ROLL CALL:**

**Members Present:** Naomi Schwartz, Supervisor, First District; Susan Rose, Supervisor, Second District (SBCAG Vice-Chair); Joni Gray, Supervisor, Fourth District; Russ Hicks, Councilmember, City of Buellton; Richard Weinberg, Mayor, City of Carpinteria; Jack Hawxhurst, Councilmember, City of Goleta; Dick DeWees, Mayor, City of Lompoc; Gregg Hart, Councilmember, City of Santa Barbara; Larry Lavagnino, Mayor (SBCAG Chair), City of Santa Maria; David Smyser, Mayor, City of Solvang, Rich Krumholz, Caltrans District 5 Representative.

**Members Absent:** Gail Marshall, Supervisor, Third District; Joe Centeno, Supervisor, Fifth District; 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; Robert Perkins, Administrative Services Officer; Debbie Barber, Public Information/Government Affairs Coordinator; Heather Diez, Transportation Program Coordinator; Cathy Muneio, Executive Secretary/Board Clerk; Kevin E. Ready, Sr., Senior Deputy County Counsel.

2. **PLEDGE OF ALLEGIANCE**

Chair Lavagnino called for the pledge of allegiance.

3. **RECESS TO CLOSED SESSION**

The Board went into closed session at 8:32 a.m. to discuss pending litigation with Sully Miller Contracting Company v. Caltrans, et al, with legal counsel.

4. **CONVENE IN OPEN SESSION**

When the Board reconvened in open session at 8:43 a.m., County Counsel, Kevin Ready reported that the Board had directed County Counsel to negotiate a retainer agreement with Gibbs, Giden, Locher & Turner to act as special counsel to provide legal services on behalf of SBCAG for construction arbitration related to the Route 1 Operational Improvements project.

5. **APPROVAL OF MINUTES: NOVEMBER 20, 2003**

Mayor DeWees moved approval of the minutes for November 20, 2003 as presented. The motion was seconded by Councilmember Hawxhurst and carried with Supervisor Schwartz, Supervisor Rose and Councilmember Hicks abstaining.

6. **PUBLIC COMMENT**

Supervisor Gray mentioned that there had been an article in the Santa Barbara News Press regarding a project to address congestion problems on the Highway 101 in Los Angeles. She said that the Southern California Association of Governments would be addressing this issue at a meeting in March and that she thought it was important that someone from SBCAG attend. She said that she would notify the Board members when the meeting has been scheduled.

Mayor Smyser asked that the SBCAG Board consider extending an invitation for the Chumash Tribal Council to become an ex-officio member of SBCAG.

Mayor Lavagnino said that this issue had been discussed from time to time in the past.

County Counsel Ready said that about four years ago Tribal Chair Armenta had sent a letter to the previous Executive Director requesting that the Chumash become a part of SBCAG. Mr. Ready said he was asked to look at the possibility, but because SBCAG follows state law the Chumash could only serve as an ex-officio member of SBCAG, and that it would be necessary to amend the SBCAG Joint Powers Agreement. He said that the proposal did not move forward after that time.

Supervisor Rose asked why the Chumash had not been participating in SBCAG meetings if they were interested in becoming members. She said they should be encouraged to attend these meetings.

Mayor Smyser said that it would be a benefit to each community because it would improve cooperation and coordination on regional issues.

Councilmember Hawxhurst requested the Board to consider asking UCSB if they would be interested in becoming an ex-officio member.

Mayor Lavagnino asked staff to place this on the January agenda. He said that the staff report should include consideration of allowing ex-officio members on the SBCAG board to be appointed from UCSB, SBMTD, the Chumash and Vandenberg Air Force Base.

Supervisor Rose requested that staff review if there were additional agencies that should be considered as possible ex-officio members of SBCAG.

Mayor DeWees said different entities should be asked if they have any interest in participating as ex-officio members.

7. **APPROVAL OF CONSENT CALENDAR**

Supervisor Schwartz requested to speak to Item 7H – STIP Project Monitoring Program Quarterly Report.

Supervisor Schwartz questioned why the Evans Ave/Ortega Hill Road Intersection Project on page two of the report said that the project was on hold. She asked that this be corrected. Supervisor Schwartz also asked about the status of the Highway 217/Ekwill/Fowler Road project, particularly the status of the funding.

Mr. Kemp said that the project referenced in the staff report at Evans/Ortega was a Santa Barbara County intersection improvement project, and it was not the same project as the

101/Auxiliary Lane project between Evans and Sheffield on Highway 101 which is scheduled to go to construction next year using Measure D funds recently authorized by the board.

Mr. VanDenburgh explained that the Ekwil/Fowler Road was originally going to provide connections for Ekwil and Fowler Roads onto Highway 217 but that UCSB had expressed concern regarding this since they currently have uninterrupted traffic flow from Highway 101 to the university. Mr. VanDenburgh said that due to these concerns the City of Goleta was reevaluating the scope of the project, including dropping alternatives that include new interchanges onto Highway 217. He said that the City of Goleta was now taken over as lead agency from Caltrans and was in the process of determining whether these two connections would still be a viable project.

Supervisor Schwartz asked the status of funding for this project.

Mr. VanDenburgh replied that \$17 million was programmed for this project, but currently Goleta had access to \$1.5 million that was allocated for the environmental portion of the project.

Supervisor Schwartz asked if this was due to the CTC placing a hold on projects.

Mr. Kemp responded that the remaining funds for design, right-of-way and construction remain programmed but in order for the City of Goleta to access these funds they need to receive an allocation from the CTC. He said these funds were currently on hold due to the financial condition of the state but that funds would remain programmed for that project.

Mr. VanDenburgh informed the Board that this project would return to the Board for discussion after the New Year since the scope had changed so much, and it was likely that the project would move forward as a local street project in Goleta.

Supervisor Schwartz said that it was good that the project was going to come back to the Board since it had been a long time since the project had been reviewed by the Board and funding for this project would come from the STIP. She said that the Board would benefit from a discussion on transportation funding overall to better understand the larger funding situation as background for discussing the renewal of Measure D after the governor submits the budget.

Mr. Krumholz clarified that Caltrans was never the lead agency on the project and that they had only performed oversight of the project. He explained that when the project was originally programmed, Caltrans said that if the County of Santa Barbara, the lead agency prior to Goleta, were going to make improvements to Highway 217 they would have to take ownership of the highway.

Mayor Weinberg said he thought at the previous meeting there was a discussion about reevaluating all of the projects due to budget constraints.

Mr. Kemp explained that this and the whole STIP process would be discussed under Item 14 on the agenda. He said that the fund estimate for the 2004 STIP was just released and that SBCAG may need to reevaluate projects to meet program targets that the CTC has placed before us.

Supervisor Rose said she would like to better understand Item 7A – Census Area Boundaries.

Mr. Powers said that this report was for the purpose of reporting to the FHWA potential growth in areas. He explained that this report was reviewed by TTAC and TPAC and it was approved unanimously.

Supervisor Rose asked if it made a difference if it wasn't consistent with the general plans.

Mr. Powers explained that it did not make a difference as it does not impact actual land use decisions.

Mayor Weinberg asked to speak to Item 7E – SBCAG Storage Lease

Mayor Weinberg asked for clarification in the part of the lease that said "the new revenue from the lease would improve cash flow and assist in covering the County's debt service payments on the Casa Nueva lease." He asked whose cash flow would benefit from the lease.

Mr. Kemp responded that the lease revenue would benefit the County's cash flow for meeting debt service payments.

Councilmember Hicks moved approval of the consent calendar. The motion was seconded by Councilmember Hawxhurst and carried unanimously.

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

Rich Krumholz, Deputy District Director, stated that the Caltrans report was included in the agenda package. Mr. Krumholz reported that the 2004 STIP fund estimate had been adopted by the CTC and due to financial constraints no new projects would be programmed and certain projects would have to be moved further out into the future. He said that there had been ongoing discussions with staff about priorities of projects and that this would be coordinated closely with SBCAG staff. Mr. Krumholz said that a draft SHOPP list would be coming out to the regions shortly.

Supervisor Rose asked if there was any news on whom the new Director of Caltrans would be.

Mr. Krumholz responded he did not know.

Supervisor Gray and Mayor DeWees thanked Caltrans for the great job they did on the Highway 1 project to Vandenberg Air Force base.

Mr. Krumholz said he would pass this compliment on to his staff and Patrick Stempson at Union Asphalt.

9. **RESOLUTION OF APPRECIATION**

Supervisor Rose moved to adopt the resolution of appreciation for Gregg Hart. Mayor DeWees seconded the motion and the motion carried unanimously.

Chair Lavagnino read the resolution aloud. Chair Lavagnino said he was thankful for the camaraderie of the Board.

Gregg Hart said he enjoyed his service with SBCAG and thanked the Board. He said he was thankful for the camaraderie that the Board had and requested that this continue. He also thanked Caltrans for the transformation in their relationship with SBCAG.

Mayor DeWees asked Councilmember Hart who his replacement would be. Councilmember Hart said it would most likely be Councilmember Secord.

10. **HIGHWAY 101 IMPLEMENTATION PLAN**

Mr. Kemp presented the status report. He said that staff was working with Caltrans and the California Transportation Commission (CTC) to receive approval on a STIP amendment that would incorporate \$11.1 million of Measure D funds that were allocated to the 101 Operational Improvement projects. Mr. Kemp said that this was necessary in order to enter into an agreement with Caltrans that would assign roles and responsibilities for the projects. Mr. Kemp said that he was hoping that this would be approved at the CTC meeting on January 22nd. Caltrans would take the lead role, but SBCAG might need to provide consultants. Mr. Kemp said that a letter was sent to Governor Schwarzenegger, Assemblywoman Jackson, and Senator McClintock in order to try and secure payback of the Measure D funds.

Mr. Kemp said there was a potential conflict with a project the County would be constructing on Jameson Lane to add bike lanes and make bridge repairs at the same time as work was being done on the 101/Ortega Hill project. He explained it would just be a short window of time when both projects were being constructed at the same time, but that staff was working with the County and Caltrans to try and minimize this problem.

Supervisor Schwartz said that she had previously expressed concern about projects under construction at the same time that would cause hardship and asked SBCAG to coordinate these projects with the other entities.

Mr. VanDenburgh said he would set up a meeting with Supervisor Schwartz, the County and Caltrans to brief her on the detour plan for the project.

Mayor Weinberg requested that he be invited to this meeting.

Mr. Kemp stated that both projects were important and that it was necessary that they both move forward as quickly as possible. He added that the Jameson Lane project had gone out to bid and that construction would begin shortly. He said that staff would work with Caltrans to coordinate the construction of the two projects.

Mr. Kemp reported that the Milpas to Hot Springs project was in the final EIR process. Mr. Kemp reported that the EIR was expected to be signed off by the FHWA in January and that Caltrans was continuing with the design phase. Mr. Kemp said that the Caltrans project manager had met with the City of Santa Barbara design review team to work on securing a Coastal Development Permit. Mr. Kemp said there was discussion with Caltrans to accelerate this project and that construction was expected to begin in the summer of 2006.

Mr. Kemp reported that the Coastal Express three year pilot program was now coming to an end and that its success warranted funding for the operational phase. An MOU will need to be implemented with VCTC in order to move into this next phase.

Bob Bramen, Consultant with Parsons Brinckerhoff, reported on the Implementation Plan status to date. He said that the first 14 activities had been completed which sets the groundwork for the entire success of the project. He presented the public outreach activities that are planned that will help in reaching the stakeholders.

Mr. Bramen explained the project screening process that will funnel 20-25 feasible concepts down to one preferred package of projects.

Mr. Kemp requested that the Board take action on the formation of a board steering committee and stakeholder advisory committee. The stakeholder advisory committee would consist of representatives of groups who may have a vital interest in the Highway 101 project. He explained that the current Technical Advisory Group consists of staff representatives of various entities that are partners in the project. He also recommended the formation of a board level steering committee since it was important that the Board remain engaged in this process. He explained that another role of the board steering committee would be to approve some of the work products will be generated through the plan.

Mr. Kemp stated that the recommendations for designation of a board steering committee were included in a draft resolution distributed to the board. There was one additional change that had not been incorporated into the resolution. This was to add the Caltrans District Director as an ex-officio member of the South Coast Subregional Planning Committee. He stated he was asking the Board to take action on designating the South Coast Subregional Planning Committee as the policy steering committee that would provide direction to the TAG and consulting team. The recommendation includes appointing two North County board members to the committee, adding Caltrans as an ex-officio member and delegating some board authority to the committee. He also asked for board direction on any changes to the proposed stakeholder advisory committee interest group categories.

Mayor Lavagnino asked when the 101 Implementation Plan name will be changed.

Mr. Kemp responded that this was in the works and that there would be a new name in the very near future.

Supervisor Schwartz stated the extent of the public participation would lead to the acceptance of this work by the communities in the county. She said there was a long history of involved citizenry and that we should make use of this talent. Supervisor Schwartz asked if there was anything in the resolution that would preclude the possibility of workgroups being formed on specific topics representing both the stakeholders as well as the steering committee members.

Mr. Kemp responded that there wasn't, and that one additional way people could become involved would be to form task groups. He added that there will be an extensive public outreach process to compliment the committee work.

Supervisor Schwartz asked where the Economic Community Project could be involved when looking at the stakeholder advisory committee. She said that she had discussed with Eric Sonquist having a member of the ECP sit on the stakeholder advisory committee.

Mayor Smyser asked if the decision on narrowing down the list of possible projects would happen at the Board level or the board steering committee level. Mr. Kemp replied that critical decisions would need to be approved at the Board level, but that possibly the screening of early alternatives could take place at the steering committee level and be narrowed down to a workable project.

Mayor Smyser clarified that what Mr. Kemp was saying was that if there were 25 feasible concepts the steering committee would meet and assist in narrowing it down to 8 or 9 alternatives.

Mr. Kemp stated that this had not been decided and it needed to be discussed with the Board.

Mayor Weinberg said that as you move down through the pyramid of project alternatives and you reach each stage there will be a monthly report presented to the SBCAG Board on the progress and that any decisions made by the steering committee would be reported to the SBCAG Board.

Mayor Lavagnino asked if there were twenty-five feasible concepts would the Board get to pick which projects were the best choice or would the steering committee.

Kevin Ready, County Counsel, said it was stated in the resolution that if at any time the Board disagrees with the Board steering committee it can be brought before the SBCAG Board.

Mayor Lavagnino asked who would make the final decision.

Kevin Ready said that the SBCAG Board would be making final decisions. If the steering committee makes a decision then the SBCAG Board doesn't have to make any decisions unless they disagree.

Mayor Lavagnino said that what he heard in the resolution was that the SBCAG Board would be approving the final one preferred package but that the steering committee would make the rest of the decisions.

Mayor DeWees asked if the Board would get a chance to review all of the projects.

Kevin Ready reported they would.

Mayor DeWees requested that any material received after the Board packet has been sent be marked clearly with the changes.

Councilmember Hicks suggested that the Board might want to ratify or approve the minutes of the subcommittee. Kevin Ready said that the Board could approve the monthly staff report.

Supervisor Schwartz noted that there was a great amount of work to be done on this effort, and that if there wasn't a steering committee and TAG the SBCAG Board meetings would be dominated by this effort. She said that they are trying to strike a balance between the work that is going to be done at the staff level, the public level, the steering committee level on which there will be two North County representatives, and the SBCAG Board level. She suggested all relevant materials distributed to the public or committees should be distributed to the Board and that they could be color coded by project.

Councilmember Smyser said that he did not want to see politicizing on the steering committee level. He stated that if the steering committee doesn't consider a whole county approach then the Board will revert back to the same place that we were at the beginning.

Chairman Lavagnino asked for public comment.

Barry Siegel said he complimented staff on their creative and innovative approach for the Highway 101 Operational Improvement projects and hoped that the Board would support it. He said that in regards to the Implementation Plan he had some concerns with the role of the

stakeholders committee and recommended that they be given more authority. He said that in order to develop some consensus there needs to be some education of the background. Mr. Siegel said that that the South Coast Subregional Committee was vital to the process. He also said that the TAG meetings should be open to the public.

Alex Pujo said he supported the recommendation in concept. He read the letter from COAST that was included in the Board packet. He said that the Stakeholders Committee would only be successful if you built a high degree of consensus. Mr. Pujo said that he was in favor of commuter rail.

Mayor Weinberg moved to add the Caltrans District Director as an ex-officio member of the South Coast Subregional Planning Committee. The motion was seconded by Supervisor Rose and carried unanimously.

Councilmember Hawxhurst moved to adopt a resolution designating the South Coast Subregional Planning Committee as the policy steering committee for the 101 Implementation Plan and authorizing the Chair to appoint two North County board representatives to the committee as voting members. The motion was seconded by Mayor DeWees and carried unanimously.

Supervisor Rose moved to amend the FY 2003-04 Overall Work Program to add approved grants and revise the schedule based on the recent consultant contract award. The motion was seconded by Mayor Weinberg and carried unanimously.

11. **MEETING SCHEDULE FOR 2004**

Mr. Kemp said that he had provided the meeting schedules to the Board in case of potential conflicts. He said he was asking the Board to consider a Special Board Workshop to discuss transportation funding that would focus mainly on an effort for renewal of Measure D. He provided some possible dates at the end of January and beginning of February. Mr. Kemp said he was also requesting the Board approve the public hearings schedule for unmet transit needs.

Councilmember Hawxhurst mentioned that February 4<sup>th</sup> for the Board workshop would conflict with the new schedule date for the 101 TAG and South Coast Subregional Planning Committee meetings.

Mayor Lavagnino suggested that staff determine some dates and then contact the Board members individually to schedule the workshop meeting.

Supervisor Gray moved to approve the SBCAG Board of Directors regular meeting schedule for 2004, scheduling a date for a Board workshop in late January or early February, and schedule the public hearings to receive testimony on the existence of unmet public transit needs for Thursday, January 15, 2004 in Santa Maria, and Thursday, February 19, 2004 in Santa Barbara. The motion was seconded by Mayor Weinberg and carried unanimously.

12. **ELECTION OF OFFICERS FOR 2004**

Chair Lavagnino stated that even though the Vice-Chair usually becomes the Chair, Supervisor Rose had told him that she would be unable to serve as the SBCAG chair in 2004 since she would be chairing two other boards this year.

Supervisor Rose moved to nominate Supervisor Schwartz as the 2004 Chair. The motion was seconded by Mayor Lavagnino and carried unanimously.



Supervisor Rose moved to nominate Mayor DeWees as Vice-Chair. The motion was seconded by Supervisor Gray and carried unanimously.

Mayor DeWees moved to appoint Councilmember Hicks as the delegate to the California Association of Councils of Governments (CALCOG) and Mayor Weinberg as the alternate. The motion was seconded by Supervisor Gray and carried unanimously.

Supervisor Rose moved to appoint Supervisor Gray as the representative to Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) and herself as the alternate. The motion was seconded by Supervisor Gray and carried unanimously. Supervisor Rose asked that COAST be informed whenever there is a LOSSAN meeting.

Supervisor Gray said she thought it was important that a member of the Board be appointed to attend the California Transportation Commission meetings whenever there is an item on the agenda that is relevant to this region.

Supervisor Schwartz moved that Supervisor Gray be appointed to attend the CTC meeting. The motion was seconded by Supervisor Rose and carried unanimously.

Supervisor Gray said she had investigated appointment opportunities for the California Transportation Commission but found out elected officials are not allowed to sit on the Commission. She suggested since Gregg Hart would no longer be on the City Council and was extremely qualified that he might want to apply. She said he would need to send in the application and that the Board would need to contact legislators and supervisors to recommend this.

13. **SBMTD REPORT**

Mr. Kemp reported that Dave Davis, an MTD Director, had requested that the SBMTD be placed on the monthly agendas to present a status report on current operations and planned improvements of the MTD.

Mr. Moldaver, an MTD Director, stated that Dave Davis would be attending future meetings. Mr. Moldaver expressed his gratitude to the Board for allowing MTD to deliver the current project and apologized for not delivering the original project. He said that MTD was working on improving communication and that there had been constructive conversations with the City of Santa Barbara and Board of Supervisors. He said that he hoped to meet with Mayor Weinberg and Councilmember Hawxhurst in the near future, and then meet with some of the board members in the North County. Mr. Moldaver said that they would have to restore confidence and trust in MTD.

Ms. Fisher reported on the status of the buses that had been ordered.

14. **2004 STATE TRANSPORTATION IMPROVEMENT PROGRAM FUND ESTIMATE**

Steve VanDenburgh presented the staff report.

Supervisor Schwartz requested that there be a discussion at the Board retreat on legislation relative to the STIP and what this means for the County.

Mayor Weinberg asked whether the STIP projects that have been moved out into the future by the CTC will eventually be lost.

Mr. VanDenburgh responded that the funds were not at risk, but were being spread over four years instead of three.

Mayor DeWees asked if TTAC had reviewed this.

Mr. VanDenburgh reported that it had. He said that regions that had over-programmed projects in 2002 were using the reserves from other counties such as Santa Barbara but that these reserves would eventually be replaced according to state law.

Supervisor Schwartz asked the status of the federal transportation reauthorization.

Mr. Kemp responded that the current TEA 21 expired at the end of the last federal fiscal year but was extended for five months however it did not look likely that there would be another bill in place when the extension expired. He expected that another resolution would be passed to extend TEA 21, possibly after the November elections.

Mr. VanDenburgh said that the state has assumed in its fund estimate for the 2004 STIP that there will be a TEA program that will extend into the future.

#### **COMMITTEE REPORTS**

None

#### **EXECUTIVE DIRECTOR'S REPORT**

Mr. Kemp reported that SBCAG had had underwent a federal certification review with the Federal Highway Administration and Federal Transit Administration that occurs every three years. He said that a public hearing was held on December 2<sup>nd</sup> and that SBCAG had been given some preliminary findings. He noted that the only reportable finding found was that SBCAG was required to prepare an annual list of projects that have been obligated with federal funds. Mr. Kemp explained that the public comment period for the certification review process would extend through the first week of January and that he had requested that the federal agencies come before the SBCAG Board and report their findings.

Mr. Kemp reported that SBCAG stood to lose its federal CMAQ apportionments that are used for transit projects and for other projects that reduce emissions since Santa Barbara County is now meeting the federal air quality standards and is being considered as an attainment area for the one hour standard and will be in attainment for the new 8 hour standard.

Supervisor Schwartz explained that when she was in Washington D.C. one of the issues discussed were counties that were newly designated attainment continuing to be eligible for CMAQ funding because the newly attained counties could easily fall out of attainment. She asked SBCAG staff to look into whether there was an amendment to include that.

Mr. Kemp reported that included in the agenda package was a letter sent to Amtrak from Assemblymember Hannah Beth Jackson on the issue of expanding Pacific Surfliner rail service. He explained that there were currently four daily trains from Los Angeles to Santa Barbara, and Caltrans has identified a cost savings that will allow that service to be expanded. Mr. Kemp said that Assemblywoman Jackson was supporting this proposal and was asking Caltrans and Amtrak to implement this. He said that they were advocating with Assemblywoman Jackson to set a schedule for the train that would be more favorable for commuters.

Mr. Kemp announced that they had arranged for a Clean Air Express MCI coach to be parked on Anapamu Street for the Board to tour after the Board meeting.

**COMMUNICATIONS**

None

**ADJOURNMENT**

The meeting was adjourned at 11:43 a.m.