



■ 260 North San Antonio Road., Suite B ■ Santa Barbara, CA ■ 93110
■ Phone: 805/961-8900 ■ Fax: 805/961-8901 ■ www.sbcag.org

MINUTES

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, May 19, 2005

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

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

Members Present: Salud Carbajal, Supervisor, First District; Susan Rose, Supervisor, Second District; Brooks Firestone, Supervisor, Third District; Joni Gray, Supervisor, Fourth District; Joe Centeno (SBCAG Vice-Chair), Supervisor, Fifth District; Russ Hicks, Mayor, City of Buellton; Donna Jordan, Councilmember, City of Carpinteria; Jonny Wallis, Councilmember, City of Goleta; Dick DeWees (SBCAG Chair), Mayor, City of Lompoc; Dan Secord, Councilmember, City of Santa Barbara; Marty Mariscal, Councilmember, City of Santa Maria; Brian Baca, Councilmember, City of Solvang, Gregg Albright, Caltrans District 5 Representative.

Members Absent: Lupe Alvarez, Mayor, City of Guadalupe.

Staff Members Present: Jim Kemp, Executive Director; Michael Powers, Deputy Director of Planning; Stephen VanDenburgh, Deputy Director of Programming; Kent Epperson, TDM Program Administrator; Gregg Hart, Public Information/Government Affairs; Jim Damkowitch, Transportation Planner; Jonathan Whitt, Traffic Solutions Marketing Coordinator; Cathy Muneio, Board Clerk; Kevin E. Ready, Sr., Senior Deputy County Counsel.

2. **PLEDGE OF ALLEGIANCE**

Chair DeWees called for the pledge of allegiance.

3. **RECESS TO CLOSED SESSION**

The Board recessed to closed session at 8:33 a.m. to discuss with legal counsel pending litigation with Pierce, Estrada and Our Children's Earth Foundation, pending litigation with Munoz vs. Sacramento Area Council of Governments, pending litigation with Santa Barbara Airbus vs. SBCAG; and a claim made by Kristyn and Matt Chase due to a traffic accident.

4. **CONVENE IN OPEN SESSION**

When the Board reconvened in open session at 9:30 a.m., County Counsel, Kevin Ready reported that a settlement proposal was approved by the Board on pending litigation with Munoz vs. Sacramento Area Council of Governments, and that the claim made by Kristyn and Matt Chase was denied. There were not other reportable actions.

5. **APPROVAL OF MINUTES: APRIL 21, 2005**

Supervisor Centeno moved approval of the minutes for April 21, 2005 as presented. The motion was seconded by Councilmember Wallis and carried unanimously.

Chair DeWees considered the consent calendar comments prior to hearing the public comments.

7. **CONSENT CALENDAR COMMENTS**

Barry Stotts requested to speak to Item 7F, Transit Advisory Committee Consolidation. He supported staff's recommendation to consolidate the north and south county transit advisory committees but requested that NCTAC remain as a working committee due to the large amount of transit needs in the north county.

Sherrie Fisher, General Manager of SBMTD, asked to speak to Item 7D, FTIP Project Selection Procedures. She said she supported staff's recommendation but requested that the scoring for a particular project be done once, even if the project is moved to another year.

6. **PUBLIC COMMENT**

George Alvarez, a Guadalupe citizen, spoke regarding land use agricultural workers issues.

Joe Rye, Transit Services Manager with the City of Santa Maria, provided an update on the new Breeze transit service. He said that the service had been running for ten days with a good response from the community since its launch on May 9th. Mr. Rye said that he was receiving a great deal of positive feedback on improving the service. He invited everyone to the dedication of the Breeze service following the SBCAG Board meeting.

Barry Stotts thanked everyone for their cooperation on starting the Breeze transit service. He said that the buses were very nice and thanked the County of Santa Barbara, SBCAG, the cities of Santa Maria and Lompoc and the public for initiating this service.

Matt Dobberteen said he concurred with Mr. Stotts.

Harry Watson with SMOOTH, Inc. thanked the SBCAG Board for providing Measure D funds for the new Guadalupe Flyer bus. He said that SMOOTH has been operating this service since 1998 and that the buses have been full since the first day of operation, and are currently filled beyond capacity.

Scott Wenz said that Cars Are Basic existed to analyze data. He said that the City of Santa Barbara has an anti-car approach that isn't backed by figures and he said it made no sense to build bike paths or roundabouts, which by their own data were shown to increase traffic accidents.

Supervisor Gray spoke in favor of the roundabouts in Santa Maria.

Supervisor Carbajal also spoke in favor of the roundabouts in Santa Barbara.

7. **APPROVAL OF CONSENT CALENDAR**

Councilmember Secord moved approval of the consent calendar. The motion was seconded by Supervisor Gray and carried unanimously.

8. **RESOLUTION OF APPRECIATION**

Chair DeWees presented a resolution of appreciation to Jim Damkowitch, Transportation Planner with SBCAG, who was leaving SBCAG.

Jim Damkowitch said that it had been a real privilege to serve as a member of SBCAG staff for 13 years. He thanked Michael Powers, Jim Kemp, and also thanked Tom Murphy with the Santa Barbara Air Pollution Control District. He said that he had made a lot of great friends with all of the respective staffs at the various agencies. Mr. Damkowitch said that it was a big responsibility generating information for the Board in order to help them make some very tough decisions.

Mr. Kemp added that Jim Damkowitch was a key part of the SBCAG staff and that he had played a large role in keeping a good working relationship with the Air Pollution Control District over the last thirteen years, and Mr. Kemp wished Jim D. well in his future endeavors.

9. **UNMET TRANSIT NEEDS**

Chair DeWees read into the record an e-mail received from Dan Milstein with SBCAN. It requested that SBCAG find the transit needs for the Santa Maria Valley strawberry industry laborers as an unmet need that was reasonable to meet.

Michael Powers presented the staff report. He summarized that the request for more information on farmworkers in the report was accepted as appropriate, and that staff was recommending that a new section be considered for farmworkers. He said there were comments made that staff was misinterpreting the definition of an unmet transit need that is reasonable to meet, and the Board should review these definitions as part of the review cycle that SBCAG is in right now. Mr. Powers stated that staff recommends that Board re-consider these definitions in the middle of the next fiscal year.

Mr. Powers reported that the offer made by Bob Dockerty of American Star to provide a fixed route circulator service to the farmworkers was reviewed, but that Mr. Dockerty had withdrawn his offer. He also explained that a RFP that would be subject to specific standards had not been sent out so this offer did not go through the normal procedures. Mr. Powers said that in his analysis of the offer it was determined that the offer did not inadequately address certain safety and basic service issues.

Mr. Powers said that the overall outreach process resulted in testimony on transit needs within Santa Maria/Orcutt and between Santa Maria and Guadalupe. He stated that needs identified within urban Santa Maria were additional service to Marion Medical Center that will be dealt with through an addition of SMAT transit services within the next year. In addition the city of Guadalupe and County of Santa Barbara have committed to providing a bus stop at Bonita School.

Mr. Powers said that transportation to farms in the surrounding area was also raised but stated that transit to rural agriculture farms was not identified as an unmet transit need that was reasonable to meet. He said that due to recent information submitted by local agencies staff was recommending that the Board defer this action until next month to allow staff time to review new proposals.

Councilmember Secord asked why Mr. Dockerty's offer was withdrawn.

Mr. Powers said that Mr. Dockerty expressed concern about the way the offer was received by the Board.

Councilmember Mariscal requested a copy of that letter.

Chair DeWees opened the item for public comment. Staff member Jonathan Whitt translated from Spanish to English for Mr. Estrada and Ms. Martinez.

Jesus Estrada requested transit for farmworkers. He requested service both east and west of town. He asked the Board to seriously consider farmworker transit need and a favorable resolution to the transportation problem.

Augustine Martinez spoke in support of Mr. Estrada's comments and asked that the Board not close its doors and ignore the request made by the farmworkers. She also thanked the Board for taking the time to listen to her comments. She indicated her presentation was for all those women currently working in the fields and unable to attend the meeting.

Nancy Johnson said there was an unmet need for rural farmworkers that would not disappear and said she approved that the Board was reconsidering this need. She asked if there was a possibility of a cooperative and governmental system to make this work. She recommended a pilot program.

Dr. Secord asked what the distinction was between a transit need and a transportation need. Kevin Ready, County Counsel, replied that a transit need was publicly subsidized, for general purposes, operated by a public agency, and for the public good.

Mary Jacka echoed the previous comments. She expressed concerns that farmworkers were an easy target and that they sometimes got their vehicles impounded and could not afford to retrieve them. She stated that some of the workers were now using the Breeze system.

Mr. Chytilo, representing a number of groups, said that Mr. Dockerty backed out because he said he was treated disrespectfully. He noted that TDA funds could be used for any contract for public transportation or any group requiring special transportation assistance. He said it was his opinion that there was evidence of an unmet transit need that was reasonable to meet.

Supervisor Firestone asked for clarification of Mr. Dockerty's proposal if he indicated that it is withdrawn and he will not participate in the future. Mr. Chytilo replied that he could not speak for Mr. Dockerty.

Mr. Ready said that Mr. Chytilo and he were in agreement that the TDA allows a public agency that is a claimant of TDA funds to submit a claim for special transit services for groups that may not be able to participate and that Mr. Chytilo was confusing the fact that we can use those funds with the current unmet needs evaluation process. Because a particular service is eligible for TDA funding does not necessarily justify a finding of an unmet transit need.

Mr. Powers explained that the action being requested was to continue this item until the June meeting and that in the meantime SBCAG staff would be in contact with the local agencies to consider and evaluate recent information received.

Councilmember Secord moved to continue this item until the June Board meeting to allow staff time to respond to the information that was received from the County. Supervisor Carbajal seconded the motion.

Councilmember Mariscal said that the last speaker mentioned that the presenter of a plan was treated disrespectfully. He said he felt his line of questioning was strong, purposeful and fair. He said it was suggested that this person had proposed this offer on his own. Councilmember Mariscal said he had met with this individual who confided that the plan was put forward by other individuals working to see this come to an end. He said he appreciated what the speaker said today was in their view SBCAG was not doing the job that they think it should be doing. He said when Councilmember Secord brought up the transportation vs. transit need it was pointed out that these were two separate issues. Councilmember Mariscal said in connection with this item that the last minute submission by American Star at the last meeting lacked the information that should have been provided and said he in no way meant to imply that the SBCAG Board wouldn't consider this offer. He said he was very encouraged by what he had heard at this meeting and hoped that something could be done to move this matter forward.

Chair DeWees congratulated staff on this very comprehensive and concise report.

The question was called and the motion carried unanimously.

10. **FTIP AMENDMENT**

Steve VanDenburgh presented the staff report. He explained that staff had met with the Technical Transportation Advisory Committee (TTAC) three times during the last several months to discuss this item. He noted that eight of the ten projects were local street rehabilitation projects and that each one of the eight jurisdictions had one or more projects programmed.

Councilmember Secord applauded the Traffic Solutions program and the opportunity the Goleta Amtrak Station upgrade.

Phil Demery, County of Santa Barbara Public Works Director, spoke in support of the staff recommendations. He said the local road repair and maintenance projects were originally programmed in the STIP, but since funding was not available through the STIP having RSTP funds available was a win-win situation.

Larry Bean, Public Works Director for the City of Lompoc, said that all the local agency public works directors supported this recommendation and concurred with Mr. Demery's remarks.

Councilmember Secord moved to adopt a resolution approving the 2004 FTIP amendment No. 11 programming \$6,130,741 in Regional Surface Transportation Program (RSTP) exchange funds to projects in FY 2004-05 through FY 2006-07. The motion was seconded by Councilmember Wallis and carried unanimously.

11. **SBCAG FY 2005-06 BUDGET**

Chair DeWees requested that in the future the staff contact be listed on the front page of the staff reports.

Mr. Kemp presented the draft SBCAG FY 2005-06 Budget and reviewed the proposed staffing changes. He was requesting the addition of a full time Transportation Engineer in place of retaining a consultant, explaining that this would result in a savings of \$120,000 per year. He was also requesting converting two Transportation Planner II positions to Transportation Planner II/Senior flexible positions. He was also requesting a 3 percent COLA based on the Consumer Price Index, and a salary range adjustment for the Government Affairs/Public Information Coordinator position of 6 percent.

Mayor DeWees asked if the Transportation Engineer was replacing the Fluor Daniel position, and asked what would happen if Measure D was not renewed.

Mr. Kemp responded that Measure D would continue for another five years even if Measure D was not renewed and that SBCAG has a large amount of capital projects that must still be delivered. He explained that as with other local agencies, SBCAG's overall budget would be impacted if Measure D were not renewed.

Councilmember Mariscal said he was encouraged by replacing a consultant with a SBCAG position and the cost savings that would result over five years.

Supervisor Firestone said that a COLA increase of 3 percent seemed out of line with the cities and county and asked if this was usually discussed in closed session.

Mr. Ready responded that he did not think this type of personnel discussion could take place in closed session since it did not involve a collective bargaining agreement.

Mr. Kemp said he would bring back to the Board a comparison of the COLA increases with other agencies.

Councilmember Secord asked why it was necessary to subsidize the Clean Air Express.

Mr. Kemp stated that fares could be increased but that might decrease the demand since customers may be charged more than they think it is worth riding the bus.

Supervisor Centeno said that with respect to changes in terms of personnel it would be helpful to compare the old range with the new range.

Mr. Kemp said he would provide this information to the Board next month.

12. **MEASURE D RENEWAL**

Mr. Kemp presented the staff report.

Councilmember Secord thanked the people who were part of the Evaluation Committee and moved to authorize the Chair to execute an agreement with Tramutola for services related to the Measure D renewal at a cost not to exceed \$200,000 and to authorize the Executive Director to approve contract amendments not to exceed \$20,000. The motion was seconded by Supervisor Carbajal.

Councilmember Mariscal said the cost was going to be \$174,000 and that there were guarantees that there would be no cost overruns and questioned what the \$20,000 was for.

Mr. Kemp replied that the proposal amount was actually \$185,000 and the purpose of the additional expenditure authority was to have a contingency for additional work that is not included in the current contract scope of services.

Supervisor Firestone said he was concerned that the contingency would automatically be spent if authorized.

Mr. Ready stated that this type of contingency had come up at Ventura County.

Councilmember Wallis said that the recommendation was not to exceed \$200,000 and that time was of the essence. She said SBCAG should be concerned with polling in order to find out how people feel about the renewal of Measure D and that questions needed to be very fair so that the information received back could be used to guide SBCAG. Councilmember Wallis requested a copy of the scope of work.

Supervisor Carbajal asked if there was a timeline for the deliverables and said he concurred with Councilmember Wallis. He asked who was going to be the sounding board for this consultant and who would be brainstorming with the committee to make sure all information was considered in developing the polling questions.

Mr. Kemp said that he would be sharing the work products, the polling information, etc. with the Board for consideration. He said that staff would be working with an Expenditure Plan Committee that consisted of the public works directors, Caltrans, and a representative from MTD that would be working exclusively on the renewal efforts.

Supervisor Centeno stated that it was extremely important that SBCAG did not use public funds to persuade voters and suggested County Counsel be kept in the loop to insure tax dollars are not used to support this measure.

Councilmember Secord asked if a Board committee should be formed to oversee and assist the expenditure committee.

Chair DeWees said this could be taken into consideration.

Tim Ness, City Manager for the City of Santa Maria, said he was part of the evaluation team in determining that Tramutola was the best firm suited for the job. He said he ranked them first prior to seeing their presentation, and that he was very impressed with the credentials and experience of the project team. Mr. Ness added that Tramutola was asked whether they would be able to stay within their budget and Mr. Tramutola responded that there was no chance they would exceed their budget, but if they did they would absorb the cost.

Supervisor Carbajal asked if references were checked. Mr. Kemp replied affirmatively.

Councilmember Wallis said forming an ad hoc committee was discussed.

Mr. Ready said per the SBCAG by-laws the chair has the independent authority to name a committee on his own so long as Board members are the only members on the committee and that there is not a quorum of the Board.

Supervisor Firestone asked if advertising was included in the scope of services.

Mr. Kemp stated that the program did not call for a public information contract. He said it pertains to the development of a expenditure plan and ballot measure.

The motion carried with Supervisor Firestone abstaining.

COMMITTEE REPORTS

None.

EXECUTIVE DIRECTOR'S REPORT

Mr. Kemp reported that the Governor's office had released the May revision to the state budget and there was good news for transportation. He said if the legislature supports the proposal it will be the first year for full Proposition 42 transportation funding and would provide nearly \$300 million to the STIP. He said that the Santa Maria six-lane 101 project was a local project that is ready for construction if funding is approved by the California Transportation Commission. He also noted that local agencies in the county could receive about \$2 million in street repair funds if Prop 42 funding is restored.

Mr. Kemp stated on the federal level, the United States Senate passed its version of the transportation funding bill called SAFETEA and the differences between the House and Senate versions would now be discussed in a joint conference committee.

Mr. Kemp reminded the Board about the Team Bike Challenge program. He said a number of Boardmembers have agreed to form teams and that the Board was provided with Bike to Work t-shirts.

Mr. Kemp noted that there would be a dedication ceremony and media event held following the Board meeting to celebrate the new Breeze bus service.

CALTRANS DISTRICT DIRECTORS REPORT

Gregg Albright said the Governor was being very supportive of the transportation industry, and that there were no additions or changes to the construction report. Mr. Albright reported that median work was being performed on Hwy 101 in several areas and that storm related projects were also being completed.

Supervisor Centeno asked if it was the responsibility of Caltrans to set speed limits on state highways.

Mr. Albright said it was and that there was a process in establishing a particular speed limit. He asked the County to contact Caltrans if they had a specific area where they wanted to have the speed limit looked into.

Supervisor Rose asked how it was decided when and what size concrete barriers should be used on state highways.

Mr. Albright responded that Caltrans looks at a formula based upon accident statistics and the height would be based on the grade given. He said it is usually associated with traffic violations.

Supervisor Gray asked about Goodwin Road and Lakeview.

Mr. Albright said he was under the impression that she would be submitting a letter to Caltrans relative to this item.

There was a discussion on whether the Caltrans item should be moved to the beginning of the agenda or possibly teleconference.

Mr. Albright said that Caltrans is there to serve.

Mr. Kemp said that it was important that Caltrans attend the Board meetings since they are an ex-officio member.

COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 11:45 a.m.