



MINUTES

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, February 17, 2005

Board of Supervisor Hearing Room
105 East Anapamu Street, 4th Floor
Santa Barbara, CA

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

Members Present: Salud Carbajal, Supervisor, First District; Susan Rose, Supervisor, Second 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; Lupe Alvarez, Mayor, City of Guadalupe; Dick DeWees (SBCAG Chair), Mayor, City of Lompoc; Marty Blum, Mayor, City of Santa Barbara; Marty Mariscal, Councilmember, City of Santa Maria; Brian Baca, Councilmember, City of Solvang, Pat Mickelson, Caltrans District 5 Representative.

Members Absent: Brooks Firestone, Supervisor, Third District; Joni Gray, Supervisor, Fourth District.

Staff Members Present: Jim Kemp, Executive Director; Michael Powers, Deputy Director of Planning; Stephen VanDenburgh, Deputy Director of Programming; Robert Perkins, Administrative Services Officer; Kim Gillian, SBCAG Accounting Officer; Kent Epperson, TDM Administrator; Gregg Hart, Public Information/Government Affairs; Ruth Garcia, Transportation Planner; Jonathan Whitt, Traffic Solutions Marketing Coordinator; Cathy Muneio, Executive Secretary/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 and other potential litigation.

4. **CONVENE IN OPEN SESSION**

When the Board reconvened in open session at 9:10 a.m., County Counsel, Kevin Ready reported that there was no reportable action taken during closed session.

5. **APPROVAL OF MINUTES: January 20, 2005**

Supervisor Carbajal moved approval of the minutes for January 20, 2005 as presented. The motion was seconded by Mayor Alvarez and carried unanimously.

6. **PUBLIC COMMENT**

Steve Pappas, a member of the Los Olivos School District Board of Trustees, read into the record a letter requesting a school crossing speed reduction zone be incorporated as part of the Hwy 154 Measure D Project. Mr. Pappas said this was an urgent safety issue for the kids crossing the highway. He said that he would like to request a formal response from both SBCAG and Caltrans by March 18th.

Mayor DeWees asked staff if they would be prepared to offer a response.

Mr. Kemp responded that SBCAG would follow Caltrans' lead on this issue. He said that Caltrans would be the agency that would decide whether or not to designate this area a school safety zone.

7. **APPROVAL OF CONSENT CALENDAR**

Supervisor Centeno requested that Item 7C, FY 2003-04 Financial Reports, be discussed. He asked how the audit report was circulated and asked if copies were provided to the public works directors.

Ms. Gillian, SBCAG Accounting Officer, said that they were not circulated to them but were available on the SBCAG website as part of the board meeting distribution.

Supervisor Centeno requested that copies be made available to the public works directors.

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

Chair DeWees reminded board members that there was a LAFCO meeting directly following the SBCAG meeting for those that might be attending.

Chair DeWees skipped to Item 9 since Item 8 had a time certain of 10:00 a.m.

9. **CLEAN AIR EXPRESS FINANCIAL STATUS REPORT**

Kent Epperson gave a presentation on the financial status of the Clean Air Express. He said that 1 ½ years ago it was reported to the board that the Clean Air Express would be experiencing a budget shortfall this fiscal year and the year after. Mr. Epperson said he was looking for direction from the board on how to handle this shortfall.

Supervisor Centeno asked what the \$150,000 budgeted under administrative costs was for.

Mr. Epperson explained that it included Traffic Solutions staff costs for managing the program and other direct costs and office expenses.

Supervisor Centeno said that the contractor should take care of all of those administrative costs and asked why we were spending money to do oversight work.

Mr. Kemp stated that the SBCAG administrative costs are for services SBCAG provides that are not provided by the operator such as fare collection. He explained that APCD took a hands-off approach to this service and collections were the operator's responsibility. He said when SBCAG took over the service there was a need to handle marketing, take care of customer service issues, and contractual issues to improve the transit service performance.

Supervisor Centeno said he thought that the administrative costs should be reassessed.

Supervisor Rose said she agreed with Supervisor Centeno.

Mr. Kemp said that there long term issues regarding the service that need to be addressed such as ongoing operating subsidies. He said these issues could be addressed through the Transit Plan which would provide explanation of ongoing administrative costs.

Supervisor Carbajal asked if the budget was presented to the Board when the Clean Air Express was taken over. He said he didn't understand how this had become an issue.

Mr. Kemp explained that the Clean Air Express was established as a demo project and was funded by grants. APCD continued to provide some support but ever since SBCAG took over the program no dedicated funding was available. He said the Board had been kept apprised of this since 2003.

Mayor Blum said she had concerns with the fact that this service does not have access to traditional sources of subsidies and this makes it very difficult to run a transit service.

Supervisor Centeno asked what would happen when there was no longer CMAQ funding available.

Mr. Epperson said that when the CMAQ funds are spent, SBCAG will only have farebox revenue and APCD revenue to pay for the service. The APCD funding is likely to decrease in the future. He said no transit agency can rely on fare box recovery alone to fund the entire costs of providing service, a dedicated funding source will need to be identified if the service is to continue.

Councilmember Mariscal asked how Mr. Epperson quantified the number in the change to the schedule.

Mr. Epperson said the contract was based on revenue hours and if there were adjustments to the published schedule due to the bus running behind schedule SBCAG gets billed for that.

He said that there was a letter requesting a subsidy from UCSB for the board's approval. Mr. Epperson said he was also working with the City of Santa Barbara Parking Services Department. He said they have funded a number of Traffic Solution Programs and he found out that there was a \$50,000 parking service budget allocated to SBCAG to implement a vanpool program. The letter proposed for approval by the Board requests that the funds be transferred to the Clean Air Express or that a Clean Air Express transit subsidy be offered to downtown employees similar to the MyRide MTD pass program.

Mr. Epperson said that the other request being made to the board was to use Measure D funds to make up for the budget deficit. He said that at the North County Subregional Planning Committee meeting they acknowledged the value of the service and were supportive of increasing fares and finding other revenues to address the deficit. Recommendations were made to expand marketing to public television and to look for fuel at the lowest price possible.

Mayor Alvarez said another recommendation at the North County Subregional Planning Committee meeting was selling advertising to place on the outside of the buses.

Mr. Epperson said that Traffic Solutions was working aggressively on developing a bus exterior advertising program. He also mentioned that if the Board approves the use of Measure D funds for the Clean Air Express, that the advertising space could be used to advertise that Measure D pays for this service.

He said that using the Measure D funds for a regional transit service would be an appropriate use of those funds and to do so would require a 2/3 vote for an expenditure plan amendment. In order to minimize the use of Measure D funds he said that the requests to supply funding from the City of Santa Barbara and UCSB would help reduce the need of those funds. Any funding left over could be rolled over for future operations.

Sherrie Fisher said she would definitely support staff's request to support this service with the use of Measure D funds and said that MTD was willing to assist any way it could.

Councilmember Mariscal thanked Mr. Epperson for the presentation. He said it was a unanimous vote by the North County Subregional Planning Committee, but more of an acquiescence. He said that many of the board members were not in favor of raising the revenue but recognize it may be necessary. He said that this was a worthwhile expenditure of Measure D funds. Councilmember Mariscal said he was concerned that there is a substantial shortfall in revenue to operate the program. He also mentioned that there is a need to get a handle on internal costs.

Mayor Blum said that the city may be willing to pay a prorated share if the other jurisdictions did the same and said that unless all of the other jurisdictions received letters she would oppose approval of the letters to UCSB and City of Santa Barbara.

Mr. Epperson said that a public hearing would be held in the next several months to discuss a fare increase. He said he would be bringing an item before the board next month to approve an amendment to expenditure funds to cover the shortfall this year and next and to send out letters to the other cities as well.

Councilmember Baca moved that the SBCAG Board authorize the chair to sign funding request letters to the agencies identified as well as all of the other jurisdictions and for a Measure D expenditure plan amendment to be brought to the Board in April. The motion was seconded by Councilmember Mariscal and carried unanimously.

Chair DeWees asked that the Board return to Item 8 since it was 10:00 a.m.

8. **UNMET TRANSIT NEEDS**

Ruth Garcia presented the staff report. She also summarized the letters distributed to the board on this issue today, including letters from the following individuals:

Justin M. Ruhge, Concerned Taxpayers, I.N.C., Lompoc, CA
Arianna Katovich and Matthew Fox, Santa Barbara, CA
Dorothy Littlejohn, Santa Barbara, CA
Nora Gallagher, Environmental Editor, Patagonia, Inc., Ventura, CA
Richard S. Quandt, President, Grower-Shipper Vegetable Association

Chair DeWees said no decisions would be made at this meeting.

Mr. Powers asked if Jonathan Whitt could tell the public in Spanish that he was available to translate.

Petra Lowen, Chair, Santa Barbara County Transit Advisory Council, provided background information to the Board regarding the Council and its deliberation process for their recommendations to the Board regarding current transit needs. Ms. Lowen commented on the following transit issues: support increases in service and route frequency where viable for all transit agencies, expansion of weekend service and route frequency where viable for all transit agencies, expansion of weekend service by the North County transit agencies, enhance service to and provide a bus stop at the Westside Community Center in Santa Barbara, ensure ADA accessibility for all bus stops on the South Coast, and interregional and intercommunity transit service and meeting the transportation needs of agricultural workers.

Jesus Estrada, speaking on behalf of agricultural workers, stated that he was testifying before the Board to reinforce the proposals put before them at the January public hearing in Santa Maria. He said that the agricultural workers were part of the community and were in need of public transportation.

Augustine Martinez stated that she did not prepare comments prior to the meeting and was speaking from her heart. Ms. Martinez said that she and other agricultural workers were members of the community. She said she was aware the board was busy with important things, but stated it was the agricultural workers that make it possible for others to sit down to dinner. She said that she is a family woman who needs to provide for her family and that it was very difficult due to lack of transportation. Ms. Martinez said she did not want to offend the Board, but was looking for action.

Mr. Ready explained that anyone that had previously spoken at the North County hearing did not need to speak about the same thing at the South County hearing.

Ms. Fisher, MTD Executive Director, explained that on the South Coast all TDA funds were dedicated to transit, however she welcomed comments on MTD passenger service needs. Ms. Fisher reviewed service improvements as a result of testimony during the 2004 transit needs public hearings to include Sunday service to Veronica Springs and additional bicycle racks on most transit buses. Ms. Fisher said that with the change to the new transit buses there were some bus stops that were not currently ADA accessible but that MTD, along with the local jurisdictions, were working to make all bus stops ADA accessible.

Bob Dockerty, representing American Star, said that his company had done a preliminary assessment of providing transit service to agricultural workers. Mr. Dockerty spoke about onerous regulations on van pools and transit service for van pools. He also spoke about a varied operation that would need to run to accommodate different work schedules and work locations. Mr. Dockerty suggested that old school buses be used to provide a round trip service with two morning routes and three afternoon routes that would be supported by growers providing service from the bus stop locations to the fields. Mr. Dockery described this as a spoke and hub system.

Jessica Sheeter, Executive Director of COAST, provided a report to the Board outlining service needs, providing the results of a survey that was given by farmworkers to farmworkers, identifying the farmworker transportation needs, and discussion of the SBCAG definition of unmet transit need". Ms. Sheeter expressed concern over the interpretation of "limited set" within the definition, and stated that in regard to the farmworkers request for service, this service

would be to access employment and for an improved quality of life. She also noted that there were many definitions of "unmet transit need" set forth by agencies per the TDA, and expressed concern that SBCAG's definition did not follow the direction of the other definitions by different agencies.

Ms. Sheeter did acknowledge that all TDA funds were allocated to transit on the South Coast but expressed concern about service improvements by MTD that would include increased service frequency on line one and general service improvements in which additional funds needed to be dedicated for transit service.

Alex Pujo, representing COAST showed a presentation and passed out information on where TDA funding comes from. He stressed that TDA funds need to be used for transit and there were significant unmet transit needs.

Mark Chytilo stated that the agricultural workers community was a significant population and had a fundamental and civil right to have state transit funds. Mr. Chytilo stated that there were three jurisdictions that chose to divert TDA funds from individuals and had deprived them of their rights. He compared the expenditures for transit per capita in the South Coast to the North County. Mr. Chytilo called upon the board to approve transit funding and to implement a bus stop at Bonita School and a circulator service to the agricultural fields which could be started in the next week at a cost of \$260,000 per year. My Chytilo said that this issue would not go away and should be addressed and resolved.

Edna Flores thanked the board for listening to the communities concerns and requested transit service, and asked the board to use funds earmarked for transit be used for transit. She also requested that the Board look into providing transit service to the Cuyama community and asked the board to remember all of the citizens of Santa Barbara County.

Jeannie Barrett, representing the Santa Maria office of the CRLA, stated that the CRLA advisory committee identified transportation needs in their yearly priorities. Ms. Barrett said that the CRLA was disturbed by the treatment of farmworkers as a set of people who were not deserving of transportation. Ms. Barrett called on the Board to use available funding to provide public transportation services, particularly to farmworkers who have a need.

Lucero Marquez, a member of PUEBLO, thanked the board for listening to the transit needs of the community. He expressed that there was a need for improved transit service between Goleta and Santa Barbara and advocated for Measure D funds to be used to support and improve transit service.

Miguel Ramirez, speaking as a member of PUEBLO, said that he was a member of the 101 in Motion citizen advisory committee and wanted to make public transit more attractive as a viable alternative transportation. He expressed support for Measure D funds to be used for public transit.

There being no further public comments the hearing was closed at 10:52 a.m.

Councilmember Wallis asked what the next steps in the unmet transit needs process were.

Mr. Powers responded that staff would analyze the information that was received, work with transit agencies and the advisory committees to review recommendations, and, draft a report on specific findings for board consideration in April.

Supervisor Carbajal presented a three minute video on the AITS farmworker vanpool program in Kings County.

Ruth Garcia stated she had contact Ron Hughes, Program Administrator for the Kings County Transit, regarding the AITS program. She said that to start up the program they had received an \$8 million start up grant for their AITS program in order to purchase vans that provided transportation to packing houses. He said they used the Kings County Public Transit Agency to provide upkeep, insurance, etc. that was within the umbrella of the transit agency. In addition to having a large startup cost there were significant challenges in overcoming state and federal agencies that had different and onerous safety regulations. She explained that Kings County did recently receive a waiver from the Department of Labor regarding certain requirements. She said that an impending problem was that as vehicles need to be refurbished there is no grant funding available for purchasing new vehicles. A farmworker would need to be the driver and would need to have a valid driver's license, pass a physical and have a good driving record in order to drive one of the vans. The video showed transportation to packing houses rather than fields and used a circulator route. She said the packing houses were more viable for this type of transportation. She said the vanpool option would be examined by staff.

Councilmember Mariscal said that there would be a need to think outside of the box to resolve the farmworkers transportation issues.

10. MEASURE D

Mr. Kemp said that each year the board is provided with an estimate of the dollar amount of Measure D funds each jurisdiction will receive for the next five year period. He said that the community would be facing a loss of revenues after the next five year period if Measure D was not renewed prior to its expiration in 2010. He noted that the board had directed staff to implement an expanded program to advise the public about how Measure D funds are spent and the importance of Measure D in meeting local transportation needs. In order to move forward with informing the public of this he was requesting that the board approve a contract for a consultant to assist in this effort.

Mr. Kemp said that ten RFQs were sent out and six of ten firms that proposed were interviewed. He said the recommendation was to select the Tynan Group to provide this service. The Tynan Group would be assisting with media kits, providing signage and upgrading the website but that the scope of services was still under negotiation. He said that the Tynan Group would be providing regular progress reports to the board. Mr. Kemp said the contract would be set up in such a way to allow flexibility for the use of the \$125,000 to insure its success.

Supervisor Centeno asked if this was a reasonable figure to insure the passage of the measure.

Mr. Kemp said more or less could be spent depending on the amount of services SBCAG would use. He said that they had looked at what other counties were doing and for the size of program that SBCAG has this was an appropriate amount.

Supervisor Centeno said he was concerned that the smaller jurisdictions would be penalized if they had to pay the same amount as the larger jurisdictions and that possibly the funds should come out of the regional funding.

Mayor DeWees asked if they were talking about different media.

Mr. Kemp said that paid media was being discussed but the effort would probably focus on a less expensive way to communicate. Mr. Kemp said taking the funds out of the regional program was an option but said that the costs are distributed on a formula basis and each agency pays in proportion to their population. He said this was reviewed and approved by TTAC and the public works directors.

Councilmember Wallis said it was important on how each jurisdiction promotes the benefits of Measure D when people are asked to vote for tax measures. She said the main focus should be the renewal of the overall Measure D but said she hoped that SBCAG would find a way to have each jurisdiction show what Measure D funds paid for in their particular area.

Mr. Kemp said that this was part of the program.

Supervisor Rose asked if a committee would be appointed to be involved with some of the outreach.

Mr. Kemp replied there would be.

Supervisor Rose said she would like to see the deliverables and performance measures to show some accountability for this project.

Supervisor Carbajal said he agreed with Supervisor Rose and said he hoped Mr. Hart would play a large part in this process.

Councilmember Mariscal moved to receive and file the estimated apportionments of Measure D funds for allocation to local agencies for 2005-2006 fiscal year and to authorize the Chair to execute an agreement for Measure D public information program services. The motion was seconded by seconded by Councilmember Wallis and carried unanimously.

11. EXECUTIVE COMMITTEE

Mr. Kemp said the board had appointed a board organization subcommittee to help plan board meeting agendas and establish priorities for meetings. The committee is recommending the appointment of a standing board executive committee to assist with this. Mr. Kemp also noted that the committee recommended scheduling afternoon meetings on its regular meeting date when the APCD board does not meet.. He said there were four dates available for afternoon meetings for the remainder of 2005 and asked members to put the dates in their calendars: April 21, July 21, September 15 and November 17.

Chair DeWees, Vice-Chair Centeno, Councilmember Jordan, Councilmember Mariscal and Supervisor Carbajal agreed to serve on the committee.

Supervisor Rose asked how often the committee would meet.

Mr. Kemp stated it would be once a month prior to the SBCAG board meeting.

12. FEDERAL FUNDING REQUESTS

Mr. Kemp said that SBCAG was asked to resubmit projects funding requests submitted in 2003 for TEA 21 reauthorization. He reviewed the changes that were made to the four projects originally submitted to Congressmembers Capps and Gallegly. He also reviewed a proposed appropriation request for the FY 2005-06 federal budget for the South Coast 101 Operations and Management project.

Supervisor Centeno asked if we were working closely with our counterparts in SLO County on the Santa Maria Bridge project. Mr. Kemp replied yes and that San Luis Obispo had submitted a similar request.

Councilmember Jordan asked if she was understanding that projects were being resubmitted. She said that Hwy 101 North had been declared the highest priority.

Mr. Kemp clarified that the priority was given because it was a project in the STIP that it was ready to go to construction but had experienced delays. The board had not determined that the project was the highest priority.

Mr. VanDenburgh said the issue of the six-lane widening was that in order to move forward with it there would need to be a request for \$25 million which far exceeded the amount that the Congressman Capps office had suggested be requested.

Councilmember Jordan said she was trying to understand the protocol. She said if little bites were taken you could get something done and any opportunities to take small bites should be taken.

Mr. Kemp said that in terms of TEA 21 requests the members were asked to submit their projects by February 7th. We did propose to the board that we consider asking for an appropriations request for the 101 project.

Councilmember Mariscal asked if the process was related to state funding if TEA 21 comes through. He said some of those funding mechanisms come from the Feds to the State. The 101 widening in Santa Maria will come if TEA 21 goes through.

Mr. Kemp said that was correct.

Christen Elliot from Congressman Capps' office said that it was a little past the deadline although we are in the next week or so of the fiscal year 2006 appropriations.

Mr. Kemp stated that the Board had asked for approval for the Highway 101 In-Motion program but due to delays in receipt of funding the proposed project was re-scoped to reflect an implementation project. He said that some work on Hwy 101 needs to begin as soon as possible in order to relieve congestion. The Board approved \$800,000 to establish a freeway service patrol as one of the first congestion relief projects.

Greg Grandrud, representing the Taxpayer's Association and Fix101.org was concerned about congestion on Hwy 101 and how it impacts local areas, and that the La Conchita mudslide had caused an extremely difficult traffic situation and emphasized the importance of the highway. Mr. Grandrud said that SBCAG had missed a federal highway funding deadline several years ago. He said on May 12th of 2004 Carpinteria had made a funding request and that to his knowledge this was never considered by SBCAG. He requested that \$1.3 million be put towards fixing Hwy 101.

Scott Wenz of Cars Are Basic stated that the South Coast had given money away to the North County. He said that Carpinteria was in dire need of the Casitas Bridge improvements and other projects that needed to be completed. He said that rail was not the priority and that SBCAG needed to reprioritize improvements.

Supervisor Carbajal moved to receive the report on projects funding requests submitted in the federal TEA 21 reauthorization bill and to approve the project funding request for FY 2005-06 federal appropriations bill. The motion was seconded by Supervisor Centeno and carried unanimously.

13. 101 IN MOTION PROJECT

Gregg Hart reported on the status of the 101 in Motion project. He explained members of the public had originally generated sixty-six potential solutions to 101 congestion. Over the past year some of these alternatives have been combined into packages of alternatives. The next phase of the 101 in Motion project will result in three or four new packages that will be created by mixing and matching elements from the remaining six packages.

Supervisor Rose stated that during the storm when Hwy 101 was closed ferries played an important role in transporting commuters from Ventura to Santa Barbara. She asked if ferries were being reconsidered as a potential solution within the 101 in Motion project.

Mr. Hart said that ferries had originally been screened out of consideration because of the estimated high cost of the service. Given the new information that was generated by the operation of this service during the storm, additional discussions are underway with the operators of the service regarding the costs of operation that may lead to reconsideration of ferries as a potential early action solution. The ultimate question is how much subsidy would be required to make ferries price competitive with other alternatives.

Supervisor Rose asked where the 101 in Motion project will go from here.

Mr. Hart said that committees are meeting weekly now and going through the packages very carefully and trying to come to a consensus that points in the right direction.

Supervisor Rose said it was important that this be brought to the Steering Committee on a regular basis.

Mr. Kemp said that budget issues regarding this project were previously discussed. He said the contract had been amended to add new work tasks and that the contract budget of approximately \$1.6 million had been approximately 56% expended as of the end of December.

14. CALTRANS DISTRICT DIRECTOR'S REPORT

Pat Mickelson was present for the Caltrans District Directors Report.

COMMITTEE REPORTS

None.

EXECUTIVE DIRECTOR'S REPORT

None

COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 12:03 p.m.