

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, November 16, 2006

**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; Joe Centeno (SBCAG Chair), Supervisor, Fifth District; Russ Hicks, Councilmember, City of Buellton; Donna Jordan, Councilmember, City of Carpinteria; Jonny Wallis (SBCAG Vice-Chair), Mayor, City of Goleta; Lupe Alvarez, Mayor, City of Guadalupe; Dick DeWees, Mayor, City of Lompoc; Marty Blum, Mayor, City of Santa Barbara; Bob Orach, Councilmember, City of Santa Maria; Rich Krumholz, Caltrans District 5 Representative

Members Absent: Joni Gray, Supervisor, Fourth District; Ed Skytt, Councilmember, City of Solvang.

Staff Members Present: Jim Kemp, Executive Director; Stephen VanDenburgh, Deputy Director of Programs; Michael Powers, Deputy Director of Planning; Fred Luna Transportation Engineer; Gregg Hart, Public Information/Government Affairs Coordinator; Cathy Muneio, Board Clerk; Kevin E. Ready, Sr., Senior Deputy County Counsel.

2. PLEDGE OF ALLEGIANCE

Chair Centeno called for the pledge of allegiance.

3. RECESS TO CLOSED SESSION

The board recessed to closed session at 8:30 a.m.

4. RECONVENE IN OPEN SESSION AND REPORT FROM CLOSED SESSION

When the Board reconvened to open session at 8:50 a.m. Counsel Ready reported the Board discussed with Counsel and the Executive Director the Employment Contract for the Executive Director and employee benefits for SBCAG staff, and direction was given to discuss these items during the consent calendar.

5. APPROVAL OF MINUTES

Councilmember Carbajal moved approval of the minutes of October 19, 2006. The motion was seconded by Mayor Blum and carried with Councilmember Orach abstaining.

6. APPROVAL OF CONSENT CALENDAR

Counsel Ready reported that during closed session the board had modified two sections in the Employment Contract for the Executive Director under Item 6B – Employment Contract. Under Section 6A the words “in May” were added to the sentence “The executive committee of the Agency shall review and evaluate the performance of the Executive Director annually **in May.**” and in Section 8 the word “increased” was changed to “adjusted” in the sentence “This contribution may be **adjusted** from time to time by the governing board of the Agency.”

Counsel Ready noted that the changes from the current contract include a 3.5 percent salary increase and extension of the contract to June 30, 2009.

Mayor Alvarez moved to approve the consent calendar as amended. The motion was seconded by Mayor Wallis and carried unanimously.

7. PUBLIC COMMENT

None.

8. ELECTION RESULTS

Mr. Kemp reported on the election results and noted even with the 8,000 ballots remaining to be counted, Measure D 2006 could not obtain the 2/3 votes needed to pass. He noted that five other counties with new measures did not win but Tulare County's new measure appeared to have succeeded by a small margin. He said that Propositions 1A and 1B that were placed on the ballot by the state had won. Proposition 1A will limit diversion of motor vehicle fuel sales tax revenue from transportation by amending the state Constitution. Proposition 1B authorizes the State to issue \$19.9 billion in general obligation bonds for transportation purposes. SBCAG and local agencies will receive about \$71 million in bond funds through formula programs and additional discretionary funding for projects could be received for other programs that will include the Corridor Mobility Improvement Account program. Those funds will be available for roads, transit and STIP projects. Mr. Kemp explained that SBCAG will have limited ability to qualify for state matching funds under the \$1.0 billion State-Local Partnership Program if there isn't a renewal of Measure D.

Mr. Kemp explained that SBCAG was working on joint applications with Caltrans, Ventura County and San Luis Obispo County on projects that they would like to submit to the CTC to be included as CMIA projects. He said the deadline to submit the applications is January 15, 2007 so they will need to work quickly to submit these applications. The board will need to approve the project applications at its December meeting to meet the deadline.

Mr. Kemp said the board may want to discuss options for obtaining additional revenues including the renewal of Measure D once again, and prior to beginning discussions on how Measure D could be renewed successfully we need to learn more about why the measure did not succeed. He said that the only way to know for sure would be to ask the voters with a post election survey. He said that staff solicited proposals from four well known polling firms to complete these surveys and that due to their experience they were recommending Fairbank, Maslin, Maullin and Associates at a cost of \$20,000.

Supervisor Centeno asked why the survey couldn't be done in house.

Mr. Kemp stated that polling requires specialized expertise to ensure that the results are statistically valid.

Supervisor Firestone said that he was not supportive of spending \$20,000 for a post election survey and that elected officials, editorial boards and public action groups can discuss the election results. He recommended that the board discuss collectively what the message should be now and then talk to opinion leaders who helped to defeat the measure.

Supervisor Rose said she understood Supervisor Firestone's point but thinks it is necessary to have this survey done by professionals in order to analyze what voters have to say.

Supervisor Carbajal said that the poll may not appear to be useful now that the election is over but SBCAG would be remiss not to exhaust all of the opportunities to find out what happened so that when it goes on the ballot again it will pass.

Chair Centeno asked for public comment.

Jim Richardson, Solvang City Councilmember, said that his desire was not to see an increase in taxes and to see roads maintained. He said he was not interested in rail, sidewalks or bike lanes. Mr. Richardson said that the increase in taxes was what made the measure fail and he encouraged the board not to spend another \$20,000 for a post election survey.

Barry Siegel said he disagreed with Mr. Richardson and strongly urged the board to do the post election survey to understand why the ballot measure failed. He said that it may not be possible to get a 2/3 ballot measure passed in this county and more information may be required to see if it is feasible.

Eva Inbar with COAST said she fully supported a post Measure D survey since it was essential to understand why the ballot measure failed. She reminded the board that more than 60% of the voters in the south coast supported Measure D 2006. She thanked Gregg Hart and Jim Kemp for their hard work and efforts.

Gregg Grandrud with Fix 101.org said he would be very active in the renewal of Measure D and the fact is that the freeway needs to be fixed and recommended a one-half sales tax renewal for ten years which he said would provide enough money to do all of the regional projects with some left over to pay for the Safe Routes to School program and some transit.

Dennis Story with Coast Rail Now said he would continue to advocate for the rail option and tell the Metrolink story on how they completed the 435 mile system in two years. He noted that is where rail shines because it can be completed faster than most highway construction projects. He noted that the needs in the south coast are quite different from the needs of the north county and the message was not heard in the north county that rail would be paid for by the south coast. He thanked everyone who supported Measure D and thanked Jim Kemp and Gregg Hart for all of their hard work.

Marc Chytilo thanked everyone for the part they played in trying to renew Measure D and said they had aimed very high. He expressed thanks to Ms. Inbar for her incredible energy and force. He said he was in support of a post election survey since it was not known why only 33 percent voted in favor of renewing Measure D in Orcutt while 80 percent voted in favor of renewing Measure D in Isla Vista. He said that this was strategic and critical information and SBCAG needs and has an obligation to educate voters. Mr. Chytilo said that sidewalks as well as bicycles were a part of our community's transportation needs and educating the public should be well thought out. He requested that the board consider a community based planning effort be started to provide an opportunity for the public to express their desires and understand the interrelationships of the various elements that must be taken into consideration in the next expenditure plan development process.

Supervisor Centeno provided the voting percentages for each city and unincorporated areas based on the preliminary election returns. He stated that the North County has many residents with low salaries and that they can not afford an increase in the sales tax. He said there are strong feelings but different needs between the North County and South Coast.

Supervisor Rose asked if the board would want to know what would have happened if there weren't other measures on the ballot that may have caused some confusion.

Supervisor Centeno said they need to educate people that this is a renewal measure. Most of the votes in favor were from the south coast because many of the folks in the north county don't have any spare money.

Supervisor Firestone said that this was the first meeting of SBCAG after the election and that he thought spending more money on a post election poll would send out a negative message and he would like to send a positive message that the need for renewal is to receive matching funds from the state.

Mayor Alvarez said he agreed with Supervisor Firestone and that he agreed with the renewal of Measure D without any increase in the tax rate.

Mayor DeWees requested a copy of the Measure D election results that Supervisor Centeno had provided.

Mr. Kemp stated that a poll on the renewal of Measure D with no increase was conducted in the summer of 2005 that the results indicated it would pass countywide if the expenditure plan balanced needs, but in order to incorporate all of the various desires from all jurisdictions and stakeholders a two part plan was proposed that included a ½ cent renewal measure and a separate ¼ cent increase measure (A+B). After many meetings where various groups and individuals said the two measure plan was confusing and not fairly balanced, the board then combined the two measures into one ¾ cent measure, but the board decided against conducting a poll to determine the viability of this proposal.

Mayor DeWees said he agreed with Mayor Alvarez and the other speakers that the board members know why the measure failed and there will be another chance in 2008. He said he was leaning on not conducting a poll and agreed with Supervisor Firestone that it was sending the wrong message to the public. He said he knows that when we go for renewal in 2008 some polling will be done again.

Supervisor Firestone said the polling was done but the board chose not to listen to the poll results, so when polling is done the next time the board will need to listen to the expert's advice.

Councilmember Jordan said she was very pleased to see the Prop 1B application to widen Hwy 101 from Mussel Shoals north because one of the concerns she has heard in Carpinteria is that widening the 101 freeway in Santa Barbara County will just move the bottleneck down to the Ventura County line if the freeway is not also widened in Ventura County. She said she did not see polling as a negative and said it was important to listen to the public possibly through focus groups.

Supervisor Centeno said that there was sufficient time to look at what should be done and recommended having this discussion next year after the discussion of the recent campaign dies down.

Councilmember Orach said that Councilmember Mariscal was very involved in the process and that back in 1989 that push was very significant. He said countywide it was 55% and only an additional 11% was needed to get the measure passed. History has played a big part in Measure D over the years in the north/south discussion.

Supervisor Carbajal noted that the majority of the board had spoken and valid arguments were made about postponing further discussion until a future date but he still thought a post election poll was a good idea. He said that one of the things he hoped to learn was that a comparison can not be made on what the north county and south county could do and that we should respect the different needs between the two areas.

Mayor Blum said unfortunately the voters didn't approve Measure D with enough votes but they still want their roads fixed and that it will be important to look at other ways to fund projects that may not include sales tax funds. She said she tended to agree with Supervisor Centeno that the north county can't rely on a huge majority of support from south county voters to meet the two thirds threshold if north county voters don't also support the plan. She said the question for the board is whether there will be additional ways to get funding for a straight renewal. She said she was interested in how people expect the freeway widened and to solve the commuter problem without those additional funds.

Supervisor Centeno said he didn't think there was any question that an analysis needs to be done to see what other alternatives are available that will receive the support of the voters and a decision made on what we are going to do about renewal of Measure D.

Councilmember Hicks said he understood the reasoning behind doing a poll quickly but he agreed with several of the comments that oppose a poll at this time. He asked how many times they will need to poll voters to show the board what it will take to get the measure passed. He said the last plan had left out the needs of the middle of the county. He recommended community outreach meetings in the north and south. He said that a year and a half ago the polls showed that Measure D could pass but that Propositions 1A and 1B made it appear like it would solve the transportation needs without the tax revenue generated by Measure D. He said he was supportive of Supervisor Firestone's position on this and the board should step back and start community outreach meetings.

Supervisor Centeno said the request for \$20,000 to take a post election poll would not move forward due to lack of a motion.

Supervisor Firestone asked staff to find a copy of the original poll that was taken and send it to the Boardmembers. Secondly he suggested that a message by way of a press release be done that comments on the necessity of matching funds to be able to use funding from Propositions 1A and 1B.

Mayor Alvarez requested a copy of the precinct level certified election results for Measure D when available.

9. 2007 FEDERAL APPROPRIATIONS EARMARKS

Mr. VanDenburgh presented the staff report. He said that SBCAG is periodically afforded an opportunity to request discretionary federal funding through the annual budget appropriations process. He went over the project options that SBCAG could request funding for and stated we would not need to submit a proposal until January for the federal FY 07/08 budget process.

Supervisor Centeno requested that staff work very closely with Supervisor Carbajal to develop a strategy since he will be visiting Washington D.C. and could lobby for some of these projects.

Supervisor Carbajal said he had heard that Senator Feinstein may be in line to be the Appropriations Chair.

Councilmember Jordan asked if the height of the bridge over Carpinteria Creek would need raised to be in conjunction with the operational improvements or widening of Hwy 101.

Mr. VanDenburgh stated it would.

Councilmember Jordan reiterated that the interchange project had been on the books since 1996 and was identified as one of the three essential operational projects for Hwy 101. She explained that a portion is an extension off Via Real that will remove cars from the freeway and noted that it will be essential in relieving congestion and will send a positive message to the voters.

Mayor DeWees asked to address the Santa Maria River Widening project. He said that under funding it says that Proposition 1B funding will be used and asked how much of our allotment was going to be appropriated for this project.

Mr. VanDenburgh stated that this was one of the competitive program projects in which \$4.5 billion is available in the pot and said this would not affect any of the other funding available.

Under Public Comment, Mr. Grandrud said that he had met with Congressman Capps and Senator Feinstein in Washington previously and that they were very supportive of the highway widening project. He said that if funding for that project were requested he thought they would be very supportive of it.

10. US 101/ORTEGA HILL AUXILIARY LANE PROJECT

Mr. Luna presented the staff report. He said that one year ago the board approved moving forward with the construction of this project.

Supervisor Carbajal stated as a reminder that this project would not have moved forward if it weren't for the flexibility of Measure D funds since the state's contribution was put on hold for this project.

Supervisor Firestone asked if the project had any reference to the Ortega family.

Supervisor Carbajal said it might be good to look into that and said that any time a project can be dedicated to a significant historical name it should be.

Supervisor Carbajal moved to authorize the Chair to execute Amendment No. 1 to the cooperative agreement with Caltrans for the US 101/Ortega Hill Auxiliary Lane project to extend the termination date to December 31, 2008 and receive a report on the progress of construction on the Measure D funded US 101/Ortega Hill Auxiliary Lane project. The motion was seconded by Mayor Blum and carried unanimously.

11. ALTERNATIVE FUELS

Mr. Kemp introduced Ms. Fisher, General Manager of SBMTD and Paul Griffith to provide some insight to the board on emerging information on alternative fuels.

Ms. Fisher said this presentation was to update the SBCAG Board on what is currently available as alternative fuel. She stated as a transit agency they already are regulated on fuel but she

said MTD felt the need to go above and beyond the minimum requirements. She said that they will soon be receiving 8 electric shuttle buses. She introduced Mr. Griffith who has played an integral part in the alternative fuel process.

Mr. Griffith provided a presentation on the fuels available and the effects of fuel on global warming.

Supervisor Centeno asked staff to provide a copy to the entire board of the presentation.

COMMITTEE REPORTS

None.

EXECUTIVE DIRECTOR'S REPORT

Mr. Kemp alerted the board members that there has been some ongoing discussion regarding the preparation of the Regional Growth Blueprint Plan and the board agreed to work with SLOCOG in preparing an initial grant to examine future growth in the Santa Maria Valley area. Mr. Kemp said the SBCAG board had requested they be kept informed of this process. For those planning to attend the CSAC conference on Tuesday, November 29 at 10:00 a.m. Mr. Kemp stated there would be a breakout session at the meeting on regional blueprints that will provide an opportunity to hear what is going on in other areas.

On another note Mr. Kemp said that SBCAG is required to hold an ongoing consultation with tribal governments and federal regulations require that a consultation on the areas of transportation planning on a government to government level be held. Mr. Kemp said that staff had met with the tribal elders council some time ago and recommended the appointment of a subcommittee of the board to meet with the tribal elders to identify and discuss their issues of mutual interest. He said the meeting will most likely be scheduled in December.

Supervisor Firestone said he would like to be on that committee since it is in his district.

Counsel Ready said that there could be a quorum of the Tribal Gaming Commission if any of the SBCAG committee members belong on that commission.

Supervisor Centeno stated that there have been discussions previously on whether to have the Chumash as a member of the SBCAG board.

Supervisor Carbajal said the board may want to have a discussion relative to this.

Mayor DeWees said they might want to consider a representative from Vandenberg Air Force Base and also volunteered for the committee.

Supervisor Centeno said that the Chumash tribe has the authority to legislate within their community and that the discussion of having the Chumash on the SBCAG board can be placed on a future agenda.

Councilmember Hicks said he was willing to be on this committee also.

Mayor Blum volunteered to be an alternate.

Chair Centeno said the members of the committee consisted of Supervisor Firestone, Mayor DeWees and Councilmember Hicks with Mayor Blum as the alternate.

Mr. Kemp said this would not be considered a standing committee and as such is not subject to the provisions of the Brown Act.

CALTRANS DISTRICT DIRECTOR'S REPORT

Mr. Krumholz reported on the new state transportation ballot measures, Propositions 1A and 1B. He said there was no formula or share for the central coast region for the CMIA program in Prop 1B and the only stipulation was that sixty percent of the funding be distributed to the south which includes Santa Barbara and San Luis Obispo and forty percent to the north of San Luis Obispo County. He said that he and his staff are working overtime on figuring out which projects will be competitive .

Supervisor Centeno asked that Hwy 166 East be considered and Mayor Alvarez asked that Hwy 166 west be considered.

Mr. Krumholz said that the CTC had set guidelines for the projects they would like to allocate funding for and the one thing they don't want to do is nominate projects that have little or no chance to secure money. He said his feeling on the CMIA funding was that Hwy 101 and the Santa Maria River Bridge projects will compete very well because they are interregional projects on state focus routes and have high benefit/cost and performance outcomes. He said he would like Caltrans and SBCAG's preferences to be aligned in order to send the right message to the CTC.

Mr. Krumholz stated that he was talking to staff on almost a daily basis relative to this.

Relative to the Caltrans Report Mr. Krumholz said that Caltrans was in the process of installing stop signs and flashing beacons on Hwy 154 at Baseline/Edison. He said that Supervisor Carbajal had requested a monthly update on Hwy 192 which was now included in the report.

Mr. Krumholz said that the Linden/Casitas project will be presented to the board in January and that work continues in the Carpinteria community. He asked the public to drive slowly through the cone zone.

Mayor Alvarez thanked Mr. Krumholz for placing a task force on Hwy 166.

COMMUNICATIONS

None.

ADJOURN

The meeting was adjourned at 11:25 a.m.