



MINUTES

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, December 15, 2005

Board of Supervisors Hearing Room
105 East Anapamu Street
Santa Barbara, CA

1. CALL TO ORDER AND ROLL CALL:

Members Present: Salud Carbajal, Supervisor, First District; Brooks Firestone, Supervisor, Third District; Joni Gray, Supervisor, Fourth 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; Janice Keller, Councilmember, City of Lompoc; Marty Mariscal, Councilmember, City of Santa Maria; Ed Skytt, Mayor, City of Solvang, Rich Krumholz, Caltrans District 5 Representative.

Members Absent: Susan Rose, Supervisor, Second District; Marty Blum, Mayor, City of Santa Barbara.

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

2. PLEDGE OF ALLEGIANCE

Chair DeWees called for the pledge of allegiance.

3. RECESS TO CLOSED SESSION

The Board went into closed session at 8:37 a.m.

4. CONVENE IN OPEN SESSION

When the Board reconvened at 8:55 a.m. Counsel Ready reported that the case of Pierce v. SBCAG was discussed and that there was no reportable action.

5. APPROVAL OF MINUTES: November 17, 2005

Mayor Hicks moved approval of the minutes of November 17, 2005 as presented. The motion was seconded by Councilmember Mariscal and carried with Councilmember Keller abstaining.

6. PUBLIC COMMENT

Jan Atkins with COAST said she greatly appreciated Congresswoman Capps support for the appropriation of funds for rail.

Scott Wenz with Cars are Basic asked that SBCAG not allow a jurisdiction to use funds for projects other than what they are programmed for, and when the funds aren't used for that project they should be returned back to SBCAG for reallocation.

7. APPROVAL OF CONSENT CALENDAR

Supervisor Gray requested that item 7A – Countywide Transit Committee be pulled for discussion.

A. COUNTYWIDE TRANSIT COMMITTEE

Supervisor Gray stated that the Board of Supervisors designates a supervisor for each one of their committees and said it might be a good idea for SBCAG to have a board member on each one of its committees. She asked that this request be reviewed by the Executive Committee and that the item be continued until the January SBCAG board meeting.

Supervisor Carbajal asked with the consolidation of SCTAC and NCTAC to SBCTAC if there was flexibility to add representation to the various groups.

Mr. Powers responded that the board has discretion to add members to the SBCTAC but that there are certain members appointed according to statutory requirements. He said that the Board approved the consolidation in May and SBCTAC began meeting as one committee in July.

Marc Chytilo spoke on behalf of the Our Children's Earth Foundation. He requested that the board dedicate a seat on SBCTAC to an agricultural labor representative. He said that this request has been made the last several years. He said that the issue was whether the board was ready to commit to having an agricultural labor representative on the SBCTAC advisory committee. Chair Centeno asked Mr. Chytilo to define a farm labor representative and Mr. Chytilo replied that he was referring to an agricultural labor representative under the federal definition. Mr. Chytilo said SBCAG has indicated that the bylaws state there are certain statutory categories of types of people that are required to be on the committee but many more are represented and he advocated for a farmworker representative to the committee.

Ms. Jan Atkins spoke in reference to item 7G and requested that the board submit funding for 3 train sets using Prop. 42 funds.

Supervisor Gray moved to continue Item 7A, Countywide Transit Committee, until the January meeting and for the Executive Committee to review this item prior to the board meeting. The motion was seconded by Supervisor Carbajal, who stated he supported Mr. Chytilo's comments, and carried unanimously.

Supervisor Gray moved approval of the remaining consent calendar. The motion was seconded by Mayor Alvarez and carried unanimously.

8. UNMET TRANSIT NEEDS DEFINITIONS

Mr. Khachek presented the staff report.

Mr. Chytilo said he was in support of the changes recommended by SBCTAC and staff except for the following statements. He said he favored the deletion of "general public transit" but did agree with the SBCTAC action taken on the December meeting to remove the first sentence in the third paragraph. He said his concern was that the language could be used as a shield to deny the appeal of an unmet need. Staff says that an unmet transit needs provides "transit" and he said that this was incorrect and should say "transportation systems." He requested that Criteria 5 reads "The proposed service would not cause claimant to incur expenses in excess of the maximum allocation of TDA funds" and recommended adding the wording "unless other funds are reasonably available."

Andy Caldwell, representing COLAB, expressed his opposition to Mr. Chytilo's request to remove a shield from the definition of unmet needs. His concern was that Mr. Chytilo was trying to create transportation for farmworkers where traditional transit would not work because there are no fixed places to drop them off and pick them up and this would be considered more of a taxi service.

Alex Pujo expressed concern that the definition of unmet transit needs would not include vanpools.

Jesus Estrada (interpreted by Jonathan Whitt) said it was very important to have a representative for the farmworkers sit on the SBCTAC committee. He said it was also very important that they have some input on defining an unmet transit need. He said he would appreciate a broad definition so that it could be more inclusive.

Counsel Ready said in response to Mr. Chytilo's comments that staff objected to changing the definition of unmet needs to something broader because it would take the definition beyond transit services. He stated that while the TDA law refers broadly to transportation services, this discussion is in reference to unmet transit needs.

Supervisor Carbajal moved to continue this item and refer it to the Executive Committee since it did not appear the board was ready to vote on this.

Supervisor Centeno requested additional time to further understand this item and asked what was being done about the needs of the people in Cuyama and how they would be dealt with. The motion was seconded by Supervisor Gray and carried unanimously.

Councilmember Keller stated that the definition should be fixed to include other segments of the community that have transportation needs such as those attending juvenile court. She also believed criteria 5 and 6 needed additional work.

Councilmember Mariscal said he concurred and this issue should be continued.

Councilmember Hicks said he was in support of the motion but making the definition broader could open up the issue to any request no matter how unreasonable.

9. MEASURE D RENEWAL EXPENDITURE PLAN

Chair Centeno requested the Board to hold their questions until the end of the presentation.

Mr. Kemp presented the staff report.

Chair Centeno opened the item for public comment.

Mary O’Gorman with SBCAN spoke in support of the platform that will be presented by upcoming speaker Eva Inbar. She said that Measure D was a sales tax, not a gas tax, and she hoped that whatever formula was approved would reflect priorities that would include local and regional transit and bicycle infrastructure.

Marc Chytilo said that the process had excluded the public and he questioned the 70/30 split. He said the most interesting projects were regional projects and that the 70/30 split limited the ability to complete regional projects. He said that unless all transit funds are used for transit it will be difficult to support Measure D. He suggested that the expenditure plan should dedicate 50 percent of the funds to transit and that land use and transportation planning should take place before the political process.

Sheila Kamhi with the League of Women Voters said she supported the measure in concept but didn’t like the idea of Measures A plus B. She stated that more than a poll is necessary to develop an expenditure plan, additional funding in the south county is needed for MTD and that SBCAG needs to inform the public about what will appear on the measure and hold public forums to listen to the needs of the public. She said the League of Women Voters needs to understand the measure so that they can add their voice in support of the measure.

Jan Atkins with COAST expressed support for staff’s hard work but added that she did not think that Measures A and B would be well received by the voting public and recommended consolidating the measures. She said that if the measure was for three-quarter cents then it should be expressed that way.

Robert Bernstein with the Sierra Club said the measure subsidizes SOV drivers by paying for roads and maintenance and applauded Supervisor Firestone for advocating higher fuel taxes to pay for transit.

Ralph Fertig with the Santa Barbara Bicycle Coalition spoke in support of the COAST platform and said he supported a balanced expenditure plan that included additional funding for alternative transportation measures. He said two problems could be taken care of in one action by creating safe streets and bicycle safety programs to provide safe routes to schools and advocating funding these programs in Measure A. He also supported a “complete streets” requirement in the measure.

Eva Inbar with COAST said that eight major organizations had come together in support of a position platform which she presented. They are concerned that the measure was not heading in the right direction. She said these decisions can’t be made by public works directors and city managers alone and requested a meeting with SBCAG staff and the elected officials.

Sherrie Fisher, General Manager with MTD said that Measure D funding was very important to transportation. She was concerned that MTD had not been a participant in the plan developed by the city managers and public works directors and that no local funding was included for transit in the expenditure plan except for paratransit. She said that the cities of Carpinteria and

Santa Barbara have supported transit but that MTD needs a guarantee that this support will continue by dedicating a significant portion of the local funding allocation to transit.

Jean Thomson with the Mountain View School PTA noted that what was listed in the expenditure plan for the Safe Routes to School Program was not enough funding and that other areas contribute a larger percentage of funding to this program. She advocated for funding a Safe Routes to School Program in Measure A. She said that she would like to see the trend of driving to school reversed.

Lee Moldaver said he heard this proposal three times but with the level of complexity it would be difficult for the public to absorb. He said he supported the COAST platform and would like a clearer and more sensible expenditure plan to present to the public.

Harley Augustino with Pueblo said a strong public transit system was critical to the county and he would like to see transit services expanded as one of the problems with the current Measure D was that there was no dedicated funding for transit services. Mr. Augustino said that those agencies that provide funding for transit do it for tourists and not for residents. He said the new measure would not pass if funding for transit was not included in the expenditure plan.

Marianne Henry with the Goleta Family School PTA at Foothill School requested additional funding for the Safe Routes to School program. She expressed concern about the traffic on Cathedral Oaks Road. In Germany, where she grew up, there were many forms of alternative transportation and requested that this be considered for Santa Barbara County.

Mark Bradley with COAST requested dedicated funding for transit because this would benefit everyone. He said that the polling showed that the only way the measure would pass would be to widen 101 and add commuter rail. He said that transit was necessary in case of gas shortages or people can't afford to pay for gasoline.

Alex Pujo said he was concerned about the process. He said that he was concerned about the local share of funding and that local flexibility could lead to lack of accountability.

Scott Wenz with Cars are Basic requested that they separate the roads from transit in the two measures and explained that the voters need a clear cut alternative. He supported funding roads in Measure A and alternative transportation in B and suggested that if B does not pass, that local jurisdictions have the option of paying for these projects by passing local sales tax measures.

Paula Perotte with the 15th District PTA said she works with schools countywide to encourage children to walk to school. She thanked SBCAG for earmarking funding for the Safe Routes to School program but said that the amount of funding shown in the expenditure plan was not enough. She requested that the board consider additional funding and place the children at the top of the list. She requested that funding for Safe Routes to School be included in Measure A.

Greg Grandrud representing Fix 101.org said he did not see much consensus in the room. He said that congestion on Hwy 101 has caused a loss in productivity and was getting worse daily. He stated that in 1989 Measure D was passed to fix Hwy 101 but the funds were spent elsewhere. He said that all that is needed is 20 percent for a local match to widen Hwy 101 and if they could create \$100 million from the local matches the rest could be used for regional, local and transit projects. He prefers simply renewing the ½ cent sales tax. He said if they were

going to have a Measure A + B road infrastructure should be included in Measure A and Measure B should include other projects.

Kathryn Hayes with the Santa Barbara Republican Party said she would not support Measure A and B as it was currently proposed. She requested allocating \$150 million for the widening of Hwy 101.

Raphaela Morena said she was not supportive of Measures A and B due to its confusion. She said that the taxpayers have a right to come to meetings to discuss this issue and requested that these meetings be held in the evenings. She said the farmworkers also had a right to use a portion of tax money for transportation since there is a great need for farmworkers and their families.

Joe Armendariz, representing the Santa Barbara County Taxpayers Association and the Santa Barbara Industrial Association said that he was disappointed that they were allowing government insiders to work on this plan. He thinks the A + B proposal is not feasible. He said that the Taxpayers Association has been very careful not to take a position until the process unfolds. He said that the Taxpayers Association would not support a tax increase with respect to Measure D. He added Measure A should be designed to stand on its own and should have widening Hwy 101 as the main priority. He indicated that there are higher priority uses for revenues from a tax increase such as construction of the North County jail.

Andy Caldwell with COLAB urged the board to renew Measure D. He explained that the 70/30 percent split was not enough to maintain the roads. He suggested that Measure B be a 10 year measure to fund transit projects, but that roads should be the highest priority for renewal of Measure D.

Julie Kahn requested more funds for transit and said it should be tied to the train.

The public hearing was closed.

Councilmember Mariscal expressed deep sadness after just finding out that Barbara Badalutz, a Santa Maria Parks and Recreation Commissioner and long time friend, had just passed away that morning from a stroke. He added that she worked very hard for HICAP.

Chair Centeno called for a break at 11:03 am.

The meeting reconvened at 11:15 am.

Chair Centeno asked each of the Board members for their comments.

Supervisor Carbajal said that he was very disappointed in the outcome of the process and did not hear one positive thing from the public testimony and that they were not where they should be in the process to move this plan forward. He said the public needs to be included as a component if they are going to reach a consensus on the plan and asked staff when the second poll results would be available. He suggested that it may be necessary to stop and start the process over again and build on the learned lessons, data, and some of the accomplishments to date. He said he was very moved by the Safe Routes to School folks and that SBCAG should look at investing more in this program. He referenced the need to address the concerns of transit supporters and was pleased that 101 widening is part of the plan but he said he was not sure where to go from here, but that we need to stop and start over.

Mayor Hicks said that the original poll showed that there was a big difference in views between residents of the north county and the south coast. What the north county agencies are looking for is flexibility and priority on local projects. The poll showed that infrastructure and road maintenance were the voters first priorities in the north county. He said that sitting as a member of the South Coast Subregional Planning Committee it appears that the south county agencies do not yet have a united view regarding priorities. He suggested that South County agencies may have to give up some flexibility to pay for projects like transit that are important to south county voters. While he recognized the city and county managers met and discussed this issue and came to the conclusion that there was a need for an additional one-quarter cent sales tax his view was that the second measure really complicates the issue. Mayor Hicks noted Measure B proposes to give an extra \$150 million to the north county and only \$50 million to the south coast and suggested this might be a hard sell to the south county. He understood that the concept proposed to offer something for both the north and the south county in both measures to expand support for both measures. Having heard public comment on this plan today he did not believe the public would support two measures. He also added concern that the governor would soon be proposing a transportation bond for the June ballot which would include \$25 billion dollars in bonds for infrastructure including state transportation projects and he didn't think local voters would approve a measure by SBCAG at the same time.

Supervisor Gray said it appears the time may not be right to place the measure on the ballot. She said in July of last year a board workshop was held relative to getting the renewal measure passed. She said Measure D is responsible for providing a lot more transportation funding today than there was prior to Measure D. She said she was concerned about the process rather than whether or not they agree. She said she was still convinced that the majority of the people on SBCAG, the city councils, and supervisors feel it is a positive measure for the county of Santa Barbara but the process isn't working. She said that the majority of the people indicate that staff is trying to drive the train and she supported stopping the process and starting over. She suggested that a committee of the board should handle the process.

Mayor Wallis said that the consensus previously was that the polling was done incorrectly, but that she was not hearing the same message today. She expressed concern that there had not been enough public participation and that the expenditure plan was not packaged in a way that could be understood. She said that Measure D has been a benefit to everyone and it should not be a choice between alternative transportation versus road maintenance because they are interrelated. She feels that the categories of funding for the local allocations are too inflexible.

Councilmember Jordan said that the current plan would be difficult to sell to the voters and one of the failures was that the public has not been informed enough on how much Measure D has done for the county. She said that rail service, widening Hwy 101, etc. are projects that are needed but the problem that is being faced is that there isn't enough funding to complete all of these projects. She said that she doubted that they will go ahead with putting Measures A and B on the ballot even though it is a pretty balanced plan because selling it to the voters would be difficult. She said that Measure D was for fixing the local roads and keeping the infrastructure strong which should be a priority but that there was a strong support for alternative transportation. She said that they might have to consider looking strongly at increasing the interregional transit service rather than investing in commuter rail. There has been tremendous success with the Clean Air Express and the Board may want to look at reallocating funds to transit services rather than rail if it is concluded after the feasibility study is completed that rail is too expensive.

Councilmember Mariscal said he had a number of conversations with staff during the last several weeks over Measure D. He said that the jobs/housing element and the 2003 RIGS Study had not been taken into consideration. The South Coast jobs-housing imbalance is driving people to commute long distances. He said that at the South Coast Subregional Planning Committee meeting held in December it was obvious that the expenditure plan was confusing on how Measures A and B were determined and that they should start over. Councilmember Mariscal said he had asked if a committee of the Board could review the questions that would be asked during the poll but this was not done. He reviewed with the board some of the other agencies Mr. Tramutola had worked with in renewing their measures and Mr. Tramutola's advice that he provided to those agencies. He said that in Orange County commuter rail project was listed on their measure and to date no funds have been expended due to the expense. He said that another jurisdiction had done a measure similar to Measures A plus B but that one was for infrastructure and the other for transit. He cited data that suggested transit would doom a sales tax measure.

Mayor Skytt said that Measure D has provided \$30 million in funding annually and if the measure is not renewed by 2010 the county will lose the 30 million dollars and that many projects won't receive any funding and that half of something was better than one hundred percent of nothing.

Supervisor Firestone said that the history of Measure D has backed SBCAG into a corner and they are now paying the price for it. He said due to the high cost of gasoline in other countries they have done things differently. He said that we should be able to provide walking and bike safety to schools, think twice before driving, have an efficient rail and transit system, etc. but that these issues can not all be solved by Measure D. He said it was a waste to carry out the 101 in Motion study and that he was disturbed by how little information with real substance was provided. He recommended the Board deliberate and develop a measure that the county will respond to.

Mayor Alvarez thanked the board for their comments. He said he believed in Measure D strongly and as Mayor Skytt mentioned if the measure is not renewed they won't have the funding at all which has been Guadalupe's salvation for roads and transit.

Councilmember Keller said she was looking at this for the first time and that the complexity of it alone might kill it and that the details may not be sellable to a specific jurisdiction. She said that Councilmember Mariscal mentioned the way the wording of the questions was presented to the voters. She suggested that the polling be stopped and looked at again. She also stated she was in agreement with everything Mayor Wallis said. She said it will be necessary to back off some projects as Councilmember Jordan suggested and still provide funding for the Clean Air Express and the Breeze. She said she did not see any project in the plan for the section of 246 from Purisima to Highway 1 and noted that not everyone in Lompoc supports the Central Avenue extension project. She said relative to Councilmember Mariscal's comments on the jobs/housing element, that Lompoc has 1,200 homes approved that have not been built and another 1,200 homes are planned after that. She said that this was important to consider when making regional decisions. She also said that the Safe Routes to School projects needed to be moved up on the priority list.

Supervisor Centeno said he didn't think it was necessary to make further comments and recommended that this item be forwarded to the Executive Committee for discussion.

Supervisor Gray moved that this item be forwarded to the Executive Committee to discuss the process. The motion was seconded by Supervisor Firestone and unanimously carried.

Chair Centeno asked Mr. Kemp if there were any items that could be continued to the January meeting.

Mr. Kemp responded that Items 10 and 12 could be continued but that the board needed to act on Item 11 to elect a chair and vice chair.

10. 2006 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

This item was continued to the January meeting.

11. ELECTION OF OFFICERS

Supervisor Gray moved to elect Supervisor Centeno as the Chair and Mayor Wallis as the Vice-Chair for 2006. The motion was seconded by Supervisor Carbajal and carried unanimously.

12. 101 WIDENING PROJECT STUDY REPORT

This item was continued to the January meeting.

COMMITTEE REPORT

Councilmember Hicks had nothing to report relative to the CALCOG delegates meeting held on November 30th.

EXECUTIVE DIRECTOR'S REPORT

Mr. Kemp reported that the Congresswoman Lois Capps obtained a funding earmark of \$1.0 million for a Coast Rail Improvement project in Santa Barbara County whose scope is to be determined.

Mr. Kemp also informed the Board that Fred Luna had been hired by SBCAG as its Program Manager. He previously was working at SBCAG under the consultants, Fluor Enterprises, Inc.

CALTRANS DISTRICT DIRECTOR'S REPORT

Rich Krumholz presented the report. He added that the PSR was in process for the Highway 101 widening. He also added that the Serena Park soundwall was under construction.

ADJOURN

The meeting was adjourned at 12:30 p.m.