

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

AMENDED MINUTES

Thursday, December 21, 2006

**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; Susan Rose, Supervisor, Second District; Brooks Firestone, Supervisor, Third District;; Joe Centeno (SBCAG Chair), Supervisor, Fifth District; Russ Hicks, Councilmember, City of Buellton; Joe Armendariz, Councilmember, City of Carpinteria; Jonny Wallis (SBCAG Vice-Chair), Councilmember, 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; Jim Richardson, Councilmember, City of Solvang; Rich Krumholz, Caltrans District 5 Representative

Members Absent: Joni Gray, Supervisor, Fourth District

Staff Members Present: Jim Kemp, Executive Director; Stephen VanDenburgh, Deputy Director of Programs; Michael Powers, Deputy Director of Planning; Gregg Hart, Public Information/Government Affairs Coordinator; Bill Yim, Transportation Planner, Sarkes Khachek, Transportation Planner, 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

None.

4. RECONVENE IN OPEN SESSION AND REPORT FROM CLOSED SESSION

5. APPROVAL OF MINUTES

Councilmember Richardson requested that his public comment statement made at the November meeting reflect that it was his opinion and not the opinion of the Solvang City Council.

Councilmember Wallis moved approval of the minutes as amended. Councilmember Orach seconded the motion and the motion carried unanimously.

6. APPROVAL OF CONSENT CALENDAR

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

7. PUBLIC COMMENT

Supervisor Firestone thanked Caltrans for the smooth transition of placing stop signs on Hwy 154 at Baseline and Edison and said they were working out well.

8. RESOLUTION OF APPRECIATION

Donna Jordan was presented with a resolution of appreciation from SBCAG.

Ms. Jordan thanked the board for their kind words and stated she had enjoyed her tenure on SBCAG and enjoyed working with professionals who care about the work they do. She commented that it was a very different board today than it had been in the past and the board had a very large job ahead to renew Measure D and said she was leaving her seat in very capable hands. She commended Jim Kemp for his professional staff and said that she hopes the board knows how much personal time Mr. Kemp put into the renewal of Measure D. Ms. Jordan said that she will do whatever she can to ensure the passage of the renewal measure in the future.

A resolution of appreciation was presented to Susan Rose.

Supervisor Rose said that her last eight years serving on various boards had been very interesting and challenging and that the SBCAG board had a huge challenge in front of them. She stated it was very important that the SBCAG board work together on reformulating Measure D and said that she will help in whatever way she can in this effort and in all of the issues she cares about.

Councilmember Mariscal was not in attendance to receive his resolution so Ms. Muneio said she would deliver it to him.

Supervisor Firestone moved approval of the resolutions. Supervisor Carbajal seconded the motion and the motion carried unanimously.

9. UNMET TRANSIT NEEDS

Mr. Khachek presented the staff report.

Mr. Ready explained that the previous unmet needs process had resulted in two lawsuits over the last seven years and that there was an attachment to the staff report from Mr. Chytilo, the counsel that had sued SBCAG, that states that unmet transit needs should be called unmet transportation needs. Mr. Ready indicated Mr. Chytilo states that SBCAG is misinterpreting the statute and that the state did not define the definition but left it up to the individual transportation planning agencies since different areas have different needs. Mr. Ready said that the definitions SBCAG adopted meet the criteria of the law.

Mayor DeWees asked why SBCAG staff did not support the technical advisory committee's recommendation to eliminate criteria 3(b).

Mr. Khachek responded that staff believes that the number of passengers per service hour is important in projecting how well the service is doing and comes into play with Criteria 6.

Supervisor Carbajal said that based on what Mr. Ready discussed SBCAG can decide what the definitions of an unmet transit need are and that it should be kept in mind that the definitions are not written in stone.

Supervisor Centeno said if they change the unmet transit needs to unmet transportation needs this will open up additional issues. Mr. Kemp stated that SBCAG's role is to determine if there is an unmet need that is reasonable to meet and that even if SBCAG finds an unmet need that is not reasonable to meet the local jurisdictions can still provide the service at its discretion.

Supervisor Carbajal moved to receive the summary of the Unmet Transit Needs outreach process for 2007, set a public hearing on unmet transit needs for January 18, 2007, 10:00 a.m. time certain in Santa Maria, and approve changes to the unmet transit needs Reasonable to Meet criteria as recommended by Santa Barbara County Transit Advisory Committee as amended by staff. The motion was seconded by Supervisor Rose and carried unanimously.

10. PROPOSITION 1B CORRIDOR MOBILITY IMPROVEMENT ACCOUNT PROJECT APPLICATIONS

Mr. VanDenburgh presented the staff report. He said that the submittal of the applications had a very short timeline and that this was the only meeting that the board would be able to approve submittal of these applications.

Supervisor Firestone asked if the EIR was \$12 million dollars for the projects that they were submitting an application for.

Mr. VanDenburgh responded it was and that this was the dollar amount Caltrans had estimated.

Councilmember Armendariz asked if lanes for the 101 widening had to be HOV lanes.

Mr. VanDenburgh responded that it wasn't mandatory but 101 in Motion plan adopted by the board specifies HOV lanes.

Supervisor Firestone requested the board should question the expenditure of \$12.6 million for environmental studies and said the public would be outraged at these costs.

Mr. Krumholz said that the \$12.6 million is an estimate and that it includes preliminary engineering costs. He said the estimate is to cover from Milpas Street to the Ventura County line which at the time was estimated at between \$10million and \$12 million, but if CMIA funding materializes for the Ventura/Santa Barbara section of the highway then the environmental document will be from Milpas Street to Carpinteria and will result in a reduction of those costs.

Mr. Kemp explained that the 101 widening project is the largest public transportation project constructed in Santa Barbara County in many decades. The project will be very costly because in addition to widening the freeway it will require the replacement of a large number of bridges. He noted that in terms of the cost of the project that \$12.6 million is only 3 percent of the estimated \$400 million cost of the project. He said staff was requesting that the board allow them to submit an application to the state for these environmental review and preliminary engineering costs and that if the board doesn't approve it, the funds will go to other projects in the state. Mr. Kemp said he agreed that it is important to show the public that we are moving forward on the 101 widening project and obtaining funding for this project will enable us to do so. He said that this corridor mobility application could provide up to \$190 million towards this project.

Supervisor Centeno asked if there was a way to separate the environmental costs from the engineering costs in order to provide these figures to the public.

Mr. Krumholz said he estimated that half of the costs were engineering and the other half environmental costs.

Councilmember Armendariz said he appreciated Supervisor Firestone's comments and concurred that environmental impact reports were very expensive. He explained that if the board approved this the funds would be coming from Proposition 1B funds. He asked if these funds were general fund revenues that would have to be paid back by the taxpayers. He also asked if the \$150 million for this project could be deducted from the amount of measure Measure D funds that would be necessary for the entire widening project.

Mr. Kemp said the \$150 million amount was the cost for the proposed project that spans Santa Barbara and Ventura counties and that approximately half of those funds could be deducted from the amount needed for widening the 101 from Hot Springs/Cabrillo to the Ventura County line.

Councilmember Armendariz asked if there was going to be a priority in terms of north county vs. south county projects.

Chair Centeno stated this was not a discussion for this meeting.

Mr. Kemp explained that the Santa Maria River Bridge project is really in the San Luis Obispo County but would benefit northern Santa Barbara County. Staff is recommending that the board support a joint application by Caltrans, SLOCOG and SBCAG.

Supervisor Carbajal stated that the issue of environmental review and engineering design costs being lumped into one figure has been discussed in the past and said he would like these costs to be separated out in the future. He said that he hoped to avoid having projects discussed as a north or south county projects and would like to focus on the transportation needs of the county as a whole.

Supervisor Centeno said he would like to acknowledge Congressmember Lois Capps and Congressmember Gallegly for helping to receive federal funding for the engineering and environmental work on the Santa Maria River Bridge project.

Mr. Ready explained that according to CEQA law you need to have the engineering design that takes into consideration many alternatives in order to complete the environmental work.

Supervisor Firestone stated that somewhere someone has to push back on this.

Mayor Blum said she understood Supervisor Firestone's concerns but believed it would not be beneficial for SBCAG to complain about this. She said state law requires that an environmental impact report be completed for a project like this and we are competing with other agencies for state funds. She said the State Legislature is the appropriate body to consider reforms to the CEQA process, not SBCAG.

Supervisor Firestone said he did not want to pass on this opportunity for state funding but would like to move forward with the realization of what is being done.

Mayor DeWees asked what percentage of the Santa Maria River Bridge project was located in Santa Barbara County.

Mr. Krumholz stated approximately 10 percent.

Mayor DeWees said that over the past years the Santa Maria River Bridge project and the 101 widening from Milpas to the Ventura County line have been discussed as the two priority projects but said there are other projects, including local projects such as Hwy 246, that need to be completed.

Kristen Amyx, CEO of Goleta Chamber of Commerce, said they were very pleased with the applications and commended the cooperation between SBCAG, VCTC and Caltrans to address this critical transportation issue. She said that businesses are anxious to be heard through this process and that the chamber will help to make sure the application gets support and said the chamber wants to help strengthen our regional voice when this issue is considered by the California Transportation Commission.

Lisa Rivas, with the Regional Legislative Alliance of Ventura and Santa Barbara County Chamber of Commerce, said they are one of the only regional voices for both counties and are very supportive of widening Hwy 101. She stated that Hwy 101 has been one of their main focuses for advocacy this last year and the Alliance held a large transportation forum to discuss strategies for better involving the business community in supporting efforts to widen the freeway. Ms. Rivas also indicated she would attend the Ventura County Transportation Commission meeting early next month to encourage their board to approve the application. She encouraged SBCAG to really push this issue with its state legislators.

Andy Caldwell with COLAB said he concurred with Supervisor Firestone relative to environmental costs and said if there was a need to choose between the two projects being submitted he believed the 101 widening in the south county was the highest priority. He agreed that demonstrating to the public the 101 widening project is on track is one of the keys for renewing Measure D. He asked if the HOV lanes noted in the 101 in Motion plan were set in stone. He said he believed the state should be paying for state highways.

Dennis Story, with Coast Rail Now, said the Proposition 1B campaign implied in its advertisements it would address all types of transportation needs including commuter rail and that the 101 in Motion plan also included commuter rail. He said commuter rail could be a great benefit during the 101 widening project since it could be operating within 4 to 5 years.

Gregg Grandrud, representing Fix 101.org, thanked staff for this proposal and said he shared some of the same concerns about HOV lanes. He said he didn't think that many commuters want to carpool and requested that the board consider making the new lane a toll lane, which could bring in additional funding. He offered his assistance to receive support on this.

Mayor Alvarez said he realized the importance of the two projects and asked that widening Highway 166 continue to be considered as a project.

Councilmember Richardson said he would like more discussion on the HOV lanes and asked if the HOV lane was eliminated if it would reduce the chance of this project being picked. He also asked if the HOV lanes were eliminated from the project if they could be added back in.

Mr. Kemp said that the 101 in Motion plan is the SBCAG Board adopted Corridor Management Plan and that SBCAG is required to submit this as part of the project. He said that part of the plan calls for designation of these lanes which will require additional study and analyses. He explained that the 101 in Motion traffic flow analysis did show that HOV lanes would be

extensively utilized by transit, carpools and vanpools and would provide a significant incentive to induce many single occupant vehicle commuters to consider a higher occupancy commute mode switch. He said the lane configuration for the widening project was not set in stone but did think the application should be submitted with HOV lanes to be consistent with the Ventura County policy and the 101 in Motion policy.

Supervisor Centeno asked who will decide how these projects will end up.

Mr. Kemp said that the CTC will make the decision on what projects will receive funding and said that the CTC could chose to allocate less funding.

Supervisor Centeno asked how well defined the projects were when they get to the CTC.

Mr. Kemp said that it is submitted as an extensive package when it goes to the CTC. He said they were still in the process of putting the package together and will continue to do so until the very last minute when they have to be submitted on January 16th. He explained that Caltrans district staff has to submit their recommendations to the headquarters office by the end of the year.

Supervisor Centeno asked what the chances were of making changes to the project once it is submitted.

Mr. Krumholz said he did not think it would hurt to define the project with HOV lanes for this application and explained that there will be exhaustive studies completed to see if the HOV lanes will work. He added that it is in everyone's best interest to make sure that the road operates at maximum capacity.

Councilmember Armendariz said his concern was that a decision may need to be made very quickly and asked if at the CTC meeting a decision needs to be made on which project is preferential, the 101 widening between Santa Barbara and Ventura Counties or the Santa Maria River Bridge project, which one would be chosen.

Mr. Kemp stated that this funding application process was different from the normal STIP process and that all of the projects will be evaluated by the CTC based on their consistency with the Corridor Mobility Improvement Account criteria. He said the CTC will be looking at congestion relief and performance based issues and will not be holding a formal hearing process that might require SBCAG to designate its project priorities. Mr. Kemp said that they will review all of the projects placed in front of them on their own merits and look at recommendations from Caltrans, their staff and local agencies. He explained that both the 101 widening project between Santa Barbara and Ventura Counties and the Santa Maria River Bridge projects are being recommended for funding by Caltrans but the other two components of the application, the \$12 million for environmental and preliminary engineering work for the remaining 101 widening project and the transfer of STIP funds from the Milpas to Hot Springs/Cabrillo project to the eastern end of the 101 corridor are not on Caltrans recommendation list. He said SBCAG staff would try to set up a phone conference to receive some feedback from the CTC staff in order to modify our application if necessary. He stated staff would like some discretion to modify these applications if necessary.

Councilmember Wallis stated that this was the day to be sensible and seek the available funding and moved to approve the submittal of application to the California Transportation Commission for the 101/Santa Barbara to Ventura Widening and 101/Santa Maria River Bridge

Widening projects for Proposition 1B Corridor Mobility Improvement Account program funding in cooperation with Caltrans, Ventura County Transportation Commission and San Luis Obispo Council of Governments. Councilmember Hicks seconded the motion and the motion carried unanimously.

Chair Centeno called for a ten minute break at 10:11.

11. AIRPORT LAND USE COMMISSION – ORCUTT AQUACENTER PROJECT

Mr. Powers explained the role SBCAG played as the Airport Land Use Commission. He then turned the presentation over to Mr. Yim who described the project and airport land use related issues.

David Swenk, Urban Planning Concepts, representing the Orcutt Aquacenter, stated that the citizens of Orcutt were very excited about this project. He stated there is a Negative Declaration in the project application that addresses the issues of the Airport Land Use Commission. He disagreed with SBCAG's definition of the project as a spectator arena because it is primarily a public recreational swimming facility. On the issue of population density he said there would not be a high concentration of people at any one time. He said all of the buildings would be placed outside the airport approach and landing zone no build corridor. He pointed out the SBCAG staff report indicated the likelihood of an accident at the airport was only once in four thousand years.

Supervisor Centeno said there has been discussion of a residential project being in that area.

Mr. Swindler encouraged the board to read the negative declaration.

Mr. Ready said to clarify the CEQA issue on Page 7 of the Negative Declaration it states this property is located in a no-build zone and that Page 37 further states that construction of habitable structures will result in a conflict with the applicable Airport Land Use Plan. He asked how Mr. Swenk could justify a finding of no significant impact when this project is clearly in conflict with the Airport Land Use Plan.

Mr. Swenk said that this was reviewed by County Counsel and that the Orcutt Plan does not have specific policies that deal with the Airport Land Use Plan. He said that it says there will be no habitable structures within the zone and that a habitable structure means a residence.

Mr. Ready said that it appears that this project is not compatible with the Airport Land Use Plan and asked where in the analysis there was mention of the Airport Land Use Plan.

Mr. Rodriguez stated that Mr. Swenk was correct that the Airport Land Use Plan applies only to habitable structures and that this project does not conflict with the Orcutt Community Plan. He noted that the ALUP criteria most applicable to this project is population density and is referred to in terms of the number of people on the site. He explained the average number of people that would be using the facility at any given time would be on the order of 250 persons distributed over the projects 10 acres.

Mr. Ready said that the project was designed with a large number of parking spaces and asked if the parking spaces were filled if they would exceed the capacity.

Mr. Swenk stated the facility did have the capability of exceeding the average capacity.

Ms. Tamura, Urban Planning Concepts stated that another key site has a portion of its units on the outside edge of the no-build zone. The North Point condominiums project has recreational amenities also in the no-build corridor. This project identified, as a recreational facility, is consistent with the intent to allow building in that area. She stated that the Orcutt Aquacenter would be an asset to the community.

Councilmember Richardson asked if Righetti High School was in the no build zone.

Ms. Tamura said it was not in the zone but very close.

Councilmember Richardson asked who would have liability if the SBCAG board approved this project and the project were to move forward.

Counsel Ready said it would depend on what was meant by liability and whether it is public duty liability or pecuniary liability. He said the board would have to answer for public duty liability in the event of a catastrophic event.

Scott Wenz stated that as a facility planner he likes the project but as a pilot he said he is concerned with aircraft flying just 500 feet above a site populated with children. He said he sees what is being built around the City of Santa Barbara Airport and it is at a point where he doesn't want to fly in or out of that airport. While Orcutt has more space, he said that the Santa Maria airport is increasing to the size of an international airport and that there will be some instances where there will be the possibility of an accident. He said as a coach he would like the Orcutt Aquacenter and as a pilot he wouldn't.

Counsel Ready explained that SBCAG's job is to determine whether the project is consistent with the Airport Land Use Plan. Once this is done then if they want, the County Board of Supervisors, the approving land use authority, can also consider making a finding of overriding public need and it is SBCAG's duty to make that discretionary call.

Mayor DeWees asked if it would be possible to locate public uses that are in the corridor no fly zone on a map to give some perspective. Mayor DeWees asked if the concerns Mr. Rice mentioned on page 2 would be available by letter prior to the January 18th meeting. Mayor DeWees also asked if the FAA had an opinion on these type of projects. Mr. Powers responded that FAA avoids getting involved in these issues.

Mr. Powers stated that Mr. Rice, Airport Manager of the Santa Maria Public Airport District, would be taking this matter to his board for review.

Supervisor Carbajal said he would appreciate a timeline of what has transpired in the Orcutt Plan. He said that there was an item similar to this on a previous agenda relative to a warehouse with a residence that they wanted to place near the City of Santa Barbara's Airport. He explained he voted against that project because it wasn't compatible with the ALUP.

Councilmember Wallis said she would like to know what exists in the adjacent area and what the Orcutt Plan calls for. She said she would also like to know how the ALUP positions were developed in previous projects.

Supervisor Rose said it was more like a rationalization of the project that were allowed to be built there.

Councilmember Wallis moved to continue this item until the January 18th SBCAG board meeting in Santa Maria. Supervisor Rose seconded the motion and the motion carried unanimously.

12. FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM

Mr. VanDenburgh presented the staff report.

Mr. Kemp said that there were some commendations needed and acknowledged the efforts by Mr. VanDenburgh to secure an exchange agreement with SACOG which provides the region with \$3 million in funding. He also acknowledged Mr. Bruce Nybo of the City of Santa Maria for working cooperatively to use the federal funding on the UVP project so that other local agencies will be able to receive more flexible state funding.

Mr. VanDenburgh said this item was brought before TTAC and that the SBMTD was the only dissenting vote.

Supervisor Carbajal moved to:

A. Adopt a resolution to:

1. Amend the 2007 Federal Transportation Improvement Program to program \$2,979,496 in federal Regional Surface Transportation Program funds to the City of Santa Maria's Union Valley Parkway Project in FY 08/09, and back out a like amount of state Regional Surface Transportation funds from the project for programming to local road rehabilitation projects in FY 06/07;
2. Program \$109,860 in unprogrammed state Regional Surface Transportation Program funds to local road rehabilitation projects in FY 06/07;

B. Amend the MOU with the Sacramento Area Council of Governments to receive \$2,979,496 in federal Regional Surface Transportation Program funds in FY 08/09;

C. Authorize the Executive Director to negotiate/execute an MOU with the city of Santa Maria memorializing the exchange of federal for state Regional Surface Transportation Program funds on the union Valley Parkway Project.

Mayor Alvarez seconded the motion and the motion carried unanimously.

13. ELECTION OF OFFICERS

Mayor DeWees nominated Councilmember Wallis to be the Chair and Supervisor Firestone to be the Vice-Chair. Supervisor Rose seconded the motion and the motion carried unanimously.

COMMITTEE REPORTS

None.

EXECUTIVE DIRECTOR'S REPORT

Mr. Kemp reported that the county had changed its policies regarding how SBCAG Boardmembers should be paid for meeting attendance and that they would now be considered SBCAG employees when it comes to dealing with payroll and their compensation would also now include deductions for payroll taxes.

CALTRANS DISTRICT DIRECTOR'S REPORT

Mr. Krumholz mentioned that there was a Caltrans update included in the board packet. He noted that progress was being made on the Santa Maria six-lane widening and that the speed limit would be reduced to 55 mph in the near future during construction with no lane closures until after the holidays.

Mr. Krumholz said a lane closure did occur on Hwy 101 due to a truck accident with diesel fuel spillage the previous day that did result in lengthy lane closures. He expressed appreciation to Caltrans staff for working so quickly to resolve the problem. He expressed appreciation to the public for their patience and stated that Caltrans would continue to work to minimize these types of closures.

Supervisor Centeno asked the current status of the Cuyama project.

Mr. Krumholz responded that after additional studies of the structure of the roadway that they would be doing a cold form overlay on the road for a total cost of \$18 million and noted that the project was back on schedule including a left turn signal being placed at the high school. He said the pavement was in rough shape since some of it didn't have the proper base.

Supervisor Carbajal said that the big issue he saw in regards to the recent truck accident on Hwy 101 was the lack of information available to the public. He said his constituents were contacting the CHP and tried to find information on the Caltrans website which was not readily available. He asked if there could be a post accident meeting to discuss what can be done in the future to disseminate better information and have a more visible CHP presence at the site.

Councilmember Armendariz stated that he had the same comments as Supervisor Carbajal.

COMMUNICATIONS

None.

ADJOURN

The meeting was adjourned at 11:30 a.m.