

MINUTES

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

Thursday, March 20, 2003

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

1. **Call to Order and Roll Call:**

Members Present: Susan Rose, Supervisor, Second District (SBCAG Vice-Chair); Gail Marshall, Supervisor, Third District; Joe Centeno, Supervisor, Fifth District; Victoria Pointer, Mayor, City of Buellton; Richard Weinberg, Mayor, City of Carpinteria; Sam Arca, Mayor, City of Guadalupe; Dick DeWees, Mayor, City of Lompoc; Gregg Hart, Councilmember, City of Santa Barbara (arrived at 9:02 a.m.); Robert Orach, Councilmember, City of Santa Maria; David Smyser, Councilmember, City of Solvang.

Members Absent: Naomi Schwartz, Supervisor, First District; Joni Gray, Supervisor, Fourth District; Jack Hawxhurst, Mayor, City of Goleta.

Staff Members Present: Jim Kemp, Executive Director; Michael Powers, Deputy Director of Planning; Jim Damkowitch, Transportation Planner II, Heather Diez, Transportation Program Coordinator; Debbie Barber, Public Information/Government Affairs Coordinator; Cathy Muneio, Executive Secretary; Kevin E. Ready, Sr., Senior Deputy County Counsel.

2. **Pledge of Allegiance**

Vice-Chair Rose asked for a moment of silence to acknowledge the war. She then called for the pledge of allegiance.

3. **Recess to Closed Session:**

No closed session was held.

4. **Reconvene in Open Session**

5. **Approval of Minutes: February 20, 2003**

Several corrections were made to the minutes [recognizing that Supervisor Centeno and Councilmember Pointer were present](#). A motion was made by Mayor Arca, seconded by Councilmember Smyser and carried with Councilmember Orach abstaining.

6. **Public Comment**

None.

7. **Approval of Consent Calendar:**

Mayor DeWees moved approval of the Consent Calendar. The motion was seconded by Mayor Weinberg and carried unanimously.

8. **Caltrans District Director's Report:**

Gregg Albright stated that the construction report stood as written. He said that a project to correct the left turn problem (mentioned by Supervisor Gray several meetings ago) on Highway 1 at Vandenberg was scheduled to be completed the second week of April.

Mr. Albright also mentioned that they were still in the process of seeking and investigating to develop a preferred alternative for the Highway 101 Operational Improvements.

Mayor Weinberg asked what the completion target date was for the Cabrillo/Hot Springs project.

Mr. Albright responded that he would report on the status of this project at the next South Coast Subregional Planning Committee meeting.

9. **Clean Air Express Bus Procurement**

Jim Kemp presented the staff report. He was requesting that the Board reconsider the purchase of seven new vehicles that would use clean diesel fuel and not the previously approved purchase of seven new vehicles using CNG fuel. He noted that heavy-duty CNG engines for large buses were no longer in production. Mr. Kemp stated that the diesel fuel buses scored lower under SBCAG's Regional Flexible Funding project evaluation criteria, but were still within the scores for the projects that could be approved using CMAQ funds.

Mr. Kemp also explained that the State Transit Assistance funds originally proposed to provide the local match were lower than expected and SBCAG now needed to identify a new source for \$375,000 in local funds for the project. He recommended that these \$375,000 funds come from the unallocated Regional Surface Transportation Program (RSTP) fund. He explained that since these funds could not be used for bus purchases staff proposed that SBCAG enter into a Fund Allocation Agreement with the County of Santa Barbara. SBCAG will program \$375,000 in unallocated RSTP funds for a road resurfacing project and in turn the County of Santa Barbara will agree to allocate the same amount of its local share of Measure D funds for the Clean Air Express bus project.

Mr. Kemp stated that this had been discussed with County Counsel and that it was of their opinion that this was legal and proper and quite common in government.

Mr. Kemp said he was also requesting that the Board consider approving a Piggyback Agreement with the New Jersey Transit Corporation to join in purchasing these buses since they are purchasing 1200 buses and the pricing would be much lower than purchasing them on our own.

Councilmember Orach asked what the CMAQ funding cutoff score was. Mr. Kemp said that this project was rated as Project Number 18 with a score of 59. He noted the lowest score for a CMAQ-funded project was 45.

Supervisor Centeno said that he was uncomfortable with this type of creative financing. He said that SBCAG should look at the legislative intent of the funding programs. He said that he hoped this type of moving funds around would be an exception to the rule.

Kevin Ready, Legal Counsel, said he agreed with the staff analysis. He said he looked at two criteria: 1) recipient of new funds must be a proper recipient under the respective funding programs; 2) the funds must be used for a proper purpose. He explained that these funds are not actually being exchanged, but that they are being legally and properly allocated by their recipients by mutual agreement. He said the funds are going to be used under the statute and the all funds are being spent by the entity that received the funds.

Supervisor Centeno said that if we have to resort to asking legal opinions then this may not be a proper action.

Mayor Arca asked if County Counsel had agreed to the redirection of funds.

Mr. Kemp responded that they had. He also noted that the Public Works legal council had reviewed this agreement. He said that if this were approved today it would go to the Board of Supervisors the following week.

Councilmember Smyser asked if there was a timeline to purchase the buses through the New Jersey Transit Corporation.

Mr. Kemp said that he did not believe that there was a scheduling problem that was driving the purchases through the New Jersey Transit Corporation, rather the need for replacement of Clean Air Express buses due to their age. Mr. Kemp said there was an agreement with SBMTD to administer the federal funding grant agreement for SBCAG. He said the SBMTD hybrid electric buses and the diesel buses for SBMTD and SBCAG will be under one grant agreement.

Councilmember Smyser stated he would be more comfortable with a Request for Proposal process being used for the bus procurement.

Mr. Kemp said that this would cause a large delay and be very time consuming. Mr. Kemp said that he did not believe they could get a better price if they went through the RFP process.

Councilmember Hart arrived.

Mr. Kemp said that it was felt that this was not only the quickest but the most cost effective way to purchase these buses.

Councilmember Smyser said that knowing there is no other contractor out there would be different than sending out an RFP. If no other contractor responds then there would be nothing lost.

Mr. Kemp said that the New Jersey Transit bus procurement contract is a five-year contract and that they are in the fourth year. He expressed the concern for delays in the procurement process which would take at least six months if an RFP were issued.

Supervisor Rose asked that the concerns mentioned be addressed and for staff to come back to the Board with what the cost savings would be.

Mayor Weinberg said most of the buses on the road are made by Motor Coach Industries Inc. (MCI). He stated that MCI was the only bus company financially in shape today and that any other buses ordered would have to come from overseas. He said he understood the concerns about fairness, but that there would most likely not be a better price and that going through the RFP process would only satisfy themselves that what is being requested is right.

Councilmember Smyser stated his concern was a procedural one. He stated that he had the same concern as Supervisor Centeno. He stated he would support staff's recommendation but felt uncomfortable about not sending out RFPs.

Mr. Ready said the Board would be piggybacking on a huge purchase. He explained that New Jersey Transit went through a very complex RFP process at no cost to SBCAG.

Councilmember Smyser expressed concern that SBCAG should hire providers for a project through the normal RFP process. He requested that SBCAG not do this on a regular basis.

Mayor Weinberg stated if we started from the beginning the chances are that SBCAG would still piggyback with the New Jersey Transit bus procurement.

Mayor Arca stated that sometimes the Board just needs to act on an opportunity and that the end result would be the same.

Mayor Pointer asked how this source was identified. Mr. Kemp responded that staff researched the options available to procure buses it was determined that the NJT piggyback contract would be the best option available. The procurement is one of the largest bus purchases ever completed and that many other transit agencies are using the same piggyback agreement with NJT to purchase their buses.

Mayor Pointer asked if SBCAG had sought out other manufacturers. Mr. Kemp said they did not because there is no other manufacturer making the type of buses needed.

Mayor Weinberg moved to authorize the Chair to execute a Fund Allocation Agreement with Santa Barbara County in the amount of \$375,000, adopt a resolution approving amendments to the 2002 Federal Transportation Improvement Program (FTIP) revising the Clean Air Express Bus Purchase projects, programming unallocated Regional Surface Transportation Program (RSTP) funds, and authorize the Chair to execute the Intergovernmental Agreement for a piggyback bus procurement with New Jersey Transit Corporation.

The motion was seconded by Mayor Arca and carried unanimously.

10. **Transportation Enhancement Program Funding**

Heather Diez presented the staff report. Staff and TTAC recommended that \$1,120,000 of Transportation Enhancement (TE) funding be programmed for five projects. Programming the additional funds will help prevent the lapsing of SBCAG's older apportionments of TE funds.

Councilmember Hart asked what the reasons were for the additional local match requirement for those projects that already were "overmatched" with local funds.

Mr. Kemp responded that these additional funds are being programmed for existing TE projects that have experienced cost increases that would otherwise have to be covered by local agency funds. Under the staff and TTAC proposal, the project sponsor would only need to provide 11.5% of the cost overrun and the rest would be covered by the additional TE funding.

Councilmember Hart stated that it did not make sense to spend precious local dollars to do this.

Mr. Kemp stated that he was trying to solve the problem of lapsing federal funds and at the same time not program too much money. He said he was concerned with the number of projects that could potentially request additional funding and that would cut down on future available funding.

Councilmember Hart said that this was not unique. Projects tend to get delayed and you have to use it or lose it.

Mayor Weinberg asked why if Santa Barbara is already overmatched was there a need to match further.

Mr. Kemp said the concern was the more there is of federal funding the less there is available for projects in the future. He said there was a need to limit the amount of the federal funding going out at this time. Mr. Kemp said that TTAC had approved \$1.1 million to allow for more of a cushion.

Supervisor Rose said she understood Councilmember Hart's concerns and asked whether SBCAG staff had discussed this with the individual Public Works Directors.

Mr. Kemp said that it was SBCAG's presumption that cost increases were being funded from local agencies already and that what SBCAG was doing was reducing local funding for the projects. He said the Board could eliminate the requirement for those three projects that are overmatched and that this would require an additional \$90,000 of TE funding over the recommended amount.

Supervisor Rose asked which projects are overmatched.

Mr. Kemp responded the City of Lompoc Old Town Pedestrian Enhancements project, the City of Santa Barbara Shoreline Drive Park Expansion, and the State Parks Northwest Presidio Reconstruction.

Mayor DeWees said he would support the recommendation but would like to ask whether the State Parks' Presidio project had obligated any of their already programmed funds. Heather Diez responded that \$75,000 of the programmed \$250,000 TE funds had been obligated.

Jarrell Jackman, Executive Director for the Santa Barbara Trust for Historic Preservation, spoke on behalf of this project. He said that he would have no problem getting the funds obligated by the deadline imposed by TTAC and recommended by staff. He said that the State parks changed policy when they submitted plans several months ago. They had an agreement with the City of Santa Barbara and State that anything done at the Northwest Presidio had to be approved by both agencies.

Mayor DeWees moved to adopt a resolution amending the 2002 Federal Transportation Improvement Program (FTIP) to program additional Transportation Enhancement (TE) funding for five projects. The motion was seconded by Supervisor Centeno.

Mayor Weinberg asked that if we eliminate the additional match requirements and take the funds out of the Federal TE, where does that money go.

Mr. Kemp said that it would come out of SBCAG Regional appointment funds and that no funds would go through the California Transportation Commission.

Councilmember Hart proposed an amendment to the motion to eliminate the requirement for additional match of local funds for those projects already overmatched. The motion was seconded by Supervisor Marshall.

Kevin Ready said that the Board could reduce the local match requirement for those overmatched.

Mayor Weinberg said that the three jurisdictions have already offered to pay more and not are in a bind and suggesting that we give them a break.

Mr. Kemp stated that under staff's recommendation, all five projects are required to obligate the additional TE funds by November 1, 2003 or the additional funds would be unprogrammed.

Supervisor Centeno asked if they could decide to lower the local match from 11.5% to 9% percent next year.

Mr. Kemp said the 11.5 % requirement for local matching funds was part of the federal statute.

The Board voted on the amendment to the original motion. The motion failed with Supervisor Centeno; Mayors Arca, DeWees, Pointer; and Councilmembers Orach and Smyser opposed.

The Board voted on the original motion and the motion carried unanimously.

11. **Congestion Management Program Annual Conformance Assessment**

Jim Damkowitch presented the staff report. He explained that it is the responsibility of SBCAG to determine if local jurisdictions are conforming to the Congestion Management Program. He explained that the City of Santa Barbara, City of Santa Maria and Guadalupe were not shown to be in compliance at this time. He explained that the City of Santa Barbara had problems due to losing some of their key staff. The City of Santa Maria had turned in the count data but it was concluded that there was a problem with those counts and they would need to be redone. Therefore, the City of Santa Maria was now found to be in non-compliance. The City of

Guadalupe also had a problem with losing key staff members. He stated that he did not see a problem with any of the cities meeting the 90-day time frame for conforming to the Congestion Management Program. Councilman Orach asked when the 90-day clock begins, and Mr. Damkowitz replied that it begins with the board action today.

Mayor Arca moved to adopt a determination, pursuant to Section 65089.3 of the California Government Code that the County of Santa Barbara and the cities of Buellton, Solvang, Lompoc and Carpinteria are conforming to the adopted Congestion Management Program, and adopt a determination, pursuant to Section 65089.3 of the California Government Code that the cities of Santa Barbara, Santa Maria and Guadalupe are not conforming to the adopted Congestion Management Program.

The motion was seconded by Mayor Weinberg and carried unanimously.

12. **Route 166 Truck Route Study**

Michael Powers presented the staff report. He stated that the city of Santa Maria has requested a study be done to reduce truck traffic on Route 166 through Main Street in Santa Maria. He said that a Request for Proposal (RFP) had been developed last December, based on input from the City of Santa Maria, the County, and Caltrans, and that three responses were received. These proposals were reviewed by an interagency advisory committee and Strategic Consulting Services was chosen as the most qualified firm..

A motion was made by Councilmember Smyser, seconded by Councilmember Orach and unanimously carried to authorize the Chair to execute a contract with Strategic Consulting Services for a not to exceed amount of \$29,983, for consulting services for the State Highway 166 (Main Street, Santa Maria) Truck Route Study.

13. **FY 2003-04 Overall Work Program**

Michael Powers presented the staff report.

Mayor Weinberg moved to adopt a resolution approving SBCAG's FY 2003-04 Overall Work Program and authorize transmittal to state and federal agencies. The motion was seconded by Supervisor Marshall and carried unanimously.

Committee Reports

None.

Executive Director's Report

Mr. Kemp stated that the 101 Implementation Plan Technical Advisory Group had been meeting to address issues relative to the congestion on Highway 101. He explained that a Request for Proposal had been issued and that five proposals were received back. Mr. Kemp said that they were in the review process and would be meeting next week to identify the short list of firms that would be invited for an interview. He stated that he expected to bring a contract before the Board with the selected firm in May of this year.

Mr. Kemp explained that requests for congressional earmark funding totaling \$11.5 million for four projects had been submitted to our congressional representatives. The funding requests will be considered by congressional committees developing the legislation reauthorizing TEA 21 during the next several months.

Supervisor Centeno asked for any updates on the widening of Hwy 101 in Santa Maria.

Mr. Kemp said that the state budget crisis and shortfall of STIP funding is impacting many transportation projects. He explained that the State priorities were highway rehab as well as safety projects as first in line to receive funding. He said that the Santa Maria Hwy 101 widening was lower on the priority list since it was not considered a safety project and because the project was programmed for construction next year but was delivered early by Caltrans.

Mayor DeWees asked if the Hwy 246 study had been moved back to 2004 or 2005. He said he considered it a safety issue.

Mr. Kemp said that this was programmed in the 2002 STIP to begin environmental work in FY 03/04 and that the project had not been deferred yet, but that the state funding shortfall could impact this project as well.

Supervisor Centeno said there was an issue of safety on Hwy 166 west due to the number of fatalities on that highway.

Mr. Kemp responded that the environmental document is programmed in the STIP to begin next year and even though this project will have safety benefits it is treated as a capacity increasing project and that those types of projects fall farther down on the priority list for allocation of limited funds.

Mayor Weinberg discussed a letter received from Stanislaus County asked other communities to support them in moving forward with a request for funding for a high priority highway improvement project.

Councilmember Smyser asked about the erosion on Hwy 154/101. He said the plantings were very small and asked when it might be completed.

Mr. Kemp indicated that the improvements at this interchange were completed by SBCAG as part of its Measure D Highway program. He indicated that establishment of planting and erosion control was part of the project and that he would investigate and provide information to Councilmember Smyser.

Greg Albright said they have an obligation to protect storm water and he will see whether Caltrans is responsible for that location.

Supervisor Marshall said she had not heard any follow up on the project west of the Casino in Santa Ynez.

Mr. Albright said that last he had heard they would not be placing a wall there.

Communications

Councilmember Orach asked if any thought had been given to placing a monorail in the median of Highway 101 to serve travelers between Santa Barbara and San Luis Obispo counties.

Mr. Albright said he would always look for the most efficient way to use the assets available and that rail down the highway may not be the most efficient. He explained that corridors should be multi-modal when it is feasible and practical.

Mr. Powers pointed out that the high speed rail coastal option was rejected by the State High Speed Rail Authority. He said the focus was on the existing Union Pacific Railroad and advocating for expanding rail service on that corridor.

Mayor DeWees said that several years ago this was discussed with a professional for a commuter rail system and was told that it would cost about \$2½ billion to put one in between Lompoc and Goleta.

Mr. Powers said that service could be added between those two communities but the biggest costs would be the annual operating costs. Union Pacific would receive a per mile charge for each trip made. He said that possible options would be addressed in the 101 Implementation Plan.

Supervisor Rose asked if train buses had been discussed and asked whether this would be addressed in the 101 Implementation Plan.

Mr. Kemp responded that the 101 Implementation Plan had not started but that they would explore all options and narrow them down based upon the feasibility.

Adjournment

The meeting was adjourned at 10:30 a.m.