

**SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS**

**Thursday, June 15, 2006**

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

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**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; Marty Mariscal, Councilmember, City of Santa Maria; Ed Skytt, Councilmember, City of Solvang; Cheryl Willis, 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; Robert Perkins, Administrative Services Officer; Gregg Hart, Public Information/Government Affairs Coordinator; Sarkes Khachek, Transportation Planner; Martha Gibbs, Finance Officer; Bill Yim, Transportation Planner; Jonathan Whitt, TDM Marketing 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**

Counsel Ready requested that the board consider adding an ex-agenda item that arose subsequent to the agenda being posted and required action prior to the next meeting to discuss the personnel benefits and negotiations with unrepresented employees with the agency's designated representative.

Supervisor Carbajal moved to add as an ex-agenda item to the agenda a discussion of employee compensation and benefits with the designated representative. The motion was seconded by Mayor Blum and carried unanimously.

The Board adjourned to closed session to discuss pending litigation regarding Pierce, Estrada and Our Children's Earth Foundation v. SBCAG and the ex-agenda item.

**4. RECONVENE IN OPEN SESSION AND REPORT FROM CLOSED SESSION**

When the Board reconvened from closed session at 9:08 a.m. Counsel Ready stated there was no reportable action on either item.

**5. APPROVAL OF MINUTES**

Mayor DeWees moved to approve the minutes of May 18, 2006. The motion was seconded by Councilmember Skytt and carried with Supervisors Gray and Rose absent.

**6. APPROVAL OF CONSENT CALENDAR**

Councilmember Mariscal requested clarification on Item 6D – Federal Transportation Improvement Program Amendment. He said the \$1.357 figure shown on the agenda and staff report for FTA Section 5307 funding for the Santa Maria Area Transit should really be \$1.375 million. Mr. Kemp replied affirmatively.

Supervisor Centeno requested clarification on the population figures noted under Item 6B – Measure D allocations. He requested the population figures be updated when funds are disbursed.

Mr. Kemp said that the board had adopted a revised procedure for developing the allocations for Measure D local funds a few years ago and that this was the process taking place now. He noted there is an adjustment made each year in May after the most current population figures come out and this adjustment ensures that the most recent population figures available from the State Department of Finance are being used for the Measure D allocations.

Mayor Blum asked about Item 6E(2) – FY 05-06 Year End Budget Adjustments, relative to increasing revenues to include funding received from a federal demonstration earmark for 101 In-Motion of approximately \$300,000.

Mr. Kemp responded that this was an earmark approved several years ago specifically for the 101 In-Motion project and was separate from the federal budget appropriation for Coast Rail Track Improvement project.

Supervisor Firestone moved to approve the consent calendar as amended. The motion was seconded by Mayor Alvarez and carried with Supervisors Rose and Gray absent.

**7. PUBLIC COMMENT**

Supervisor Rose returns.

Scott Wenz said that Cars Are Basic had been around for eight years and urged the board to be gatekeepers of the programs that aren't working, such as the bicycle paths program, and to get rid of them when they don't.

George Alvarez said he was speaking on behalf of environmental justice in the City of Guadalupe. He said the County of Santa Barbara approved an agreement to allow Chevron trucks to go through the City of Guadalupe to the Santa Maria landfill and that this was a public safety concern for him. He requested that the negative and positive aspects of a project be presented to the public when a project like this is being considered. He said he called the environmental groups with the county and asked if they had a plan to work with Chevron on this. He said they responded that they did not. Mr. Alvarez said he doubted seriously that this would happen in the cities of Goleta, Carpinteria and Santa Barbara and requested that the Latino population be given the courtesy to ask for what they want.

Supervisor Centeno clarified that the issue that Mr. Alvarez was discussing was contaminated soil proposed for placement in the Santa Maria landfill. He said this project was reviewed by the County of San Luis Obispo, the agency responsible for the CEQA process.

**8. AIRPORT LAND USE PLAN – GENERAL PLAN REVIEW – CITY OF GOLETA  
COMPREHENSIVE PLAN**

Mr. Yim presented the staff report.

Mayor Wallis stated that Ken Curtis, Director of Planning for the City of Goleta, was available to answer any questions. She asked about the difference in noise contours and asked what was applied when reviewing the Cabrillo Business Park.

Mr. Yim said the Airport Land Use Plan contours were based on the current Santa Barbara Airport Facilities Plan. He reported that the City of Goleta bases its contours on the Part 150 Noise study. Mr. Powers added that the Cabrillo Business Project was based on the Santa Barbara Airport Facilities Plan contours that are also used in the SBCAG ALUC Airport Area of Influence Maps.

Councilmember Mariscal asked Mr. Yim if he could explain the difference in the inconsistency of the 300 foot safety corridor that Goleta did not adopt.

Mr. Yim stated that this was from the prior County actions and was not incorporated in the Goleta General Plan.

Councilmember Jordan asked that the board look at Page 7 of the staff report where Table 4 compares the Airport Land Use Plan policies with the Goleta General Plan. She said that the ALUP policies say that the clear zone should be free from development but that in reviewing the Goleta General Plan the clear zones don't stay clear over time. She asked him to comment on the finding of consistency.

Mr. Yim said that in general the clear zones should be free from development as much as possible but that storage and light industrial are considered consistent.

Mr. Powers said that a number of parcels cross the clear zones and that parking could be designed to be on one side of the clear zone. He said that the Goleta General Plan recognizes that clear zones need to be lower density use.

Mayor DeWees asked why the 300 foot safety corridor and clear approach zones policies were addressed separately in the staff report.

Mr. Powers explained that they were not referenced in the Goleta General Plan but were relative to the consistency of the Plan with the SBCAG Airport Land Use Plan.

Supervisor Carbajal asked if people in airplanes as well as the ground were considered relative to safety issues.

Mr. Yim said these were two separate issues. Height restriction refers to the altitude when the aircraft approaches and aircraft over flying at the airport in traffic pattern. The clear zones are subject to greater potential of aircraft accidents.

Councilmember Hicks asked if the representatives from Goleta could explain why they used a different rationale.

Ken Curtis, with the City of Goleta, said he had reviewed the list of revisions proposed by SBCAG staff and had no objection to them being incorporated into the Goleta General Plan. He said that the 300 foot safety corridor that was referred to extends along the Cabrillo Business Park and Camino Real parking lots and said he thought it was unfortunate that the Part 150 study was not included in the ALUP.

Mayor Blum said the Part 150 study was not yet complete.

Mr. Yim said he believed that the City of Santa Barbara had just adopted it.

Supervisor Firestone moved to adopt the findings and conditions that determine the consistency of the City of Goleta Comprehensive Plan and accompanying DEIR with the Airport Land Use Plan. The motion was seconded by Councilman Hicks and carried with Supervisor Carbajal and Councilwoman Jordan opposed.

**9. MEASURE D PROGRAM OF PROJECTS**

Mr. VanDenburgh presented the staff report.

Supervisor Firestone asked how the population estimates were updated annually.

Mr. Kemp said that when they develop the funding estimates they rely on the population figures from the Department of Finance that comes out in February. He said that this item was for five year programming of projects using revenue estimates and not allocation of funds. He said that the action taken earlier by the board was the actual allocation of revenues disbursed to the local agencies.

Councilmember Mariscal reminded the board that this issue was discussed several years ago and that since the process was explained in the measure itself it could not be changed. He did note that the board changed the allocation process to take into consideration the allocation going back one year.

Mayor DeWees said that the Hwy 246 project was very important to the people in the Lompoc Valley. He said that this project was not listed in the Measure D Program of Projects list and asked for some sort of guaranty be given that when the city of Lompoc enters into the construction phase on this project that the \$10 million will be available.

Supervisor Centeno asked Counsel Ready what could be done.

Mr. Ready said that said that Hwy 246 was not part of this resolution or the current Measure D.

Councilmember Hicks said that the Hwy 246 project was discussed as part of the Measure D renewal.

Councilmember Hicks moved to adopt a resolution to approve the Measure D Program of Projects for fiscal years 2006-2007 through 2009-2010. The motion was seconded by Supervisor Firestone and carried unanimously.

**10. UNMET TRANSIT NEEDS**

Mr. Powers presented the staff report.

Supervisor Centeno requested that the Santa Barbara population for 2005 be corrected from 90,5018 to 90,518.

Petra Lowen, Chairperson of SBCTAC read into the record a letter from SBCTAC. She said that at the last SBCTAC meeting the final draft of the Transit Needs Assessment was approved with recommendations to improve the analysis for the next year's assessment.

Sherrie Fisher, General Manager of MTD said that one of the findings in the unmet transit needs process was that the MTD service was overloaded, particularly Lines 6 and 11 from Hollister to UCSB and the Camino Real Marketplace. She said that Lines 2 and 3 were also overloaded from State Street to Goleta. She said they have an agreement with the City of Santa Barbara and an Agreement of Interest by the City of Goleta to fund more services.

Marc Chytilo said there was increasing advocacy urging the county to do better at honoring the purpose of the TDA funds. He said he disagreed with some of the findings but was in agreement with the recommendation made by SBCTAC. He stated additional work needed to be done to develop the definitions of unmet needs. Mr. Chytilo stated there was growing interest in regional transit service and noted SMAT's expanded services, and noted that Santa Barbara had the highest transit needs per capita in the county but drove more than any other community in the state. He said he looked forward to having a larger percentage of TDA funds be used towards transit rather than streets and roads.

Supervisor Centeno thanked Mr. Chytilo for spending time discussing these issues with him.

Mr. Ready said he appreciated Mr. Chytilo's spirit but disagreed that farm labor transportation needs do not qualify as a public transit need. He said that while the Board determined that a farmworker transit service was not an unmet transit need under the adopted criteria, member agencies were in fact, developing a farmworker vanpool program.

Councilmember Mariscal moved to adopt a resolution approving the unmet transit needs findings and to approve the 2006 Transit Needs Assessment Report. The motion was seconded by Councilmember Skytt and carried unanimously.

**11. TRANSPORTATION DEVELOPMENT ACT ALLOCATIONS**

Bob Perkins presented the staff report.

Mayor Alvarez moved to adopt a resolution allocating \$15,530,000 in Local Transportation Funds to eligible claimants for FY 2006-2007, and to defer allocation of State Transit Assistance Funds pending adoption of the State budget and issuance of the final STAF estimate. The motion was seconded by Mayor Blum and carried unanimously.

**12. MEASURE D RENEWAL**

Mr. Chytilo said he supported the renewal of Measure D and urged everyone to do the same. He said the issue was the ballot language and stated concern for the bullets on the ballot language on page 2 of the resolution.

Supervisor Centeno said this was worth looking at.

Counsel Ready said it would be impossible to add any additional wording to the ballot measure due to the required word limit.

Supervisor Carbajal moved to adopt the Santa Barbara County Local Transportation Authority Ordinance No. 4: Measure D Renewal Ordinance and to adopt a resolution requesting that the Santa Barbara County Board of Supervisors call an election for voter approval of the Measure D Renewal Ordinance and place the measure on the November 7, 2006 ballot. The motion was seconded by Councilmember Mariscal and carried unanimously.

**13. GRAND JURY REPORT**

Mr. Kemp presented the staff report. He said staff had drafted a response letter to the findings of the Grand Jury Report entitled "Measure D-Progress as Promised?" He noted that one of the findings was that all of the projects included in the current Measure D were completed by 2002 with the exception of widening Highway 101, which was not completed due to the response of the public. He said that another finding relative to this was that local agencies and SBCAG had not done enough to publicize and make the public aware of what Measure D funding accomplished.

Mr. Chytilo said that the Grand Jury's report was timely and very well received and that this measure was important to each of the jurisdictions. He said it was up to each and every one to create the momentum to inform the public. He thanked the board for their support and said he believed in this measure.

Supervisor Centeno asked if each of the cities agreed with the response to Finding 4 regarding providing more detail for projects listed in the Measure D program of projects.

Councilmember Mariscal said that Santa Maria uses their Measure D funds for chip seal and overlay but does not list specific projects.

Mayor Wallis said that the city of Goleta is straightforward and develops a plan for spending money for Measure D supplemented with other funds. She explained that when they send a contract out they prepare a list of streets that require work and said it would be difficult if they had to be more specific than that.

Mayor Blum said the City of Santa Barbara always holds a public hearing on Measure D funding and agreed they need to be as specific as possible.

Councilmember Skytt made a motion to authorize the chair to sign a letter responding to the findings and recommendations contained in the FY 2005-06 Santa Barbara County Civil Grand Jury report entitled "Measure D-Progress as Promised?" The motion was seconded by Supervisor Carbajal and carried unanimously.

**14. FY 2005-06 SBCAG BUDGET**

Mr. Kemp presented the staff report. He explained that the budget was presented to the board last month and that the board directed staff to consult with the County Human Resources Director for a recommendation on the proposed cost of living adjustment. The recommendation from the County Human Resources Director was between 3.5 and 3.7 percent and therefore staff was recommending a 3.5 cost of living adjustment. Mr. Kemp said that the only change besides the COLA was an increase of \$42,000 to the Traffic Solutions budget.

Supervisor Centeno said the appropriate protocol on how to deal with the employee compensation process needed to be dealt with and requested that the Board work with the county staff to develop appropriate protocols for consideration. Supervisor Centeno said he

talked to the County Administrator, Mike Brown, and he said it would be okay to use the County Human Resources staff to work on this.

Supervisor Carbajal said he understood that what was being recommended was a 3.5 percent COLA and that future discussions would include developing the protocol to look at the benefits and compensation package to make sure that the SBCAG staff is being compensated appropriately.

Supervisor Carbajal moved to adopt a resolution approving the FY 2006-07 Comprehensive Budget for the Santa Barbara County Association of Governments and adopt a resolution approving a salary increase of seven salary ranges, representing a cost of living adjustment of 3.5 percent to be effective June 19, 2006 and approve the updated SBCAG Position Classification Chart. Chair Centeno asked that the motion be amended to include assignment of Supervisor Carbajal to work with SBCAG staff and the county human resources department to develop a compensation protocol and requested that a city representative also be included. Mayor Wallis volunteered to do so. Mayor Alvarez seconded the motion and the motion carried unanimously.

**15. DRAFT 2007 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**

Steve VanDenburgh presented the staff report.

Mayor DeWees asked Mr. VanDenburgh if he had received Lompoc's comments.

Mr. VanDenburgh said he had and that the changes were incorporated in the document.

Councilmember Mariscal asked if an engineering study for Highway 246 could be included in the document.

Mr. VanDenburgh said that it only reflected the environmental design funds and that it would be difficult to show construction funds. He said that the best way to include this would be through the thirty-year Regional Transportation Plan. He said it wasn't an actual commitment of funds but it would indicate that the board intended to use funds for that project.

Supervisor Centeno said there probably wasn't anything to prevent the board from supporting Hwy 246 for Mayor DeWees.

**16. COASTAL EXPRESS POLICY STEERING COMMITTEE**

Supervisor Carbajal volunteered to be on the Coastal Express Policy Steering Committee.

Mr. Kemp stated that this committee primarily meets on an annual basis and was solely made up of south county members.

Supervisor Carbajal said he would welcome a north county board member to be on this committee.

Mayor Blum said she would be glad to be on this committee and explained that any expenditure that was involved would need to come before the whole board. Mayor DeWees agreed to be the alternate on this committee.

Supervisor Firestone moved to appoint Supervisor Carbajal and Mayor Blum as the representatives and Mayor DeWees as the alternate. The motion was seconded by Mayor Alvarez and carried unanimously.

**17. COLD SPRINGS BRIDGE SUICIDE PREVENTION COMMITTEE**

Rich Krumholz with Caltrans introduced Nevin Sams from Caltrans to present a report on the suicide prevention efforts being discussed for the Cold Springs Bridge on Highway 154.

Nevin Sams provided a PowerPoint presentation describing the number of suicides that have occurred on the bridge and what was being considered to help in the prevention of suicides. He explained that some of the things Caltrans was considering included constructing a pedestrian barrier fence on the bridge as well as some signage as a deterrent to suicide.

Supervisor Firestone said his initial reaction was negative but as more information was provided he felt a responsibility to consider this. He requested that a permanent fence rather than a temporary fence be placed on the bridge.

Supervisor Firestone moved to receive the report and approve the direction of Caltrans. Supervisor Rose seconded the motion and the motion carried unanimously.

**COMMITTEE REPORTS**

Mr. Powers highlighted the items discussed at the May LOSSAN meeting and then deferred other comments to Supervisor Carbajal.

Supervisor Carbajal said that LOSSAN approved sending a letter to the Washington Group recognized by Union Pacific as the company they prefer to do the modeling for the commuter rail that is underway. He asked Mr. Powers to comment on the Ventura proposal that was provided at the South Coast Subregional Planning Committee meeting.

Mr. Powers said that LOSSAN was looking at commuter rail demand using a different methodology than 101 IM but came to the same conclusion that there is a market for commuter rail.

Supervisor Carbajal reported that Ventura expressed an interest in looking into Amtrak rail enhancements within their county.

Councilmember Mariscal provided a status report on the Measure D Public Information Program meeting since he was appointed as the board's liaison for the program.

**EXECUTIVE DIRECTOR'S REPORT**

Mr. Kemp reported that none of the transportation tax measures on the June ballot in California passed and noted that all four of these were in counties that had no existing transportation sales tax measure and had no track record of success. He also noted that it was a very poor voter turnout statewide and that the Merced measure had gotten fairly close to passing but did not have a well-funded campaign committee. He said he would continue to look at this.

Mr. Kemp also reported that SBCAG was in the process of entering into an agreement with APCD in order for SBCAG to have an office in the North County. He said this office will be available for any of the SBCAG staff members to use and it has been set up so staff can be reached at all times. The office located in Santa Maria will allow SBCAG and Traffic Solutions staff to more effectively serve North County.

Mr. Kemp said that November ballot will have four infrastructure bond measures that the public will be voting on in addition to a Constitutional amendment to protect Prop 42 funds. He noted that the California Transportation Commission will be holding a workshop on the transportation measures on June 27. They will be inviting government agencies as well as private entities for this ballot measure.

Mr. Kemp stated that SBCAG had received \$1 million to upgrade the call boxes to be ADA compliant and convert to digital technology. The upgrade project is nearly complete. He said it might be appropriate to invite Congressman Capps to receive recognition for her assistance in obtaining funding for this project.

Mr. Kemp said that he and Councilmember Hicks would be attending the annual CALCOG Regional Issues Forum in Monterey on June 28-30 to discuss a number of statewide issues.

#### **CALTRANS DISTRICT DIRECTOR'S REPORT**

Mr. Krumholz said that in addition to the report in the board packet, the bid received from Diablo Construction for the Santa Maria six-lane project bid was 3 percent over the engineer's estimate and that they were working with the CTC to get the contract approved. Mr. Krumholz said on the assumption that the CTC will approve the increase; Caltrans District staff was proceeding with the process to finalize the contract and hoped it would be awarded the following week.

#### **COMMUNICATIONS**

None.

#### **ADJOURN**

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