



**BOARD OF DIRECTORS
AUGUST 4, 2006**

**AGENDA ITEM NO. 06-08-1B
ACTION REQUESTED - APPROVE**

**BOARD OF DIRECTORS BUSINESS MEETING
DISCUSSION AND ACTIONS
June 23, 2006**

Chairman Mickey Cafagna (Poway) called the meeting of the SANDAG Board of Directors to order at 10:04 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MEETING MINUTES

- A. May 12, 2006, Policy Meeting Minutes
- B. May 26, 2006, Business Meeting Minutes

Action: Upon a motion by Vice Mayor Pia Harris-Ebert (San Marcos) and a second by Councilmember Jim Madaffer (City of San Diego), the SANDAG Board of Directors voted to approve the meeting minutes from the May 12, 2006, Policy meeting and the May 26, 2006, Business meeting. The motion passed unanimously.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Gary Gallegos, SANDAG Executive Director, stated that staff is requesting to defer Item No. 13 – Final 2006 Regional Transportation Improvement Program – for one month. It was learned earlier this week that some of the cities have not had enough time to conduct the required public hearing that must be held prior to submitting the proposed list of projects to SANDAG. This public hearing requirement is included in the *TransNet* Ordinance. The four cities that still need to hold public hearings are: San Diego, Solana Beach, National City, and El Cajon.

Action: Upon a motion by Councilmember Madaffer and a second by Vice Mayor Harris-Ebert, the SANDAG Board of Directors voted to defer Item 13 - Final 2006 Regional Transportation Improvement Program – until its August 4, 2006, meeting. The motion passed unanimously.

Chuck Lungerhausen, a resident of San Diego, mentioned the first anniversary of the opening of the Green Line Trolley is approaching. Now it is time to relocate Qualcomm Stadium and its necessary infrastructure to a new remote location.

Don Stillwell, an Allied Gardens resident, spoke on the safety of school children. He congratulated the Board on returning the portion of Bus Route 13 between Mission Valley and San Diego State University. He expressed the need to connect Bus Route 14 to the Grantville Trolley Station to serve the community properly.

Paul Cline, a San Marcos resident, commented on public agencies abuse of eminent domain rights. NCTD offered him \$2,000 for his property that subsequently appraised at \$90,000. Some of his neighbors have been sued by NCTD for property rights. Some of the residents were only offered \$32,000 for their property. This could eventually cause NCTD to end up paying \$1.2 million. Last year, the City of San Marcos, when widening Mission and South Santa Fe Roads, requested from NCTD a license agreement for three feet of right-of-way. When NCTD was approached with this request at its Board meeting, members were opposed to the proposal. Therefore, there will be no expanding of the bus stop or handicapped access areas.

Theresa Quiroz, a City Heights resident in the City of San Diego, thanked the staff for its smart growth efforts for going the extra mile to make sure that what they bring before the Board is accurate. She discussed the *TransNet* procedures and referenced a letter she distributed to the Board. She mentioned that the City of San Diego did not adhere to the *TransNet* criteria. The City did not hold a public hearing regarding its list of projects submitted to SANDAG, and it did not inform the public until after its list of projects were submitted. The City has refused to provide any of the documents used to create the list and has decided that the approval of its budget, which has the information hidden in it, is sufficient notice for an unsuspecting public. She is grateful to the SANDAG Board for postponing approval of the *TransNet* funding, which will ensure the vote of the people is adhered to. She requested that the Board make it clear that city staff has no authority to override the vote of the people.

Chairman Cafagna welcomed Councilmember Jillian Hanson-Cox, an alternate from the City of El Cajon, to today's meeting.

3. ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)

Public Comment:

Paul Cline, a San Marcos resident, stated that the Transportation Committee at its last meeting approved additional funds for the SPRINTER, which he opposes. He mentioned that he and his neighbors will be addressing U.S. Senators in other states to plead their case regarding NCTD's abuse of eminent domain. This could result in NCTD losing \$152 million of federal funding. He added that he would be happy to share the facts of his case with SANDAG.

Action: Upon a motion by Councilmember Joe Kellejian (Solana Beach) and a second by Mayor Christy Guerin (Encinitas), the SANDAG Board of Directors voted to approve the actions taken by the Transportation and Regional Planning Committees on June 2, 2006, the Executive Committee on June 9, 2006, and the Transportation and Public Safety Committees on June 16, 2006. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 0.

CONSENT ITEMS (4 through 8)

Chairman Cafagna noted that Item 6 – Pending Cable and Video Service Legislation: Assembly Bill 2987 – was pulled for public comment.

6. PENDING CABLE AND VIDEO SERVICE LEGISLATION: ASSEMBLY BILL 2987
(INFORMATION/POSSIBLE ACTION)

Public Comment:

Renatta Mulry, representing Bexen Press, stated she would appreciate if the SANDAG Board ever takes action on this bill, it would allow consumers to get what they pay for and pay for what they want. The present state of the industry is un-American and doesn't represent the consumer.

Mayor Art Madrid (La Mesa) reminded the Board that the League of California Cities is concerned about this bill. A huge battle has begun, and the losers will be the cities and the County. He suggested that rather than take no action, staff do more research and the Board recommend a position of opposition unless there are specific conditions met.

Councilmember Madaffer appreciated the public comments on this issue and indicated he has pushed for increased competition in the City of San Diego. The more options for consumers, the better off the residents will be. Regarding Assembly Bill (AB) 2987, he requested that Catherine Hill, San Diego Division Liaison for the League of California Cities, comment on this issue.

Ms. Hill noted 26 pages of amendments were turned in late yesterday evening. She commented 17 of the 18 local jurisdictions in the San Diego region and the County have taken an "oppose unless amended" position on this bill. The reason for this action is there needs to be fair competition. The right-of-way issues that will affect all the cities have not been addressed and neither has buildout, and statewide franchise fees have not yet been worked out. At this time, the League has not changed its "oppose unless amended" position. The bill will be heard in the Senate Energy and Communications Committee on Tuesday, June 27, 2006. There are still concerns with pay channels, government channels, and the placement of the large boxes in the right-of-way. She requested that the Board consider taking a position on this bill once the amendments have been made.

Councilmember Madaffer concluded that this issue affects all cities in the region. This is a bad bill judging by the way it is written right now, and the Board should continue to seek amendments. The public is most concerned about the fact that there will be service in the affluent areas and not in the less affluent areas. As the bill is currently written, the cable companies would have no obligation to pay for the government access channels and would be responsible taking care of street improvements. Another concern is the public will not have any way to complain if the big boxes, which are refrigerator sized, are put in their front yards. From a land use standpoint, local governments should have some say in how and where utilities can locate equipment. Given the huge fiscal and land use impacts the cities and counties face, the Board should take a position of oppose unless amended, because it will send a message. The region cannot afford to see a bill like this pass in its current form because it will be just another step the state takes against local government, which does not benefit any of the region's constituents. Councilmember Madaffer made the motion to oppose AB 2987 unless amended.

Chairman Cafagna agreed with Councilmember Madaffer, but he expressed concern about SANDAG getting off track and working on issues outside its purview and responsibilities. SANDAG should support the cities and their actions toward the bill. He does not believe this is an appropriate use of SANDAG staff time. He suggested that the motion be amended.

Councilmember Madaffer indicated he is open to hear from the rest of the Board.

Councilmember Kellejian stated that he would agree with the motion and has no problem with staff analyzing that bill.

Mayor Madrid pointed out that this is not a staff issue, it's a policy issue.

Chairman Cafagna stated his concern is having SANDAG take a position on something that has not been sufficiently reviewed. Local jurisdictions' staffs have already spent time on this issue, and the SANDAG Board should support the cities' actions.

Mayor Madrid added that he felt the motion was appropriate.

Mayor Guerin stated that she supports the motion as is. This is a land use issue.

First Vice Chair Mary Sessom (Lemon Grove) spoke against the motion because she does not think this is a SANDAG issue. Each city has its own purview over land use in their individual cities. SANDAG does not have authority over local land use, except in very limited situations. If the Board wants to support this issue, she will go along with it. However, deviating from its mission does not set a good precedent, and this issue is outside of SANDAG's mission.

Chairman Bill Horn (County of San Diego) agreed with Councilmember Madaffer.

Mayor Jerry Sanders (City of San Diego) expressed concern regarding losing control over right-of-way and mentioned that the state is very accommodating at first but changes its mind when things get tight, which affects all the local jurisdictions in the region.

Mayor Pro Tem Matt Hall (Carlsbad) stated he would rather see all the details in this report and the bill. He understands where the Board wants to go but feels they should look at this bill for at least another month. The land use question is a concern for him.

Second Vice Chair Lori Holt Pfeiler (Escondido) agreed with Mayor Sessom's comments. She pointed out that the Board should be dealing with SANDAG issues. The League of California Cities should handle this issue.

First Vice Chair Sessom made a substitute motion to direct staff to come back in 30 days with a more detailed staff report regarding the most current status of this bill, as well as the position of the cities that have supported the bill. She stated that the SANDAG Board needs to make sure that each city is in line with all the current amendments before taking a position on the bill.

Mayor Pro Tem Hall seconded the motion.

Mayor Steve Padilla (Chula Vista) commented that even though SANDAG is not directly connected to this issue, it doesn't mean that SANDAG cannot take a position on it or on issues not normally within its charter. Once in a while a piece of legislation comes along that has a tremendous impact on the region. This may be one of those times. This is a matter of regional and statewide concern. He added that he is not opposed to taking a position.

Councilmember Madaffer indicated he is against the new motion on the floor. This is an issue the Board does not have 30 days to review.

Chairman Horn reiterated that there is not enough time for the Board to wait 30 days to take action on this matter.

Action: The Board of Directors voted on the substitute motion made by First Vice Chair Sessom, and seconded by Mayor Pro Tem Hall to direct staff to analyze AB 2987 and report back in 30 days. The substitute motion failed. Yes – 2 (weighted vote, 4%). No – 18 (weighted vote, 96%). Abstain – 0 (0%). Absent – 0.

Councilmember Madaffer reiterated his motion to oppose AB 2987 unless amended. Vice Mayor Ron Morrison (National City) seconded the motion.

Action: Upon a motion by Councilmember Madaffer and a second made by Vice Mayor Morrison, the SANDAG Board of Directors voted to oppose AB 2987 unless amended. Yes - 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 0.

4. APPOINTMENT OF NEW MEMBERS TO THE REGIONAL PLANNING STAKEHOLDERS WORKING GROUP (APPROVE)

In November 2004, the SANDAG Board approved the creation of the Regional Planning Stakeholders Working Group (SWG) to review and provide input into key activities associated with the implementation of the Regional Comprehensive Plan and the update of the Regional Transportation Plan. Several members of the SWG recently have resigned. The Regional Planning and Transportation Committees recommend the Board amend the SWG Charter and approve the new replacement members listed in the report.

5. ADOPTION OF MIRA MESA TRANSIT CENTER ENVIRONMENTAL DOCUMENT (APPROVE)

Planning and environmental review of the draft Mitigated Negative Declaration (MND) for the Mira Mesa Transit Center has been completed. Working with the San Diego Community College District, a site has been selected on the northeast corner of the Miramar College campus that would serve as the key access point to transit for the Mira Mesa and Scripps Ranch communities, serve as a regional transfer point in the north I-15 corridor, and provide a direct transit connection to Miramar College. The Transportation Committee recommends that the Board adopt the Final MND for the Mira Mesa Transit Center.

7. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (INFORMATION)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy) and 017 (Delegation of Authority), this report summarizes certain delegated actions taken by the Executive Director during April 2006.

8. QUARTERLY INVESTMENT REPORT AS OF MARCH 31, 2006 (INFORMATION)

State law requires that the Board receive a quarterly report of investments held by SANDAG. This report includes all money under the direction or care of SANDAG as of March 31, 2006.

Action: Upon a motion by Second Vice Chair Holt Pfeiler and a second by Vice Mayor Morrison, the SANDAG Board of Directors voted to approve Consent Item Nos. 4, 5, 7 and 8. Yes – 19. No – 0. Abstain – 0. Absent – None.

CHAIR'S REPORT (9)

9. PERFORMANCE EVALUATION OF EXECUTIVE DIRECTOR (APPROVE)

Chairman Cafagna noted that at its meeting on June 9, 2006, the Executive Committee unanimously voted to approve the Executive Director's performance review and objectives for the upcoming year. He recommended to the Board that this item be approved.

Action: Upon a motion by Councilmember Madaffer and a second by Second Vice Chair Holt Pfeiler, the SANDAG Board of Directors voted to approve the Executive Director's performance evaluation and a recommended merit increase for accomplishing his performance goals over the past year, and set his performance goals for the coming review period. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 0.

REPORTS (10 through 18)

10. FY 2007 TRANSPORTATION DEVELOPMENT ACT ALLOCATIONS AND PRODUCTIVITY IMPROVEMENT PROGRAM GOALS (APPROVE)

Councilmember Kellejian commented that the Transportation Committee recommended SANDAG Board approval of this item at its June 2, 2006, meeting.

Sookyung Kim, SANDAG's Senior Financial Program Manager, noted that SANDAG administers the Transportation Development Act (TDA) Program and is responsible for allocating funds and for approving performance productivity improvement goals for MTS and NCTD. The TDA comes from the one-quarter percent sales tax assessed in the region. For FY 2007, a County auditor has estimated \$128 million is available. Toni Bates, SANDAG's

Division Director of Transit Planning, mentioned that SANDAG is required to conduct performance monitoring of the transit agencies. SANDAG has determined that both transit agencies have made a reasonable effort to achieve their goals.

Councilmember Phil Monroe (Coronado) made the motion to approve the staff recommendation. Councilmember Kellejian seconded the motion.

Councilmember Monroe noted that with the new monitoring equipment, we now know where the buses are at all times, and MTS is showing a decrease in on-time performance. This information will help to ensure that the buses are on-time and the necessary adjustments for service are made. He also indicated there was no strategy to form a bike path network in San Diego County, and there was no extra credit given to projects that linked existing bike paths. When this item comes back to the Board, the bike network idea needs to be included in the system.

Mayor Pro Tem Hall questioned if the audits were done in a timely manner. Ms. Kim responded that TDA law requires all past fiscal audits be completed before the end of the fiscal year. This morning SANDAG received the MTS FY 2004 audit, and it is anticipated that the FY 2005 audit would be received next month. The FY 2004 audit should have been received last year. Today's action would delay the allocation to MTS until all audits have been received.

Vice Mayor Harris-Ebert expressed concern that the budget continues to increase and the cities are not receiving the funding they were promised regarding the SPRINTER. The region needs to take a look at itself when projects cannot be delivered on time and there continues to be cost overruns.

Chairman Horn stated that one of the reasons the SPRINTER was delayed was because of two cities that brought lawsuits, which lasted two years. The Board needs to complete the SPRINTER on time to prevent more cost overruns.

Deputy Mayor Shari Mackin (Oceanside) commented that Oceanside has 11 locations that will be affected by the SPRINTER. When it comes to lawsuits, there is a need to look at both parties and see where the responsibility lies. She suggested the NCTD representative and SANDAG members meet to come to a conclusion that everyone can live with.

Chairman Cafagna requested that the Board members keep their comments relevant to the agenda item.

Mayor Madrid stated that the SANDAG Board has a responsibility to visit every jurisdiction to see what projects are being worked on. He asked that the motion be bifurcated to vote on two separate issues. The Board needs to be sensitive to what is being said.

Councilmember Kellejian agreed with the Chairman that the Board members have gotten off track on this item.

Chairman Stocks (NCTD) agreed the Board has gotten off track on this issue. He thanked SANDAG for the regional support for the SPRINTER, which is an important component of the regional transportation system.

Chairman Cafagna noted there will be an agenda item brought to the Board regarding cost overruns on the SPRINTER.

Gary Gallegos, SANDAG Executive Director, mentioned an item regarding cost overruns that has been presented to the Transportation Committee. The Transportation Committee has recommended this item be brought to the Board at its August 4, 2006, meeting.

Councilmember Judy Ritter (Vista) stated that the SPRINTER will cut right through the center of Vista. The soundwalls have been removed, which is not a good thing.

Councilmember Monroe agreed to make the motion to keep those items that are included in the staff recommendation in the motion and eliminate all the other discussion.

Action: Upon a motion by Councilmember Monroe, and a second by Councilmember Kellejian, the SANDAG Board of Directors voted to adopt Resolution Nos. 2006-23 through 2006-28 approving the FY 2007 TDA allocations and the FY 2007 Productivity Improvement Program goals. The allocation for MTS, with the exception of the funds allocated for Chula Vista Transit (CVT), National City Transit (NCT), and the Coronado Ferry, is contingent upon submittal of the MTS FY 2004 and FY 2005 fiscal audits. The funds allocable to CVT, NCT, and the Coronado Ferry, consistent with the MTS FY 2007 Budget, will not be withheld and will be paid to MTS with the expectation that MTS will forward the payments to these agencies. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 0.

11. FY 2007 PROGRAM BUDGET (INCLUDING OVERALL WORK PROGRAM) (APPROVE)

Councilmember Madaffer made the motion to approve the staff recommendation. Chairman Horn seconded the motion.

Action: Upon a motion by Councilmember Madaffer and a second by Chairman Horn, the SANDAG Board of Directors voted to approve Resolution No. 2006-20 adopting the Final FY 2007 Budget (including Overall Work Program). Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – 0.

12. *TransNet* LOCAL STREET AND ROAD PROGRAM GUIDELINES (APPROVE)

Chairman Kellejian reminded the Board that in the *TransNet* Ordinance passed in November 2004, funding was divided by one-third for highways, one-third for transit, and one-third for local streets and roads. In the new Ordinance, at least 70 percent of the local street and road revenues are to be used for capacity-increasing projects, and 30 percent can be used for maintenance. Staff has worked with the Independent Taxpayer Oversight Committee (ITOC) and the Cities/County Transportation Advisory Committee to develop guidelines for implementing this ordinance requirement. The Transportation Committee reviewed the guidelines at its May 19, 2006, meeting and is recommending Board approval. These guidelines would be incorporated into Board Policy No. 031 and *TransNet* Policy No. 018. The guidelines would affect all local *TransNet* funding beginning in FY 2009.

Public Comment:

Maryam Babaki, Chair of ITOC, supported approving the guidelines that will provide the starting framework for the expenditure of *TransNet* funds in 2009 and are consistent with the *TransNet* language articulated in the Ordinance.

Action: Upon a motion by Mayor Guerin and a second by Mayor Madrid, the SANDAG Board of Directors voted to approve the guidelines as written and include them under Board Policy No. 031 regarding *TransNet* Ordinance and Expenditure Plan policies as *TransNet* Policy No. 018 and use them for the 2006 Regional Transportation Improvement Program (RTIP) update. The guidelines would affect all available local *TransNet* funding beginning in FY 2009. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – Oceanside.

14. STATE ROUTE 125 GAP AND CONNECTOR PROJECT BUDGET ALTERNATIVES (APPROVE)

Councilmember Kellejian noted the Transportation Committee was presented a report that showed significant transportation project budget shortfalls across the region. In response, SANDAG, MTS, and NCTD are developing a regional approach to address these shortfalls. A full report is scheduled to come before the Board at its August 4, 2006, meeting. Today, the Board has an opportunity to start the process. One way to help alleviate some of the shortfalls is related to how we choose to pay for the cost overruns on the Gap and Connector portion of SR 125, which connects the toll road to SR 54. The SR 125 toll road is a public-private partnership and is an investment option that, if successful, will be important to the region for providing needed transportation improvements in the future. Rather than allowing this project to be added to the budget shortfalls, the staff has been asked to research and develop a funding approach that could pay for these cost overruns. For this reason, the Transportation Committee recommends that the SANDAG Board approve the staff recommendation.

Marney Cox, SANDAG's Chief Economist, provided the Board with a four-part recommendation that directs staff to work with Senator Ducheny to amend Senate Bill (SB) 463 and pursue a funding approach that would: (1) pay for the cost overruns on the Gap and Connector portion of SR 125 with toll revenue; (2) extend tolling for up to 10 years; (3) authorize Caltrans to negotiate with California Transportation Ventures (CTV) to determine the number of additional years, subject to concurrence by the SANDAG Board and affected local jurisdictions; if Caltrans and CTV cannot reach an agreement SANDAG and Caltrans would toll the road to pay for the cost overruns; and (4) amend the franchise agreement to allow for specific transportation improvements to I-805 as well as other changes within the franchise area.

Mr. Cox commented that moving this approach forward requires changes in state legislation that governs the SR 125 toll road. At the request of CTV, Senator Ducheny has introduced legislation (SB 463) that would increase the life of the toll road by ten years and has agreed to move the bill forward provided that SANDAG, Caltrans, and Chula Vista agree. Senator Ducheny is prepared to move the bill forward before the current session ends in September 2006.

Public Comment:

Greg Hulsizer, Chief Executive Officer of CTV, distributed a letter in support of the staff recommendation. Relative to the additional cost of the Gap and Connector, there is a fixed-price cost with the contractor, but there have been increases in costs and other issues.

Councilmember Madaffer complimented SANDAG staff for working on this issue. The proposal today gives SANDAG the greatest number of options and flexibility to do what is important for the region in the long-term and puts the Board in a very good negotiating position.

Councilmember Madaffer made a motion to approve the Alternative 1 recommendation. Councilmember Kellejian seconded the motion.

Pedro Orso-Delgado (Caltrans) stated that Caltrans will be involved in the process to include any and all future claims as part of the negotiations.

Mayor Padilla stated he will be supporting the direction given to staff and was candid in saying that the Board does not have any options in terms of the construction status of the roadway. It is part of a critical transportation element that needs to be completed. He has never been a big fan of the non-compete clause in the franchise agreement and does not think it is an appropriate way to approach collaboration with private enterprise to finance transportation projects. He also is concerned a significant portion of the latest cost overruns is in dispute. There is a big difference between allocating to the users or the residents of Chula Vista a self-imposed tax in order to pay cost overruns, vis-à-vis paying for the ability for the rest of the region to make additional improvements in South County below SR 54. It is critical to Chula Vista that this project be completed, and it is critical that all funding obligations are met. He echoed that staff did a fantastic job in providing options and agreed that the legislative route is the Board's best choice.

Chairman Cafagna noted that the original proposed legislation didn't allow the Board any flexibility. What staff has recommended is the ability to use the extension to cover cost overruns and make improvements to I-805.

Mr. Cox stated that the current cost overruns total approximately \$34 million, but some are under dispute. Staff will do its due diligence to ensure SANDAG has the correct amounts and does not pay any more costs than it should.

Mayor Crystal Crawford (Del Mar) mentioned she was not around in 1991 when this agreement was negotiated and expressed concern that the Board would enter into an agreement with a non-compete clause that would interfere with SANDAG's obligation on its overall system. She looks forward to developing a remedy to this issue and hopes the Board does not enter into anything like that again. She wanted assurance that the Board understands which cost overruns they should absorb and which ones they should not.

Chairman Cafagna noted that this is a good example of the state negotiating on behalf of local governments. This legislation was created by the state; SANDAG had no choice in the matter.

Councilmember Rindone (MTS) stated he supports Mayor Padilla's comments. He noted the Board also is looking at the possibility of two interchanges south of Chula Vista in the City of San Diego. The developers in the City of Chula Vista contributed toward interchanges on SR 125. That technique also could be used for the two interchanges that have not been built but need to be included in the project. Those costs could be passed on to the developers instead of extending the tolls to the users of the SR 125.

Mayor Padilla asked for clarification on the action the Board is being asked to take today.

Mr. Gallegos responded that the staff recommendation allows the flexibility for the local governments to make comments on the project. It also gives the Board the chance to consider all the details of the project and all the pros and cons.

Action: Upon a motion by Councilmember Madaffer and a second made by Councilmember Kellejian, the SANDAG Board of Directors voted to approve the staff recommendation. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – Encinitas.

Chairman Cafagna noted that at the request of a Board member, he will be switching the order of items 15 and 16.

16. INDEPENDENT TRANSIT PLANNING REVIEW REPORT (INFORMATION/POSSIBLE ACTION)

Councilmember Kellejian stated with the passage of *TransNet* in November 2004, the Board committed to an Independent Transit Planning Review (ITPR). The purpose of the review was to conduct an independent assessment of the transit element of the 2030 Regional Transportation Plan (RTP) so SANDAG could consider the recommendations in developing the 2007 RTP. To ensure the process was independent, SANDAG brought in a peer review panel of transit and land use experts from around North America. The panel presented its findings at a joint meeting of the Transportation and Regional Planning Committees on June 2, 2006. The Committees recommended that the Board accept the report for planning purposes for the 2007 RTP.

Barry Banks, Project Director with Wilbur Smith and Associates, was joined at the Board meeting by Peter Martin, Project Manager; Dr. Robert Cervero from UC Berkeley; and David Mieger, from the Los Angeles County Transportation Authority (LACTA). The overriding purpose of the ITPR was to analyze existing plans and provide independent expert advice and suggestions for consideration in the 2007 RTP. Mr. Banks noted while the expert panel endorses the report, individual panel members had different opinions on individual recommendations and areas in the report. The conclusions contained in the report represent a consensus by the panel and there is ample room for interpretation of the panel's suggestions and recommendations.

On behalf of the Board, Chairman Cafagna thanked the team for their efforts and assisting with our planning process. He commented to Mr. Mieger that he's been in Los Angeles over the past couple of months, and they have made some terrific improvements with the high occupancy vehicle (HOV) lane program, and things are looking better in many parts of his City.

Councilmember Madaffer echoed the comments of Chairman Cafagna. He stated he was impressed with the review. What the report did is validate so much of what SANDAG has been doing from a transportation standpoint. He realizes how good the San Diego region has it in regards to traffic and in comparison to other areas in the country. He noted the report expresses concern about using light rail on the Mid-Coast corridor, and transportation demand can be more efficiently met with high frequency bus service, but he never found that statement supported anywhere else in the report. From his perspective, if the Board makes that investment now, the future may show it as a wise investment, much like the success of the Green Line Trolley extension. He also noted the Board may want to look at Bus Rapid Transit (BRT) service on University Avenue, which the report suggests may be a more attractive transit investment than a BRT on El Cajon Boulevard. He felt the report's recommendations regarding BRT and Light Rail Transit (LRT) operating cost structures were outstanding and should be considered by the Transportation Committee.

Councilmember Madaffer made the motion to accept the staff recommendation and refer the recommendations of items 1 and 2 on page 4-19 to the Transportation Committee for further review.

Councilmember Kellejian seconded the motion.

Public Comment:

Robert J. Hoffman, a resident of San Diego, stated that the list of experts is just a mirror of SANDAG. People won't use mass transit because it has no marketable features.

Councilmember Rindone (Chula Vista) complimented Councilmember Madaffer on his comments, which reflect the comments he would have made as Vice Chair of MTS. He congratulated the panel on its very detailed, comprehensive, and thoughtful report. He noted Mid-Coast is the final linkage needed in the infrastructure for LRT. What is essential is the report may indicate a preference for using BRT in lieu of LRT for Mid-Coast, but it is not recommended consistently throughout the report. He noted that in the absence of Mayor Padilla, he will be voting for Chula Vista.

Mayor Pro Tem Hall (Carlsbad) agreed that it was a great report. He pointed out that the COASTER appears to have been forgotten. The region needs to re-commit to the COASTER and finish building out that corridor because there is a huge demand to ride the train.

Public Comment:

Duncan McFetridge, Chairman of Save Our Forests and Ranchlands (SOFAR), stated they have studied the ITPR and commended SANDAG for authoring it. The public's right to know about the integrity of the claims made in the MOBILITY 2030 report about transit goals, transit projects, and improvements needed this independent evaluation. SOFAR thinks perhaps the most important subject facing this county is transportation connecting to land use. The report is critical, needs to be received in that light, and some dramatic improvements are required. SOFAR is committed to real transit-oriented development as a solution to problems that affect the county. SOFAR became involved with the downtown San Diego plan because there is no plan to handle the 1.5 million vehicles projected to come into a five-square mile area of downtown. He commented that if the information in the

report is correct, downtown has to guide transit improvements. He urged the Board to support alternatives based on the report and take its suggestions to heart, and he distributed a letter to the Board.

Deputy Mayor Mackin thanked this team for the report. She asked the panel to speak about the overestimated future ridership on the Yellow and Red Car lines. She added that she appreciated that this report was heard prior to hearing the Smart Growth Concept Map item.

Mr. Martin replied that travel times on the freeways and on the arterials was actually going to remain the same or slightly improve. It is very difficult to get a major increase in transit ridership if roadway facilities remain essentially uncongested and the driving alternative is going to be as convenient, or if not a little bit more convenient, than it is today.

Deputy Mayor Mackin stated she can attest to that when coming down to the SANDAG meetings. She expressed concern that the transit ridership may be overestimated.

Mr. Martin responded that the panel feels there is the potential for increased transit ridership and that transit will play a more important role in the region's overall transportation system.

Deputy Mayor Mackin referred the board to the recommendation regarding the collection of development fees for multimodal transportation. She mentioned that rarely will existing voters and taxpayers want to subsidize new development. She noted there is a need to look at how those dollars are being spent and how much is actually being put into the public transit system. She also noted the value of setting corridor-specific mode split targets and targeting dollars to these areas.

Mr. Mieger commented that Toronto established transit targets directly tied to the phasing of development to better connect transit ridership and land use.

Deputy Mayor Mackin agreed it is the accountability factor and the checks and balances, which she appreciated in this report. She thanked SANDAG for having the foresight to pick such a great panel of experts.

Councilmember Monroe stated it was a great panel, however, he recognized it was a panel of transit experts. He thanked Mr. Gallegos for his comments that talked about needing to look at the region as a balance between highways and transit. He expressed concern with the phrase, "downtown" and the idea of "downtown." The MTS Comprehensive Operational Analysis (COA) expands and sections the MTS system into seven urban centers where a network of transit will be created including the Golden Triangle, Broadway, Hillcrest, and Mission Valley. He asked if it was the unanimous opinion of the panel that the region reconsiders LRT for Mid-Coast.

Mr. Banks summarized the panel's recommendation to not rush to judgment on Mid-Coast. They acknowledged that SANDAG has followed and is following the proper process, and their earnest desire is for Mid-Coast to be the best project it can be. They think the Board should re-evaluate some fundamental elements of that project, which will help justify to the Federal Transit Administration (FTA) the large capital expenditure for an LRT option. They

recommend the Board look at alternative services such as BRT and the potential synergies with the I-805 corridor.

Mr. Gallegos added that the FTA New Starts process will require a rigorous analysis to be able to answer all those questions. Staff is proposing a series of alternatives, and the *TransNet* Ordinance provides some clear direction in terms of Mid-Coast. It says if we are not successful in getting a full funding agreement, the Board should look at other alternatives such as BRT. The staff is heading the Board down a path that will lead them to the panel's recommendations.

Mayor Madrid congratulated Councilmember Monroe in keeping the Board's feet to the fire when looking at the make-up and qualifications of the panelists. He directed the Board to the section on transit operating strategies. They're talking about strategies and not tactics, and the Board keeps ignoring an issue right in front of them, which is that San Diego has the blessing of being one region with two operators. Until the Board consolidates both operators into one, the region will continue to provide marginal service to all the riders. He asked the panel to comment.

The panelists, while agreeing to the importance of institutional context, said the issue was beyond their scope and charge and was not addressed.

Public Comment:

Maryam Babaki, Chair of the ITOC, stated the ITOC found many of the points raised and recommendations made are already being considered for planning purposes. ITOC expressed concerns regarding the costs and benefits of transit, noted that they should be weighed against other means of transportation, and that transit expenditures should be balanced in the spirit of the *TransNet* Ordinance.

Chairman Cafagna asked the panel if they thought that enhancing the experience of traveling on a BRT could make up for any inefficiencies.

Mr. Martin replied that he thinks it can make up for a lot, especially when it comes to real-time passenger information and schedule reliability. The automobile provides a quality means of travel and enhancing the quality of transit service will take you a long way. He noted pedestrian access and how one integrates transit stops into an overall land use plan also are extremely important.

Mr. Mieger stated a new bus vehicle with nicer features is being implementing throughout our system and is attracting choice riders. We're starting to get people who maybe wouldn't have ridden the older buses. Marketing this kind of service can help capture some choice riders who might otherwise take their cars.

Chairman Cafagna asked if that was true even if it may not get you there quicker than the automobile.

Mr. Mieger mentioned that quickness is the first feature, and they are working with the City of Los Angeles to have bus signal priority.

Chairman Cafagna asked if they have these buses in service now.

Mr. Mieger responded that they do. They are looking at their existing bus lines and upgrading lines with the highest ridership. While we have not yet added dedicated lanes and improved stations, as with a full BRT, with these buses and signal priority this service is much better than basic bus service.

Chairman Cafagna indicated that the Board would like to come up for a tour.

Mr. Mieger replied that he'd love to have them come up, and he would organize a tour.

Councilmember Kellejian reported that the ITPR report is on the SANDAG Web site. He asked Mr. Mieger about a statement he made that transit needs to be in the heart of a community. He questioned if SANDAG's MOBILITY 2030 Plan is going in that direction.

Mr. Mieger stated that they refer to transit lines as a string of pearls wherein you want to have stations along a line where you have density appropriate for transit with at least 20 to 30 dwelling units per acre. It's difficult in a place like San Diego where you have very high density in downtown, but in some of the outlying areas the densities are more automobile-based, which is very hard to effectively serve with transit. So the battle is how to get high enough densities around transit stations that will support transit and meet with community acceptance.

Public Comment

Robert Hoffman noted he has compiled 18 marketing features that transit doesn't have. He listed those features for the Board and provided them with his Web site.

Action: Upon a motion by Councilmember Madaffer and a second made by Councilmember Kellejian, the SANDAG Board of Directors voted to accept the Independent Transit Planning Review report for planning purposes for the comprehensive 2007 RTP update. In addition, the Board voted to refer the recommendations of items 1 and 2 on page 4-19 of the report to the Transportation Committee for further review. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (0%). Absent – San Diego.

15. SMART GROWTH CONCEPT MAP: WORKSHOP SUMMARY AND RECOMMENDATION FROM POLICY COMMITTEES (INFORMATION/POSSIBLE ACTION)

Second Vice Chair Holt-Pfeiler commented that today the Board will be looking at the Smart Growth Concept Map, and it could be a historic day for SANDAG. The adoption of the Regional Comprehensive Plan (RCP) fulfilled the region's commitment to produce a plan that local elected officials could support and embrace. Since the adoption of the RCP, we've instituted the Pilot Smart Growth Incentive Program, begun preparing the 2007 RTP, and adopted the Regional Housing Needs Assessment (RHNA) numbers. In addition, we've created a draft Smart Growth Concept Map, which is one of the most important implementation steps of the RCP. It has allowed us to identify where we want to promote smart growth development as our region grows. This effort has been a bottom-up, collaborative approach, with the planning staffs of all 18 cities and the County taking the lead in identifying the smart growth areas to include on the map. Adopting the RCP was a

milestone for the agency and today the Board has the opportunity to vote for the implementation of a part of the RCP. She urged the Board to accept the Smart Growth Concept Map either today or at the August 4, 2006, meeting for planning purposes for the 2007 RTP.

Carolina Gregor, SANDAG Senior Regional Planner, stated that to better connect land use and transportation planning, the RCP called for the development of a Smart Growth Concept Map that would show where smart growth development exists, where local plans call for smart growth, or where local jurisdictions believe there is potential for smart growth. The map, developed based on extensive dialogue with local planning directors and public participation, will help SANDAG make transportation investments to support smart growth development, guide other infrastructure investments, and provide the basis for the *TransNet* Smart Growth Incentive Program.

Chairman Cafagna emphasized that he was impressed with the development of the Smart Growth Concept Map. The region has come together and has created a plan that will accommodate one million more people and that allows local jurisdictions to retain land use control. This is an amazing effort, and he commended Second Vice Chair Holt Pfeiler on spearheading this great effort.

Councilmember Patricia McCoy (Imperial Beach) made the motion to approve the staff recommendation (accept the draft Smart Growth Concept Map for planning purposes for the 2007 RTP update). Second Vice Chair Holt Pfeiler seconded the motion.

Public Comment

Shelley Caron, a Carlsbad resident, stated the Marron Adobe is one of the last intact adobes in San Diego County. Ms. Caron mentioned she didn't want this historic site, which includes the Buena Vista Watershed, to be included in the Quarry Creek Smart Growth area identified by Carlsbad on the Smart Growth Concept Map. She offered the Board take a tour of the Adobe.

Diane Nygaard, representing the North County group Preserve Calavera, appreciated all the efforts staff put into community outreach. However, she stated that her organization forwarded a letter with comments on the map to staff that was never received. There is huge opposition to the Quarry Creek site in Carlsbad from multiple cities, broad-based groups, the League of Women Voters, Native Americans, historic preservationists, and conservation groups. The ITPR makes it clear that Quarry Creek and many others don't belong on the Smart Growth Concept Map because of limited resources. She urged the Board to spend the region's transportation dollars wisely, take this site off the map, and identify sites where the region can get the most bang for its buck.

Robert J. Hoffman, a San Diego resident, indicated that there are only three people on the Stakeholders Working Group with any expertise in transportation.

Jim Schmidt, member of SANDAG's Stakeholders Working Group, stated the SANDAG staff has done a fantastic job on this project and urged the Board to approve this item.

Councilmember Jack Dale (Santee) commented that he was the original Chair of the Stakeholders Working Group. It is made up of citizens concerned about the region who have expertise in all areas.

Mayor Crawford, current Chair of the Stakeholders Working Group (SWG), stated that there is a summary of general areas of concern expressed by the SWG listed in the staff report. Some of the points brought up by the SWG also were heard at some of the workshops. The Board needs to continue doing its work to make sure that the public, as well as the respective jurisdictions, understand how the Smart Growth Concept Map is to be used. In general, there was a lot of confusion about that at the workshops it seems that the public doesn't understand that this is just a concept and is not set in stone. Some hypothetical examples might be helpful so that people can understand how the map will be used. There also needs to be a clear review process on how the update of the map will occur, because it is a work in progress. Land use and circulation have to be connected as well as the link between affordable housing and smart growth areas being an important priority. The issue of tribal lands and tribal representation also is another concern. She questioned if there needs to be a process to determine if certain sites should be removed from the map based on public comment and concerns that are raised. If the site is subject to litigation, the Board might consider removing it from the map.

Deputy Mayor Mackin made a substitute motion to bring the map back for approval on August 4, 2006. This is one of the most important maps in the State of California. Oceanside is not quite finished identifying its area and needs to hold a workshop for discussion.

Mayor Crawford seconded the motion.

Chairman Cafagna asked if there is a future ability to amend this map. Because this is a tool and a guideline, will there be amendment opportunities for updating the map after approval.

Ms. Gregor responded there will be opportunities to review specific areas on the map and respond to certain potential requests coming from city councils and planning directors.

Deputy Mayor Mackin asked that if the City of Oceanside can resolve some of its issues by August 4, 2006, why bother coming back to the Board to amend the map.

Chairman Cafagna replied that over time, there will be a lot of amendments to this map, especially since this is the first version of the map. The idea is to get the map approved and then start amending and refining it.

Mr. Gallegos pointed out that 60 percent of the sites on the map will require changes to current general and community plans.

Mayor Pro Tem Hall noted the Cities of Carlsbad and Oceanside have been working on how to come to a conclusion regarding potential the Quarry Creek site on the map, and stated that at this point, Carlsbad is opting to keep the site on the map. He requested the substitute motion be denied and to continue to move forward. The City of Carlsbad is looking at additional sites to add to the map.

Deputy Mayor Mackin thanked Mayor Pro Tem Hall for the comment and mentioned that there are issues on Oceanside Boulevard that have been identified by Oceanside planning staff.

Action: Upon a motion by Deputy Mayor Mackin, and a second by Mayor Crawford, the SANDAG Board voted on a motion to bring the draft Smart Growth Concept Map back on August 4, 2006, for approval at that time. The substitute motion failed. Yes – 2 (weighted vote, 8%). No – 13 (weighted vote, 92%). Abstain – 0 (0%). Absent – Encinitas, San Diego, Santee, and Vista.

Action: Upon a motion by Councilmember McCoy, and a second made by Second Vice Chair Holt Pfeiler, the SANDAG Board of Directors voted to accept the draft Smart Growth Concept Map for planning purposes for the comprehensive 2007 RTP update. Yes – 14 (weighted vote, 94%). No – 1 (weighted vote, 6%). Abstain – 0 (0%). Absent – Encinitas, San Diego, Santee, and Vista.

17. CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL IN ANTICIPATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(3)(C) – ONE POTENTIAL CASE

The Board went into closed session at 12:35 p.m. The Board returned from closed session at 12:51 p.m.

Julie Wiley, SANDAG General Counsel, announced that the Board met in closed session and unanimously voted to reject the claim of Ortiz Enterprises under Government Code Section 900.

18. UPCOMING MEETINGS

Chairman Cafagna announced that SANDAG's Executive Director, Gary Gallegos, received the Pursuit of Excellence Award at the Women's Transportation Seminar's Annual Awards Banquet on Thursday, June 15, 2006.

The Friday, July 14, 2006, Board of Directors Policy meeting is scheduled for 10 a.m. Staff will provide a Transportation Funding Workshop. The next Board of Directors Business meeting scheduled for Friday, July 28, 2006, has been rescheduled to Friday, August 4, 2006, starting at 8:00 a.m. Immediately following the Board meeting on August 4, 2006, the Transportation Committee will hold its meeting. After the Transportation Committee meeting, a joint meeting with the Transportation and Regional Planning Committee members will be held. Then, the Regional Planning Committee will hold its meeting. Meeting information and other details will be included in the agenda distribution.

19. ADJOURNMENT

Chairman Cafagna adjourned the meeting at 12:52 p.m.

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**ATTENDANCE
SANDAG BOARD OF DIRECTORS' MEETING
JUNE 23, 2006**

JURISDICTION/ ORGANIZATION	NAME	ATTENDING	COMMENTS
City of Carlsbad	Matt Hall (Member)	Yes	
City of Chula Vista	Steve Padilla (Member)	Yes	
City of Coronado	Phil Monroe (Member)	Yes	
City of Del Mar	Crystal Crawford (Member)	Yes	
City of El Cajon	Jillian Hanson-Cox (Alternate)	Yes	
City of Encinitas	Christy Guerin (Member)	Yes	
City of Escondido	Lori Holt Pfeiler (Member)	Yes	
City of Imperial Beach	Patricia McCoy (Member)	Yes	
City of La Mesa	Art Madrid (Member)	Yes	
City of Lemon Grove	Mary Sessom, Vice Chair (Member)	Yes	
City of National City	Ron Morrison	Yes	
City of Oceanside	Shari Mackin (Member)	Yes	
City of Poway	Mickey Cafagna, Chair (Member)	Yes	
City of San Diego - A	Jerry Sanders (Member A)	Yes	
City of San Diego - B	Jim Madaffer (Member B)	Yes	
City of San Marcos	Pia Harris-Ebert (Member)	Yes	
City of Santee	Jack Dale (Member)	Yes	
City of Solana Beach	Joe Kellejian (Member)	Yes	
City of Vista	Judy Ritter (Member)	Yes	
County of San Diego	Bill Horn (Member)	Yes	
ADVISORY MEMBERS LISTED BELOW (ATTENDANCE NOT COUNTED FOR QUORUM PURPOSES)			
Caltrans	Pedro Orso-Delgado (Alternate)	Yes	
MTS	Harry Mathis (Member)	Yes	
NCTD	Jerome Stocks (Member)	Yes	
Imperial County	Victor Carrillo (Member)	No	
US Dept. of Defense	CAPT Dan King	No	
SD Unified Port District	William Hall (Member)	No	
SD County Water Authority	Marilyn Dailey	Yes	
Baja California/Mexico	Luis Cabrera Cuaron	Yes	