



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: 6/27/06
Placement: Administrative
Estimate Time:
Continued Item: Yes
If Yes, date from: 3/14/06
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Phillip M. Demery, Director 568-3010
Public Works Department
Contact Info: Scott D. McGolpin, Deputy Director 568-3064
Public Works Department - Transportation Division
SUBJECT: Memorandum of Understanding between the City of Santa Maria and the County of Santa Barbara to Haul Landfill Cover Material over the County Maintained Road System

County Counsel Concurrence:

As to form/legality: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Recommended Action(s):

That the Board of Supervisors set a hearing to: (Set hearing for July 11, 2006) (Est. Time: 60min. /15min. staff)

A) Approve a Memorandum of Understanding between the County of Santa Barbara and the City of Santa Maria to use the County Maintained Road System to haul landfill cover material.

B) Approve the Project and Categorical Exemption pursuant to the County's California Environmental Quality Act (CEQA) for the Maintenance Program and Surface Treatment Program.

Summary:

On March 14, 2006 your Board continued the hearing on the Bonita School Weight Limits and asked that the CEO and the Public Works Department negotiate with the City of Santa Maria and other stakeholders on the hauling of cover materials to the City's landfill. The Public Works Department has reached an agreement with the City of Santa Maria Public Works Department to use the County Maintained Road System to haul landfill cover material. The purpose of this agreement is to allow the City to bring up to 2.5 million tons of cover material to the City's landfill while preserving and/or improving the County Maintained Road System. The major points of the Memorandum of Understanding are as follows:

- The City of Santa Maria will provide proposed Landfill and Transfer Station haul routes to the County for approval prior to directing delivery trucks projected to move more than 15,000 tons. Upon approval of the route, County shall grant Haul Permits to the City of Santa Maria for each of these hauls.
- Routes for delivery of cover materials from sources projected to total less than 15,000 tons shall be chosen by the City of Santa Maria from a preferred list of routes supplied by the County (**Exhibit "A"**).
- Until December 31, 2012 or during the term of the agreement, whichever term is shorter, the City of Santa Maria shall be responsible for the operation and maintenance of Philbric Road from Betteravia/Foxen Canyon Roads to its northerly terminus at East Main Street. Philbric Road will be reconstructed in accordance with **Exhibit "B" - Preliminary Cost Estimate for the Reconstruction of Philbric Road from Betteravia Road to East Main Street** prior to October 1, 2008. The City shall provide a fog seal in 2009 and a chip seal in 2012 on the entire length of Philbric prior to the County taking the road back into the County maintained road system. The City's maintenance obligation, both corrective and preventive, commences when the landfill has accepted the first 200 tons of NHIS material from the Guadalupe Dunes restoration project.

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- The City of Santa Maria in perpetuity shall be responsible to pay for and implement the operation and maintenance of East Main Street from the City Limit to its easterly terminus at Philbric Road. East Main Street shall be maintained by the City of Santa Maria at a minimum in accordance with County's adopted road maintenance standards. The City's maintenance obligation, both corrective and preventive, commences when the landfill has accepted the first 200 tons of NHIS material from the Guadalupe Dunes restoration project.
- The County shall grant Road Encroachment Permits to Santa Maria to allow the maintenance of Philbric Road and East Main Street.
- Upon the effective date of the Agreement, the City of Santa Maria shall pay to the County thirty-five (35) cents per ton of deposited cover material up to Two and One Half Million (2,500,000) Tons or until the termination of acceptance of cover material to be deposited in the landfill whichever occurs first.
- The City of Santa Maria will make the payments mentioned above to the County on a quarterly basis. The money paid by the City may only be used for road maintenance purposes in the Santa Maria Valley also known as the County's Road Maintenance Area "E". Road maintenance purposes are defined as all labor, material and equipment necessary to perform both corrective and preventive maintenance on the County maintained road system.
- The agreement shall be in effect until December 31, 2012, or until such later date as may be mutually agreed upon between the parties, or until the City of Santa Maria notifies the County in writing that deliveries of material for incorporation into the landfill is complete and has terminated.
- If the total amount of cover material exceeds Two and One Half Million (2,500,000) Tons both parties agree to negotiate in good faith additional compensation for the County for the maintenance of county roads to haul this material to the City's landfill.
- The parties expressly acknowledge and agree that in no event will Bonita School Road and Crossing nor Ray Road/Sinton Road be utilized to haul cover material to the City of Santa Maria's Landfill.

Pursuant to the County's CEQA guidelines, this project has been determined to be exempt from further environmental review. Approval of the Notice of Exemption shall indicate the Board of Supervisor's approval of this project and will commence the appeal period, pursuant to State CEQA guidelines.

Background:

Since your Board continued the hearing on the Bonita School Weight Limits and asked that the CEO and the Public Works Department to negotiate with the City of Santa Maria and other stakeholders on the hauling of cover materials to the City's landfill; the Public Works Director for the City of Santa Maria and the Deputy Director-Transportation for the County have been the primary negotiators of the deal discussed above.

Since March the County and the City have had numerous meetings to establish a deal that would allow for the hauling of cover material to the City's landfill while preserving and/or improving the County Maintained Road System. As your Board knows, the County has made tremendous gains with our Pavement Preservation Program over the last few years. However, our rural road system still contains some of the County's poorest roadway surfaces. When it was brought to the Department's attention that Unocal/Chevron was planning to haul significant amounts of landfill cover material over these rural roads from the Guadalupe Dunes to the City's landfill Public Works' staff were naturally concerned.

On March 31, 2006 a haul route/stakeholders meeting was conducted and chaired by the Deputy CEO at the Betteravia Government Center. In attendance were the CEO's Office, Public Works Department, the 4th District Supervisor's Office, Unocal, the City of Santa Maria - Public Works Department, the Environmental Consultants to the County of San Luis Obispo for the Guadalupe Dunes Project, COLAB, Teixerra Farms and Betteravia Farms. The purpose of the meeting was to bring all of the stakeholders together to discuss the proposed Guadalupe Dunes Project and the haul routes contained within that project. This meeting was also helpful to define the parameters of the negotiations for your staff as well as the City negotiators. At this meeting it became perfectly clear that the agricultural community shared the same concerns the Department had with the proposed use of Bonita School Road and crossing as a haul route. It was decided at the conclusion of that meeting that Bonita School Road and crossing would no longer be considered a haul route. In addition, the stakeholders had concerns with the proposed use of Ray and Sinton Roads as haul routes as well. Both of these County roads have existing pavement conditions in the poor to very poor classification. It was agreed that these roads should not be considered haul routes as well during our negotiations.

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After the haul route/stakeholders meeting it was reported to Public Works that when the City of Santa Maria met with Unocal they were told by Unocal that they were willing to pay for damages caused to the County Maintained Road System but were not willing to take responsibility for the damage caused. This was the same response that Public Works was given by Unocal on March 9, 2006 when your staff met with them to negotiate a haul permit/agreement. This Unocal response was unacceptable to both Departments.

In mid-April the City of Santa Maria approached Public Works with a revised conceptual offer. The City of Santa Maria proposed executing an agreement with the County for repairs to our County Maintained Road System used as haul routes in lieu of Unocal executing a haul permit/agreement. Since that time both the City and County Public Works Departments have been looking at various options with regards to the hauling of 2.5 million ton of cover material and have developed the draft final deal which is detailed in the Memorandum of Understanding for your consideration and approval.

Fiscal and Facilities Impacts:

The City of Santa Maria will have estimated one-time costs of \$3,150,000 and annual costs of \$275,000 upon execution of this agreement. The County will receive a total of \$875,000 in quarterly payments for road maintenance purposes in the Santa Maria Valley. The remainder of the City's costs will be work they perform on the County Maintained Road System.

Budgeted: Yes No

Fiscal Analysis:

| <u>Funding Sources</u> | <u>Current FY Cost:</u> | <u>Annualized Cost:</u> | <u>Total Project</u> |
|------------------------|-------------------------|-------------------------|----------------------|
| General Fund | | | |
| State | | | |
| Federal | | | |
| Fees | | | |
| Other: | | | |
| Total | \$ - | \$ - | \$ - |

Narrative:

Staffing Impact(s):

Legal Positions:

FTEs:

Special Instructions:

Please provide a signed copy and certified stamped Minute Order approving the Memorandum of Understanding to Gena Valentine Felix in the Public Works Department, Transportation Division.

Attachments: (list all)

Memorandum of Understanding between the City of Santa Maria and the County of Santa Barbara to haul landfill cover material over the County Maintained Road System

CEQA Notice of Exemption

Authored by:

Scott McGolpin X3064