

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal, Vice-Chair

Second District - Janet Wolf

Third District - Doreen Farr, Chair

Fourth District - Joni Gray

Fifth District - Steve Lavagnino

Chandra L. Wallar, County Executive Officer

Agenda

Tuesday, February 14, 2012

9:00 AM

**JOSEPH CENTENO BETTERAVIA GOVERNMENT
ADMINISTRATION BUILDING
BOARD HEARING ROOM**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, Redevelopment Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: www.countyofsb.org

Persons may address the Board of Supervisors in person or by using the remote video testimony system located at the County Administration Building, Board Hearing Room, Fourth Floor, 105 East Anapamu Street, in Santa Barbara or at the Betteravia Government Center, Board Hearing Room, 511 East Lakeside Parkway, Santa Maria. Persons may address the Board on any matter listed on the agenda by completing and delivering to the Clerk a speaker slip before the item is considered. Matters not listed on the agenda may be addressed during the public comment period at the conclusion of the administrative agenda. Further information on agenda items can be obtained in the Clerk of the Board Office, Room 407, in the County Administration Building in Santa Barbara.

Board Meeting Procedures

The Board of Supervisors is the legislative body for the County of Santa Barbara. Persons are encouraged to attend and testify before the Board on any matter appearing on the agenda. Correspondence to the Board regarding items appearing on the agenda should be directed to the Clerk of the Board, 105 East Anapamu Street, Room 407, Santa Barbara CA 93101. For information regarding the meetings of the Board of Supervisors including specific meeting times contact the Clerk of the Board at (805) 568-2240. Procedures for the conduct of the meetings of the Board of Supervisors can be found in Board Resolutions 09-368 (General) and 91-333 (Land Use).

The schedule of the Board of Supervisors, meeting agendas, supplemental hearing materials and minutes of the Board meetings are available on the Internet at: www.countyofsb.org

Board Meetings are televised live on County of Santa Barbara TV channel 20. For information about obtaining a videotape of a public hearing or a schedule of CSBTV broadcasts please call (805) 568-3427.

Late Distribution

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to all or a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for inspection in the Clerk of the Board Office, 105 East Anapamu Street, Room 407, Santa Barbara, CA, at the Office of the Board of Supervisors, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, CA and on the Internet at: <http://santabarbara.legistar.com/Calendar.aspx#current>.

Disability Access

The Board of Supervisors Hearing Room in Santa Barbara is located on the Fourth Floor of the County Administration Building, 105 East Anapamu Street. The Hearing Room is wheelchair accessible. Accessible public parking is available behind the County Administration Building and in City Parking Lot #6 located at the corner of Anacapa Street and Anapamu Street.

The Board of Supervisors Hearing Room in Santa Maria is located at the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria. The Hearing Room is wheelchair accessible. Accessible public parking is available at the Betteravia Government Center.

American Sign Language interpreters, Spanish language interpretation and sound enhancement equipment may be arranged by contacting the Clerk of the Board of Supervisors by 4:00 p.m. on Friday before the Board meeting. For information about these services please contact the Clerk of the Board at (805) 568-2240.

Closed Session

The Board of Supervisors conducts a Closed Session every Tuesday between 12:00 P.M. and 1:00 P.M. and at 7:50 A.M. as necessary. Closed Sessions are not open to the public. Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Actions taken by the Board during Closed Session will be announced during open session (Gov. Code Sections 54957.1(a) & (b), Ralph M. Brown Act). The Closed Session agenda is posted as an addendum to the Board's agenda each Friday in the Office of the Clerk of the Board. For information related to Closed Session announcements please contact County Counsel at (805) 568-2950.

9:00 A.M. Convened to Regular Session**Roll Call****Pledge of Allegiance****Approval of Minutes of the February 7, 2012 Meeting****12:00 P.M. Recess to Closed Session****Report from Closed Session**COUNTY COUNSEL[12-00009](#)

Closed Session Agenda

Public Comment Period

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 09-368) (12-00001)

WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR ARE NOT APPROPRIATE.

Administrative Agenda

All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the administrative agenda and considered as a separate item.

Resolutions to be Presented at 9:00 A.M.**A-1) SUPERVISOR FARR**[12-00118](#)

Adopt a Resolution of Commendation honoring Lori Simmons of the Santa Maria Adult Mental Health Clinic as the February 2012 County of Santa Barbara Employee of the Month.

A-2) SUPERVISOR FARR[12-00131](#)

Adopt a Resolution of Commendation celebrating the Santa Barbara County Farm Bureau.

A-3) SUPERVISOR GRAY [12-00123](#)

Adopt a Resolution of Commendation recognizing the Prince Hall Masonic Lodge No. 109 of Lompoc for 44 years of dedicated service to Santa Barbara County and the communities of Lompoc, Orcutt and Santa Maria.

A-4) SUPERVISOR GRAY [12-00124](#)

Adopt a Resolution proclaiming Sundays as “Eat local and buy California-grown” days in Santa Barbara County.

A-5) SUPERVISOR GRAY [12-00125](#)

Adopt a Resolution of Commendation honoring the Community Action Commission Santa Barbara County Youth Corps for their service to the community.

A-6) SUPERVISOR LAVAGNINO [12-00126](#)

Adopt a Resolution of Commendation honoring Dorothy Laine upon her retirement from the Santa Barbara County Agricultural Advisory Committee.

Administrative Items**A-7) AGRICULTURAL COMMISSIONER [12-00117](#)**

Consider recommendations regarding appointments to the Agricultural Advisory Committee, as follows:

a) Approve the appointment of Claire Wineman as a regular member, nominated by the Grower-Shipper Association; and

b) Approve the appointment of Richard Quandt as an alternate member, nominated by the Grower-Shipper Association.

A-8) COMMUNICATIONS FOR REFERRAL [12-00128](#)

Santa Barbara Unified School District - Approve the request of the Santa Barbara Unified School District to call and give notice of an election to approve a secondary education parcel tax, to establish specifications of the election order, and to request consolidation with the presidential primary election to be held on June 5, 2012.

(APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

A-9) COMMUNICATIONS FOR REFERRAL**[12-00139](#)**

Santa Barbara Unified School District - Approve the request of the Santa Barbara Unified School District to call and give notice of an election to approve an elementary education parcel tax within the boundaries of the former Santa Barbara Elementary School District, to establish specifications of the election order, and to request consolidation with the presidential primary election to be held on June 5, 2012.

(APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

A-10) COMMUNITY SERVICES**[12-00135](#)**

Consider recommendations regarding Dahlia Court II (Expansion) HOME Investment Partnerships Act (HOME) and Community Development Block Grant (CDBG) Assignment, Assumption and Modification Agreement, First District, as follows:

a) Approve and authorize the Chair to execute an Assignment, Assumption and Modification Agreement to add an additional \$226,000.00 of HOME Funds to the Dahlia Court II Project and to make other minor amendments to the executed HOME loan documents; and

b) Approve and authorize the Chair to execute an Assignment, Assumption and Modification Agreement to add an additional \$125,000 of CDBG Funds to the Dahlia Court II Project and to make other minor amendments to the executed CDBG loan documents.

A-11) COUNTY COUNSEL**[12-00120](#)**

Approve and authorize the Chair to execute an Amendment to Contract with Outside Counsel for Professional Legal Services between the County of Santa Barbara and Nye, Peabody, Stirling, Hale & Miller, LLP for Pending Litigation related to Terris v. County of Santa Barbara, Superior Court Case No. 1339241, increasing maximum payments from \$250,000.00 to \$410,000.00.

A-12) GENERAL SERVICES, PLANNING AND DEVELOPMENT**[12-00062](#)**

Consider recommendations regarding the Ellwood Pipeline, Inc. Line 96 Modification Project and Ordinance/Franchise CEQA Findings, Third District, as follows:

a) Consider the adoption (second reading) of an Urgency Ordinance, to be effective immediately, granting the Public Pipeline Franchise to EPI to facilitate EPI's Line 96 Modification Project;

b) Pursuant to California Environmental Quality Act (CEQA), find and approve action, as follows:

i) Find that the Ellwood Pipeline Company Line 96 Modification Project Final Environmental Impact Report FEIR 09-EIR-00000-00005 (Ellwood FEIR) was reviewed, considered and certified by the Santa Barbara County Planning Commission on August 3, 2011 and is on file with the State Clearinghouse as file No. 2009111034;

- ii) Determine that the issuance of the Public Pipeline Franchise is within the scope of the project for which the Ellwood FEIR was certified; and
- iii) After reviewing and considering the Ellwood FEIR that the Board of Supervisors adopts CEQA findings and, pursuant to 14 CCR (CEQA Guideline) 15162, determines that no subsequent EIR or Negative Declaration is required for this project because of the following:
 - 1) No substantial changes are proposed in the project which require major revision of the Ellwood FEIR;
 - 2) No substantial changes have occurred with respect to the circumstances under which the project was undertaken which required major revisions to the Ellwood FEIR; and
 - 3) No new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the Ellwood FEIR was certified in August 2011, has been received that requires a subsequent EIR or Negative Declaration; and
- c) Adopt findings that immediate enactment as an Urgency Ordinance is supported by the following:
 - i) The Project EIR at Section 4.5.7 Biological Resources determined that transport of petroleum by pipeline rather than barge presents a significant improvement of safety for biological resources;
 - ii) The Statement of Overriding Considerations for this project finds that when compared to the significant impacts that would occur from the continued operation of the Ellwood Marine Terminal and crude oil barging for each of the noted issue areas, the pipeline project has significant environmental benefits;
 - iii) The Coastal Act and County Coastal policies all recognize the environmental benefits of pipeline transportation and mandate pipeline use over all other modes of transportation where feasible;
 - iv) Transport by pipeline represents a significant reduction in air emissions from transport by sea-going barge; and
 - v) The National Oceanographic and Atmospheric Administration in the United States Coast Pilot advisory has determined the endemic offshore fog on sea transport route from Ellwood Marine Terminal to Los Angeles presents a "persistent navigational hazard" that use of the pipeline will immediately avoid.

A-13) GENERAL SERVICES**12-00119**

Consider recommendations regarding the Santa Maria Courthouse Hazard Mitigation Program, Project No. 8518, Fifth Supervisorial District, as follows:

- a) Authorize the Chair to execute the attached Amendment No. 1 to the contract with Diani Building Corp., Inc., a local vendor, for the Santa Maria Court Complex Hazard Mitigation Program project in the amount of \$35,707.25, for a total amended contract amount of \$580,706.25;
- b) Re-authorize the Director of General Services, or his designee, to approve additional changes to the contract of an amount not to exceed 10% of the first \$250,000.00 of the original contract plus 5% of the remaining contract amount, or \$39,750.00 for this contract; and
- c) Find that a Notice of Exemption under CEQA Guidelines Section was filed with the County Clerk's office on November 18, 2009, and that the contract amendment for the previously-approved project is therefore an administrative activity not constituting a "Project" within the meaning of CEQA, as set forth in 14 CCR 15378(b)(2).

A-14) PUBLIC HEALTH**12-00022**

Consider recommendations regarding an Ordinance for Emergency Medical Services (EMS) Agency Fees, as follows:

- a) Consider the adoption (second reading) of an Ordinance to increase fees for EMT certification, re-certification, and EMT-P accreditations; and
- b) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

A-15) PUBLIC HEALTH**12-00061**

Consider recommendations regarding an Ordinance amending the Animal Services Fee Schedule, as follows:

- a) Consider the adoption (second reading) of an Ordinance amending the Animal Services Fee Schedule; and
- b) Approve the filing of a Notice of Exemption pursuant to CEQA Guidelines.

A-16) PUBLIC WORKS**12-00133**

Consider recommendations regarding parking restrictions on various roads, First, Second, Third and Fourth Districts, as follows:

- a) Adopt a Resolution to rescind Resolutions No. 72-1, 74-544, 78-89 and 98-2, which established “no parking” zones on San Ysidro Road in the Montecito area, First District;
- b) Adopt a Resolution establishing a total of thirteen (13) new “no parking” zones on San Ysidro Road in the Montecito area, San Marcos Road in the Goleta area, Trigo Road in the Isla Vista area, and Bradley Road and Patterson Road in the Orcutt area, First, Second, Third, and Fourth Districts;
- c) Find that the proposed action is for the operation and maintenance of existing public facilities, involving negligible, or no expansion of use beyond that which presently exists, that the proposed action is therefore exempt from CEQA pursuant to 14 CCR 15301; and
- d) Approve the filing of a Notice of Exemption on that basis.

A-17) PUBLIC WORKS**12-00134**

Consider recommendations regarding construction of 2010/11 Countywide Preventive Maintenance Application of Scrub Seal and Micro-Surfacing, County Project No. 820621, First, Second, Third, and Fourth Districts, as follows:

- a) Approve and authorize the Chair to execute the Statement of Final Quantities for work performed and materials supplied for this project by the Contractor, Windsor Fuel Company (not a local vendor), located at P.O. Box 1029 in Pittsburg, California 94565, in the amount of \$2,884,422.48;
- b) Find that the proposed action does not constitute a project within the meaning of the California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378 (b)(2); continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making; and
- c) Approve the filing of a Notice of Exemption on that basis.

A-18) SHERIFF**12-00051**

Consider the adoption (second reading) of an Ordinance amending Ordinance No. 4440 of Chapter 2, Article XII, of the Santa Barbara County Code; to add sections 2-93.2, 2-93.3, 2-93.4 and 2-93.5 relating to the Sheriff's Electronic Monitoring Programs.

Board of Supervisors**A-19) SUPERVISOR CARBAJAL****[12-00127](#)**

Approve the appointment of Carolyn Wood to the Mental Health Commission as an alternate member, term ending August 1, 2014, First District.

A-20) SUPERVISOR WOLF**[12-00122](#)**

Approve the appointment of Ms. Alice J. Villarreal-Redit to the Mental Health Commission, term ending June 30, 2013, Second District.

Hearing Requests**A-21) PLANNING AND DEVELOPMENT****[12-00137](#)**

Set hearing to consider recommendations regarding the Orcutt Key Site 3 project, Case Nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-00004, and 10CUP-00000-00001, related to APN 129-151-026, which is located approximately 0.5 miles south of the Clark Avenue/U.S. Highway 101 intersection in the Orcutt area, Fourth District, as follows:

(Set hearing for 3/13/12. Time estimate 1 hour and 15 minutes.)

- a) Make the required findings to deny the project;
- b) Determine the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15270 of CEQA; and
- c) Deny the project, Case Nos. 06GPA-00000-00016, 06RZN-00000-00007, 06DVP-00000-00015, 06TRM-00000-00004, and 10CUP-00000-00001.

Approval of Administrative Agenda

Departmental Agenda
Planning Items and Public Hearings

Departmental Item No. 1) Time Certain - 10:00 A.M.

1) COUNTY EXECUTIVE OFFICE [12-00130](#)

HEARING - Consider recommendations regarding Fire Department Deployment Study Results, as follows: (EST. TIME: 45 MIN.)

- a) Receive and file the Fire Service Deployment and Departmental Performance Audit for the County of Santa Barbara, conducted by Citygate Associates, LLC; and
- b) Approve a request that the Fire Chief return to the Board in sixty (60) days with an operational response plan.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

2) COUNTY EXECUTIVE OFFICE [12-00121](#)

HEARING - Consider recommendations regarding the annual State Legislative Report and Contract renewal, as follows: (EST. TIME: 15 MIN.)

- a) Receive and file the annual State Legislative Report from Governmental Advocates, Inc.; and
- b) Approve the renewal of the contract with Governmental Advocates, Inc. for state advocacy services for the period of January 1, 2012 through December 31, 2012 in the amount of \$58,700.00.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

3) SUPERVISOR GRAY [12-00140](#)

HEARING - Provide direction to the Santa Barbara County Board of Supervisors - California State Association of Counties (CSAC) representative regarding a position on the Governor's proposed ballot measure, entitled TEMPORARY TAXES TO FUND EDUCATION, GUARANTEED LOCAL PUBLIC SAFETY FUNDING INITIATIVE CONSTITUTIONAL AMENDMENT (the Schools and Local Public Safety Protection Act of 2012), proposed to grant constitutional protections for county realignment funding. (EST. TIME: 10 MIN.)

4) COUNTY EXECUTIVE OFFICE[11-00823](#)

HEARING - Consider recommendations regarding the crude oil production tax proposal follow-up, as follows: (EST. TIME: 1 HR.)

a) Receive and file the follow-up crude oil production tax staff report on the impact to property tax revenue, tax application methodology options, economic analysis on price and jobs, estimates of staff time and cost estimates for getting such a tax measure on the ballot; and

b) Provide staff with direction on how to proceed.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

**The Santa Barbara County Board of Supervisors Adjourned the Meeting of
February 14, 2012 in Honor of Jo Ann Barragan of Santa Barbara and Louisa
Van Ausdal of Lompoc**

Adjourned at 4:07 PM

Adjourned to

February 21, 2012

**County Administration Building
Board Hearing Room
105 East Anapamu Street , Fourth Floor
Santa Barbara**

Challenges

*IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT,
YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED
AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN
CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC
HEARING.*

Announcements

*The meeting of Tuesday, February 14, 2012 will be telecast live on County of Santa Barbara TV
channel 20 at 9:00 AM, and will be rebroadcast on Thursday, February 16, 2012, at 5:00 PM and on
Saturday, February 18, 2012, at 10:00 AM on CSBTV Channel 20.*

*THE BOARD OF SUPERVISORS WILL NOT MEET ON TUESDAY, FEBRUARY 28, 2012; THIS IS
A FOURTH TUESDAY. THE NEXT REGULAR MEETING WILL BE TUESDAY, MARCH 6, 2012, IN
SANTA BARBARA.*

<http://www.countyofsb.org>