County of Santa Barbara

BOARD OF SUPERVISORS



First District - Salud Carbajal Second District - Janet Wolf Third District - Doreen Farr, Vice Chair Fourth District - Joni Gray, Chair Fifth District - Steve Lavagnino

Chandra L. Wallar, County Executive Officer

Action Summary

Tuesday, October 11, 2011 9:00 AM

JOSEPH CENTENO BETTERAVIA GOVERNMENT ADMINISTRATION BUILDING, BOARD HEARING ROOM 511 EAST LAKESIDE PARKWAY, SANTA MARIA

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.

9:00 A.M. Convene to Regular Session

CONVENED: 9:00 A.M.

Roll Call

Present:

5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Pledge of Allegiance

Approval of Minutes of the October 4, 2011 Meeting

A motion was made by Supervisor Wolf, seconded by Supervisor Carbajal, to Approve the Minutes. The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

12:00 P.M. Recess to Closed Session

Report from Closed Session

No reportable action.

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 11:30 A.M.

A-1) <u>SUPERVISOR GRAY</u>

11-00771

Adopt a Resolution of Commendation honoring Mary Quackenbush, Carol Kraus and Heather McCaslin of the Assessor's Office as the October 2011 Santa Barbara County Employees of the Month.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Adopted.

RESOLUTION NO. 11-348

The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-2) <u>SUPERVISOR LAVAGNINO</u>

11-00783

Adopt a Resolution proclaiming the week of October 9, 2011 through October 15, 2011 as National Fire Prevention Week in Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Adopted.

RESOLUTION NO. 11-349

The motion carried by the following vote.

Ayes:

Honorary Resolutions

A-3) SUPERVISOR CARBAJAL, SUPERVISOR FARR

11-00774

Adopt a Resolution of Commendation honoring Steve Weiner as the 2011 Tri-Counties Central Labor Council Labor Leader of the Year.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Adopted.

RESOLUTION NO. 11-350

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-4) SUPERVISOR WOLF

11-00775

Adopt a Resolution of Commendation honoring Vern Novstrup in recognition of his Marilyn Valenzuela Labor Support Award from the Tri-Counties Central Labor Council.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Adopted.

RESOLUTION NO. 11-351

The motion carried by the following vote.

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-5) <u>SUPERVISOR WOLF</u>

11-00776

Adopt a Resolution of Commendation honoring Jean Schuyler in recognition of her 2011 Pathways to Hope Award from Domestic Violence Solutions.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Adopted.

RESOLUTION NO. 11-352

The motion carried by the following vote.

Administrative Items

A-6) AUDITOR-CONTROLLER

11-00778

Receive and file a report summarizing the annual allocation of \$1,154,358.05 for the Citizens Option for Public Safety Program (COPS) and \$986,753.23 for the Juvenile Justice Programs, along with \$12.68 in interest earnings from the County Supplemental Law Enforcement Services Fund (SLESF) for Fiscal Year 2010/2011.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Received and filed. The motion carried by the following vote.

Ayes:

5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-7) COUNTY EXECUTIVE OFFICE, BOARD OF DIRECTORS, REDEVELOPMENT AGENCY

11-00770

Consider recommendations regarding participation in the Alternative Voluntary Redevelopment Program, as follows:

- a) Consider the adoption (second reading) of an Ordinance determining that the County will comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the County of Santa Barbara (Continuation Ordinance); and
- b) Determine, that the above action does not constitute a "project" under the California Environmental Quality Act (CEQA) but instead consists of the creation or continuation of a governmental funding mechanism for potential future projects and programs and/or governmental organizational activities pursuant to CEQA Guideline Sections 15378(b)(4) and 15378(b)(5).

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

a) Adopted.

ORDINANCE NO. 4804

b) Authorized.

The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-8) DISTRICT ATTORNEY

11-00777

Adopt a Resolution authorizing the District Attorney to renew an Agreement with the California Department of Insurance for a Workers' Compensation Insurance Fraud Prosecution Unit in Fiscal Year 2011/2012.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Adopted.

RESOLUTION NO. 11-353

The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-9) GENERAL SERVICES

11-00782

Consider recommendations regarding a Sublease Agreement with San Luis Obispo County for a Communication Site at Plowshare Peak, ORES Folio No. 003639, Fifth District, as follows:

- a) Approve a Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines; and
- b) Approve and authorize the Chair to execute the Sublease Agreement between the County of Santa Barbara, as Sublessee, and the County of San Luis Obispo, as Sublessor, for a term of ten (10) years with three (3) options to extend of five (5) years each, for no monetary consideration, at Plowshare Peak, Santa Barbara County, in the Los Padres National Forest.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

- a) Approved; and
- b) Approved; Chair to execute.

The motion carried by the following vote.

A-10) <u>PROBATION</u> <u>11-00779</u>

Approve and authorize the Chair to execute a Contract with Community Solutions Incorporated (CSI) (not a local vendor) to provide services for Post Release Community Supervision Offenders (PRCS) at the Sheriff's Day Reporting Centers (DRC) for the period of October 15, 2011 through June 30, 2012, in an amount not to exceed \$391,989.00.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Approved; Chair to Execute. The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

A-11) PUBLIC WORKS, BOARD OF DIRECTORS, WATER AGENCY

11-00780

Acting as the Board of Directors, Water Agency:

Consider recommendations regarding an Agreement with RMC Water and Environment to update the Integrated Regional Water Management Plan for Santa Barbara County, as follows:

- a) Approve and authorize the Chair to execute an Agreement with RMC Water and Environment (not a local vendor) to update the Integrated Regional Water Management Plan for Santa Barbara County from the period of October 11, 2011 through December 31, 2013, in an amount not to exceed \$555,737.00; and
- b) Find that the proposed Update to the Integrated Regional Water Management Plan is exempt under California Environmental Quality Act (CEQA) guidelines, Section 15262; Feasibility and Planning Studies and Section 15306 (Class 6) Basic data collection, research, experimental management, and resource evaluation activities.

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

- a) Approved; Chair to execute; and
- b) Authorized.

The motion carried by the following vote.

A-12) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

11-00781

Acting as the Board of Directors, Flood Control and Water Conservation District:

Consider recommendations regarding a Grant Application to the California Department of Water Resources for Santa Maria River Levee Reinforcement, Fifth District, as follows:

- a) Adopt a Resolution entitled "In the Matter of Authorizing Grant Application to the California Department of Water Resources for the Santa Maria River Reinforcement Project"; and
- b) Find that the proposed action does not constitute a "Project" within the meaning of CEQA, pursuant to 14 CCR 15378 (b)(4) (creation of government funding mechanisms).

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

a) Adopted.

RESOLUTION NO. 11-354

b) Authorized.

The motion carried by the following vote.

Ayes:

 Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Gray, and Supervisor Lavagnino

Approval of Administrative Agenda

HEARING TIME: 9:03 A.M. - 9:07 A.M. - 11:19 A.M. - 11:25 A.M. (10 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Lavagnino, to Approve the Administrative Agenda as Amended. The motion carried by the following vote.

Ayes:

Public Comment Period

HEARING TIME: 9:07 A.M. - 9:40 A.M. (33 min.)

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) (11-00001)

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

Re: ADMHS issues, County Land Use Codes, City of Cuyama - Dr. Robert L. Johns Addressed the Board.

Re: Guadalupe Dunes Park, Dunes Center and "Lost City" archaeological site - Geoff Alexander, Frances Romero, Bob Hatch, Sam Cohen, Regan Candelario, Andy Caldwell, George Alvarez and Third District Supervisor Doreen Farr Addressed the Board and directed staff to return with a report regarding permitting issues at the "Lost City" archaeological site.

Re: Outstanding taxes owed to County/ request that Treasurer-Tax Collector-Public Administrator provide a report to the Board - Fourth District Supervisor Joni Gray Addressed the Board.

<u>Departmental Agenda</u> <u>Planning Items and Public Hearings</u>

1) PUBLIC WORKS, BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT

11-00732

Acting as the Board of Directors, Laguna County Sanitation District:

HEARING - Receive and file a presentation on the Laguna County Sanitation District Wastewater Reclamation Plant Facilities and Financial Master Plan, Fourth District. (EST. TIME: 30 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 9:41 A.M. - 10:05 A.M. (24 MIN.)

Conducted public hearing.

A motion was made by Supervisor Farr, seconded by Supervisor Lavagnino, that this matter be Acted on as follows:

Received and filed staff presentation.

The motion carried by the following vote.

2) PUBLIC WORKS, BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT

11-00724

Acting as the Board of Directors, Laguna County Sanitation District:

HEARING - Consider recommendations regarding a Laguna County Sanitation District Board Ordinance amending Chapter 29 of the Santa Barbara County Code regarding a water softener control ordinance and water softener exchange program, Second, Third, Fourth and Fifth Districts, as follows: (EST. TIME: 15 MIN.)

- a) Consider the introduction (first reading) of an Ordinance entitled, "An Ordinance for the Laguna County Sanitation District Amending Article III of Chapter 29 of the County Code of the County of Santa Barbara Regarding Water Softening Systems or Devices";
- b) Accept the Notice of Exemption pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (14 CCR 15061 (b)(3)); and
- c) Set a hearing on the Administrative Agenda of November 1, 2011 to consider the following:
- i) Consider the adoption (second reading) of an Ordinance entitled, "An Ordinance for the Laguna County Sanitation District Amending Article III of Chapter 29 of the County Code of the County of Santa Barbara Regarding Water Softening Systems or Devices"; and
- ii) Approve a the Notice of Exemption pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (14 CCR 15061 (b)(3)).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 10:06 A.M. - 10:15 A.M. (9 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Farr, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

Acting as the Board of Supervisors:

- a) Read title, waived reading of the Ordinance in it's entirety. Introduction approved; adoption (second reading) of the Ordinance set for November 1, 2011 in Santa Barbara on the Administrative Agenda.
- b) Accepted.
- c) Set hearing for adoption (second reading) on the Administrative Agenda for November 1, 2011 in Santa Barbara.

The motion carried by the following vote.

11-00692

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00003 (11APL-00000-00011), APNs 131-090-076 and a portion of -078, located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIME: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00011, thereby upholding the Zoning Administrator's approval of 09COC-00000-00003; and
- d) Grant de novo approval of 09COC-00000-00003, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;

Ayes:

- c) Denied the appeal, Case No. 11APL-00000-00011; and
- d) Granted de novo approval of 09COC-00000-00003.

The motion carried by the following vote.

11-00693

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00004 (11APL-00000-00012), APNs portion of 131-090-076, and -078, located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIM: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00012, thereby upholding the Zoning Administrator's approval of 09COC-00000-00004; and
- d) Grant de novo approval of 09COC-00000-00004, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;
- c) Denied the appeal, Case No. 11APL-00000-00012; and
- d) Granted de novo approval of 09COC-00000-00004.

The motion carried by the following vote.

11-00694

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00005 (11APL-00000-00013), APN 131-090-080, located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIME: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00013, thereby upholding the Zoning Administrator's approval of 09COC-00000-00005; and
- d) Grant de novo approval of 09COC-00000-00005, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;
- c) Denied the appeal, Case No. 11APL-00000-00013; and
- d) Granted de novo approval of 09COC-00000-00005.

The motion carried by the following vote.

11-00695

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00006 (11APL-00000-00014), APN 131-090-081 (portion of), located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIME: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00014, thereby upholding the Zoning Administrator's approval of 09COC-00000-00006; and
- d) Grant de novo approval of 09COC-00000-00006, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;
- c) Denied the appeal, Case No. 11APL-00000-00014; and
- d) Granted de novo approval of 09COC-00000-00006.

The motion carried by the following vote.

11-00696

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00007 (11APL-00000-00015), APNs 131-090-081 (portion of) and -082, located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIME: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00015, thereby upholding the Zoning Administrator's approval of 09COC-00000-00007; and
- d) Grant de novo approval of 09COC-00000-00007, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;

Ayes:

- c) Denied the appeal, Case No. 11APL-00000-00015; and
- d) Granted de novo approval of 09COC-00000-00007.

The motion carried by the following vote.

11-00697

HEARING - Consider the Nelson Appeal of the Zoning Administrator's approval of 09COC-00000-00008 (11APL-00000-00016), APN 131-090-083, located approximately ½ mile southeast of the intersection of Tepusquet Road and an existing unnamed jeep road, in the Tepusquet area, Fifth District, as follows: (EST. TIME: 10 MIN.)

- a) Make the required findings for the project, including CEQA findings;
- b) Determine the project is exempt pursuant to Section 15061(b)(3) of CEQA;
- c) Deny the appeal, Case No. 11APL-00000-00016, thereby upholding the Zoning Administrator's approval of 09COC-00000-00008; and
- d) Grant de novo approval of 09COC-00000-00008, subject to the conditions specified in the Zoning Administrator's action letter and attachments dated June 9, 2011.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:30 A.M. - 11:15 A.M. (45 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Lavagnino, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) Made the required findings;
- b) Authorized;
- c) Denied the appeal, Case No. 11APL-00000-00016; and
- d) Granted de novo approval of 09COC-00000-00008.

The motion carried by the following vote.

Board Member Reports

HEARING TIME: 11:16 A.M. - 11:18 A.M. (2 MIN.)

RE: Reported visit with staff to the community of Cuyama to meet with local stakeholders and constituents - First District Supervisor Salud Carbajal Addressed the Board.

RE: Regarding recent open house, new ownership and community support for the Bacara Hotel - Third District Supervisor Doreen Farr Addressed the Board.

RE: Sandra Villlegas Ploutz and Brian Fraser were both honored as ADMHS volunteers and recent graduates of the Mental Health Services Act Peer Training Program - Fourth District Supervisor Joni Gray Addressed the Board.

Adjourned at 1:00 PM

The Board of Supervisors adjourned the meeting of October 11, 2011 in honor and memory of San Marcos High School Student, Sergio Romero

Adjourned to

October 18, 2011

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

Announcements

The meeting of Tuesday, October 11, 2011 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, October 13, 2011, at 5:00 PM and on Saturday, October 15, 2011, at 10:00 AM on CSBTV Channel 20.

http://www.countyofsb.org