

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

October 16, 2001

**COUNTY ADMINISTRATION BUILDING
BOARD HEARING ROOM, FOURTH FLOOR
105 EAST ANAPAMU STREET, SANTA BARBARA**

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.

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

8:00 A.M. Convene and Recess to Closed Session

9:00 A.M. Reconvene to Regular Session

Roll Call

Present: Supervisor Gray, Supervisor Marshall, Supervisor Rose, Supervisor Schwartz and Supervisor Urbanske

Invocation: Dale Krick, General Services

Report from Closed Session

The Board took the following actions:

Jansen v. County (Val Verde). By a vote of 3:2 with Supervisors Gray and Urbanske voting no, the Board voted to authorize the appeal from final judgment of the Superior Court.

Gardner v. Sonoma County. Reported decision of First District Court of Appeal, holding that maps drawn and recorded before 1893 do not create legal parcels under the Subdivision Map Act. The County filed a friend of the court brief in support of Sonoma County.

Schroeter v. County. Announced that the Superior Court granted summary judgment for the County. The case involved a vehicle accident in which a pedestrian was struck and killed by a car while crossing Calle Real.

Park v. County. Announced that the arbitrator awarded the passenger \$31,650.75 and the driver \$77,882.42 for a total award against the County of \$109,533.17. The case involved a vehicle accident in which plaintiffs' car was struck by a Sheriff's car.

Information regarding these announcements may be obtained in the Office of County Counsel.

Approval of Minutes of the October 8 and October 9, 2001 meetings**Administrative Agenda**

X-1) COUNTY EXECUTIVE OFFICE File Reference No. 01-01363

Receive and file a report on the County's "Terrorism Preparedness" related to the September 11, 2001, attack and subsequent activities and provide direction as appropriate.

Schwartz/Urbanske *Approved consideration of X-Agenda item.*

A motion was made by Supervisor Schwartz, seconded by Supervisor Urbanske, that this matter be Received and filed. The motion carried unanimously.

Resolutions to be Presented at 2:00 PM

A-1) BOARD OF SUPERVISORS File Reference No. 01-01340

Accept a resolution from the City Council of Santa Maria commending the Fire Departments of Santa Barbara County, Lompoc, Vandenberg Air Force Base, Solvang, Santa Barbara City, San Luis Obispo County/ California Department of Forestry and Fire Protection, Arroyo Grande, Pismo Beach, Grover Beach, Oceano and San Luis Obispo City for their unselfish assistance to the City of Santa Maria in suppressing the Casiano Fire on June 8, 2001.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted. The motion carried unanimously.

A-2) SUPERVISOR GRAY File Reference No. 01-01343

Adopt a resolution honoring the Peace Corps on their 40th anniversary and proclaiming October 28, 2001 as Santa Barbara Peace Corps Day.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted RESOLUTION NO. 01-350 The motion carried unanimously.

A-3) SUPERVISOR ROSE File Reference No. 01-01342

Adopt a resolution to welcome the Board of Governors of the State Bar of California to Santa Barbara.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted RESOLUTION NO. 01-349. The motion carried unanimously.

A-4) SUPERVISOR SCHWARTZ File Reference No. 01-01341

Adopt a resolution proclaiming October 2001 as Employment for People with Disabilities Awareness Month in Santa Barbara County.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted RESOLUTION NO. 01-348. The motion carried unanimously.

Administrative Items

A-5) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES File Reference No. 01-01345

Consider amendments to the contract with the California Department of Alcohol and Drug Programs

for Alcohol and Drug Program services, as follows:

a) Approve and execute Amendment No. 1 for Alcohol and Drug Program services, decreasing the contract amount for Fiscal Year 1999-2000 (year two) by \$1,975,463 for a total amount of \$4,243,409;

b) Approve and execute Amendment No. 2 for Alcohol and Drug Program services decreasing the contract amount for FY 2000-01 (year three) by \$951,030 for a total amount of \$5,166,633, and amending the contract provisions for the Combined Negotiated Net Amount and Drug Medi-Cal contract.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved; Chair to Execute. The motion carried unanimously.

A-6) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT File Reference No. 01-01362

Consider recommendations regarding a Notice of Completion for the East Santa Maria Drainage Improvement Project Phase I, Fifth District, as follows:

a) Approve the Notice of Completion for the project;

b) Adopt a resolution establishing the final quantities for work performed and materials supplied by A.J. Diani Construction Company, Inc. for the project, in the amount of \$254,000.76.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on as follows: a) Approved.

b) Adopted.

RESOLUTION NO. 01-353 The motion carried unanimously.

A-7) BOARD OF DIRECTORS, WATER AGENCY File Reference No. 01-01355

Authorize the Chair to execute the Joint Funding Agreement with the United States Geological Survey to continue the cooperative streamgaging program from November 1, 2001 through October 31, 2002 at a cost of \$66,025 to the Flood Control District and \$221,080 to the Water Agency, for a total in the amount of \$287,105, All Districts.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on as follows:. The motion carried unanimously.

A-8) COUNTY EXECUTIVE OFFICE File Reference No. 01-01353

Approve budget revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, to Approve budget revision requests. The motion carried unanimously.

A-9) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES File Reference No. 01-01323

Approve an Addendum to the Memorandum of Understanding with Service Employees International, Local 620 dated October 19, 1998 through October 13, 2002, extending the term through October 10, 2004.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted. The motion carried by the following vote:

Ayes: 3 - Supervisor Marshall, Supervisor Rose and Supervisor Schwartz
Noes: 2 - Supervisor Gray and Supervisor Urbanske

A-10) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCESFile Reference No. 01-01352

Adopt one (1) resolution effective October 15, 2001, as follows:

Establish the following job classifications:

Wastewater Plant Operator, Trainee (7630) Range 470 (\$2,529-\$3,087 per month);

Wastewater Plant Operator I (7631) Range 503 (\$2,981-\$3,640 per month);

Wastewater Plant Operator II (7632) Range 520 (\$3,245-\$3,962 per month);

Wastewater Plant Operator III (7633) Range 545 (\$3,676-\$4,488 per month);

Wastewater Plant Operator, Supervisor (7634) Range 560 (\$3,962-\$4,836 per month);

Wastewater Plant Operator, Chief (7635) Range 580 (\$4,377-\$5,344 per month).

Delete the following job classifications:

Wastewater Plant Operator I (6854), Range 445 (\$2,233-\$2,725 per month);

Wastewater Plant Operator II (6855) Range 503 (\$2,981-\$3,640 per month);

Wastewater Plant Operator, Chief (6851) Range 534 (\$3,480-\$4,248 per month);

Laguna Sanitation Maintenance Supervisor (4566) Range 569 (\$4,143-\$5,058 per month);

Reclassification - Public Works:

Delete: 8 FT Wastewater Plant Operator I/II (6854/6855);

Add: 8 FT Wastewater Plant Operator Trainee I/II/III (7630/7631/7632/7633);

Delete: 1 FT Wastewater Plant Operator, Chief (6851);

Add: 1 FT Wastewater Plant Operator, Supervisor (7634);

Delete: 1 FT Laguna Sanitation Maintenance Supervisor (4566);

Add: 1 FT Wastewater Plant Operator, Chief (7635)

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted RESOLUTION NO. 01-351 The motion carried unanimously.

A-11) PARKSFile Reference No. 01-01351

Consider recommendations regarding the new public park located at the Corner of Via Real and

Greenwell Avenue in Summerland, First District, as follows:

- a) Confirm the name "Oceanview Park" as proposed by the Santa Barbara County Parks Commission for the new park;
- b) Approve and execute the agreement between the County of Santa Barbara and Capital Pacific Holdings, LLC as declarant for the Cottages at Summerland Homeowner's Association, to maintain a public park in Summerland.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on as follows: a) Approved.

**b) Approved; Chair to execute.
The motion carried unanimously.**

A-12) PLANNING AND DEVELOPMENT

File Reference No. 01-01349

Consider recommendations regarding the Innovative Building Review Program amendments, as follows:

- a) Approve reducing the Innovative Building Review Program's target levels for nonresidential development (Attachment A to the Board Letter dated October 16, 2001);
- b) Approve amending the energy-efficient menu (Attachment A to the Board Letter dated October 16, 2001);
- c) Authorize the Director of Planning and Development to add or delete energy-efficient menu items as technology advances.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on as follows: a) and b) Approved.

**c) Authorized.
The motion carried unanimously.**

A-13) PUBLIC HEALTH

File Reference No. 01-01344

Approve the continued Local Emergency, Resolution Number 00-193, due to the spread and on-going epidemic of blood-borne viral hepatitis (Hepatitis B and C) and human immunodeficiency virus (HIV) infections among injection drug users and authorize Pacific Pride Foundation as the agent of the County to carry out the Needle Exchange and Education Program.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved. The motion carried unanimously.

A-14) PUBLIC WORKS

File Reference No. 01-01346

Review and approve the Statement of Final Quantities for work performed and materials supplied by D.W. Burhoe Construction, Inc. for the construction of Cathedral Oaks Road Improvements from West of Placer Drive to Los Carneros Road, in the amount of \$1,197,678.65, Third District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved. The motion carried unanimously.

A-15) PUBLIC WORKS

File Reference No. 01-01347

extend the contract end date to December 31, 2001 from June 30, 2001 for Network Level Inspection of Santa Barbara County Road System, All Districts.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved; Chair to Execute. The motion carried unanimously.

A-16) SHERIFF

File Reference No. 01-01348

Approve a destruction of records request to purge certain receipt books and case files no longer required to be retained by law.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved. The motion carried unanimously.

Board of Supervisors

A-17) SUPERVISOR GRAY

File Reference No. 01-01359

Approve the appointment of Anthony W. Fox to the Human Relations Commission, Fourth District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved. The motion carried unanimously.

A-18) SUPERVISOR SCHWARTZ

File Reference No. 01-01356

Approve the appointment of Nestor Hernandez to the Affirmative Action Commission, First District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on as follows:. The motion carried unanimously.

A-19) SUPERVISOR URBANSKE

File Reference No. 01-01360

Approve the appointment of Ginnie L. Sterling to the Human Services Commission, Fifth District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Approved. The motion carried unanimously.

Hearing Requests

A-20) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT

File Reference No. 01-01354

Consider recommendations regarding the Green Canyon Drainage Improvement Project, Fifth District, as follows:

a) Adopt the Notice and Resolution of Intention to Purchase Real Property for the acquisition of permanent easements and temporary construction easements by the Santa Barbara County Flood Control and Water Conservation District from Bradley Land Company on portions of real property located adjacent to Prell Road and Nicholson Avenue southeast of the City of Santa Maria (APN 128-091-001 and 129-010-001) in the amount of \$87,300;

b) Set date on the Administrative Agenda for acceptance of said easements.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Set on the Administrative Agenda, as follows: November 13, 2001. The motion carried unanimously.

- A-21) COUNTY EXECUTIVE OFFICE and Human Relations Commission File Reference No. 01-00983
Reschedule the hearing regarding a resolution to establish a Code of Conduct for County clothing purchases from October 23, 2001 to November 20, 2001.
A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Set for a hearing, as follows: November 20, 2001. The motion carried unanimously.
- A-22) PLANNING AND DEVELOPMENT File Reference No. 02-00072
Reschedule the hearing to consider the appeal of Loraine Toms of the Planning Commission's August 27, 2001 decision to deny a lot split application TPM 14,524 to subdivide a 20.09 acre parcel located at 925 Toro Canyon Road from November 20, 2001 to December 4, 2001, First District.
A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Rescheduled, as follows: December 4, 2001. The motion carried unanimously.
- A-23) PLANNING AND DEVELOPMENT File Reference No. 01-01350
Set a hearing to approve the resolution via facilitation of the appeal of Jana Zimmer (representing Claude and Joan Ising) of the Planning Commission's August 15, 2001 decision to approve the Delgado/ Ulrich lot split, TPM 14,510, located at 2880 East Valley Road to divide 12.58 parcels into three parcels of 1.65 acres, 5.47 acres and 5.47 acres, First District.
A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Set for a hearing, as follows: October 23, 2001. The motion carried unanimously.
- A-24) SUPERVISOR MARSHALL File Reference No. 02-00039
Set a hearing to consider the introduction (First Reading) of a Tenant Housing Security and Fairness ordinance.
A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Set for a hearing, as follows: November 20, 2001. The motion carried unanimously.
- A-25) SUPERVISOR MARSHALL File Reference No. 01-01358
Set a hearing to consider contracting with the Land Trust for Santa Barbara County to monitor the Sedgwick Ranch Heirs parcel agricultural easement, Third District.
A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Set for a hearing, as follows: November 20, 2001. The motion carried unanimously.

Approval of Administrative Agenda

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, to Approve the Administrative Agenda. The motion carried unanimously.

Public Comment Period

RE: Quotes From the Bible – John Thorndike addressed the Board.

RE: In Support of Domestic Violence Awareness Month – Barbara Sheffield addressed the Board.

RE: Representing the Artists and Athletes as the Genius of the Next Renaissance – Ken Loch addressed the Board.

RE: Events of Peace Week, October 12-20, 2001 - Sister Janet Corcoran addressed the Board.

RE: Bicycles – Scott Wenz addressed the Board.

RE: Impacts of Domestic Violence on Children – Dr. Anna Kokotovic addressed the Board.

RE: The Subconscious Mind – Christopher Brown addressed the Board.

RE: Anger Management Assessment for Children – David Diaz addressed the Board.

Departmental Agenda -- Public Hearings1) SUPERIOR COURT File Reference No. 01-01361

HEARING - Consider the introduction (First Reading) of an Ordinance amending Chapter 17A § 17A-1 of the Santa Barbara County Code establishing the per diem fee in the amount of \$25 and mileage rates, at the rate equivalent to that allowed County employees by the Board of Supervisors, for Santa Barbara County grand jurors, as permitted by § 68091 of the California Government Code.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Read by title; waived reading of the ordinance in its entirety. Introduction approved; adoption (second reading) set, as follows: October 23, 2001. The motion carried unanimously.

2) PLANNING AND DEVELOPMENT File Reference No. 01-00734

HEARING - Consider recommendations regarding the request of John and Candace Corbani for a Major Conditional Use Permit (00-CP-025) and Final Development Plan (00-DP-017) on an approximately two-acre parcel located at 4760 Calle Camarada (APN 065-590-083) for use of a portion of the Hidden Oaks Club House, ground and facilities as a private recreational country club, including revisions to the proposed project description and draft conditions of approval subsequent to a meeting held with the representatives of the applicant, the Vieja Owners Association and County of Santa Barbara Staff, Second District, as follows: (EST. TIME: 1 HR. 30 MIN.)

a) Adopt the required findings for the project, including CEQA findings for the project (Attachment A to the staff report for the July 24th meeting);

b) Approve 00-ND-20 as an adequate environmental review for the project (Attachment J to staff report for the July 24th meeting);

c) Approve the project, 00-CP-25/00-DP-017, subject to the conditions of approval (Attachments B and C to the staff report for the July 24th meeting).

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

Note: Public hearing closed. Public testimony will be limited to new matters not discussed at the July 24, 2001 hearing.

A motion was made by Supervisor Rose, seconded by Supervisor Marshall, that this matter be Acted on as follows: a) Adopted.

b) Approved.

**c) Approved.
The motion carried unanimously.**

3) PLANNING AND DEVELOPMENT File Reference No. 01-01136

Set a hearing to consider the J&S East Valley Garage (James L. Roach) appeal of the Zoning Administrator's September 25, 2000 decision to deny a Use Variance to allow parking of vehicles on a residential lot related to an adjacent non-conforming commercial business, located at 510 El Bosque Road, Montecito Area, First District.

A motion was made by Supervisor Schwartz, seconded by Supervisor Urbanske, that this matter be Acted on as follows: Determined that, subject to the recording of a Notice To Property Owner (NTPO), the scope of the legal non-conforming (LNC) status of J&S East Valley Garage (APN: 007-170-001) and the ancillary and associated LNC repair and parking of vehicles awaiting repair or pick-up on the adjacent parcel (007-170-003) to the northeast of the garage site is defined on page 4 of the Board Agenda Letter dated October 16, 2001 and set forth in the proposed NTPO.

Further directed that the legal non-conforming status determination shall not be effective until the NTPO approved by County Counsel and the applicant, as presented at the hearing, has been recorded on the affected properties.

Accepted applicant's withdrawal of the appeal of case number 69-V-084 AP01.
The motion carried unanimously.

4) PLANNING AND DEVELOPMENT

File Reference No. 01-01169

Set a hearing to consider the introduction (First Reading) of an Ordinance that proposes to amend the text of the Subdivision Regulations for the County of Santa Barbara, Chapter 21 of the County Code to modify Division 1 by adding definitions of certificate of compliance and conditional certificate of compliance; delete Division 3.1 relating to the waiver of the requirement to record a Parcel Map in certain instances; modify existing Division 3.2 by adding a process whereby property owners may apply to modify conditions of development of lots created by unrecorded lot splits approved by the County pursuant to Ordinance No. 791 as amended and lot line adjustments; modify existing Division 3.2 by adding language pertaining to amending a Final or Parcel Map through the recording a Certificate of Correction; and make other minor clarifications and technical corrections.

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Continued, as follows: November 6, 2001. The motion carried unanimously.

2:00 P.M. Presentation of Resolutions and Awards

Planning Items and Public Hearings

5) PLANNING AND DEVELOPMENT

File Reference No. 01-00771

HEARING - Consider recommendations regarding the Appeal of the Point Arguello Project Condition R-1 Review and consider the Planning Commission's October 30, 2000 recommendations, as follows: (EST. TIME: 2 HRS.)

- a) Adopt the required findings including CEQA findings specific to the Condition R-1 review process, specified in Attachment of the Planning Commission staff report dated October 24, 2000;
- b) Adopt the Statement of Overriding Considerations, included as Attachment D;
- c) Accept the Programmatic Environmental Impact Report (99-EIR-04), certified by the Planning Commission at the October 30, 2000 hearing, as adequate pursuant to the CEQA finding that:
 - i) The Final Programmatic EIR was completed in compliance with CEQA;
 - ii) The Final Programmatic EIR was presented to the decision-making body of the Lead Agency and that the decision-making body reviewed and considered the information contained in the Final Programmatic EIR prior to making a decision on the Condition R-1 review process.
- d) Deny the appeals of Arguello Inc., Benton Oil and Gas Company, Samedan Oil Corporation and

Nuevo Energy Company and uphold the Planning Commission's October 30, 2000 decision to approve staff's recommendations for the Condition R-1 review process (85-FDP-032), with modifications recommended by staff.

Request continuance.

Acted on as follows:

Urbanske/Gray

Approve the appeal to allow two consolidated sites for both production and processing.

No: Schwartz, Marshall, Rose

Motion fails 2:3

Schwartz/Marshall

a) and b) Adopted.

c) Certified the Programmatic Environmental Impact Report (99-EIR-04).

d) Denied the appeals and upheld the Planning Commission's October 30, 2000 decision. In addition, approved recommendations to include a consolidated production site and planning area.

No: Gray, Urbanske

Adjournment

Announcements

<http://www.countyofsb.org>