

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

February 08, 2005

**BETTERAVIA GOVERNMENT CENTER
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.

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

7:50 A.M. Convened and Recessed to Closed Session

9:00 A.M. Reconvened to Regular Session

Roll Call

Present: Supervisor Carbajal, Supervisor Rose, Supervisor Firestone, Supervisor Gray and Supervisor Centeno

Invocation: Andreas Pyper, Human Resources Department

Report from Closed Session

County Counsel announced the Superior Court decision in *Lugli v. Donovan*, a case involving claims of inverse condemnation and nuisance relating to Shale Creek. The Court made findings declaring the duty of the parties for cleaning and maintenance. The Court found for the County on the inverse condemnation and takings claims.

Details of this announcement may be obtained in the Office of County Counsel.

Approval of Minutes of the February 1, 2005 meeting

A motion was made by Supervisor Carbajal, seconded by Supervisor Firestone, to Approve the Minutes. The motion carried unanimously.

Administrative Agenda

Administrative Items

A-1) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

[File Reference No. 05-00172](#)

- a) Approve and execute a contract in the amount of \$47,350, with Kellee Clougherty, M.D. (not a local vendor) to provide psychiatric services to seriously emotionally disturbed children in the Lompoc and Santa Maria clinics, for the period of January 31, 2005 through June 30, 2005;
- b) Authorize the Director of ADMHS to approve amendments to the proposed contract, provided that any such amendments do not exceed ten percent (10%) of the contract's dollar amount.

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

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

The motion carried unanimously.

A-2) COMMUNICATIONS FOR REFERRAL

[File Reference No. 05-00173](#)

City of Guadalupe - Approve the request of the City of Guadalupe calling a Special Municipal Election to be held June 7, 2005. (APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

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

A-3) COUNTY EXECUTIVE OFFICE

[File Reference No. 05-00181](#)

Approve Budget Revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)

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

A-4) COUNTY EXECUTIVE OFFICE

[File Reference No. 05-00185](#)

Adopt a resolution continuing the Local Emergency due to the January 2005 storm, Resolution Number 05-006, and reaffirming waiver of the competitive bidding process, Resolution Number 05-018, pursuant to Public Resources Code 22050.

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Adopted

RESOLUTION NO. 05-034

The motion carried unanimously.

A-5) COUNTY CLERK-RECORDER-ASSESSOR

[File Reference No. 05-00182](#)

Consider recommendations regarding 2004 - 2005 State-County Property Tax Administration Program, as follows:

- a) Authorize the Chair to execute an Agreement for 2004/05 State-County Property Tax Administration Grant Program with the State of California (Attachment 1);
- b) Authorize the Clerk-Recorder-Assessor and County Administrator to notify the State Department of Finance of Santa Barbara County's election to begin a new grant contract with the State providing for the State-County Property Tax Administration Grant Program in the amount of \$926,817.

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

a) Authorized; Chair to execute.

b) Authorized.

The motion carried unanimously.

A-6) HOUSING AND COMMUNITY DEVELOPMENT [File Reference No. 05-00166](#)

Approve the appointment of Ron Biscaro, Vice President, Cottage Health System to the Economic Vitality Committee as the Health Care (South) Industry Sector Representative.

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

A-7) PARKS [File Reference No. 05-00168](#)

Approve and execute a License Agreement with Union Oil Company of California (Unocal) to access the Rancho Guadalupe Dunes County Park for restoration activities, Fourth District.

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

A-8) PARKS [File Reference No. 05-00176](#)

Authorize the Director of Parks to advertise for construction bids for the El Capitan Bikepath Extension, Project DG0030, Third District.

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Authorized. The motion carried unanimously.

A-9) PLANNING AND DEVELOPMENT [File Reference No. 05-00187](#)

Receive the Director's report regarding Stern/Mills Apartment Demolition Emergency Permit, 05EMP-0000-00008 issued to Dawn Sherry, agent for the landowners, for the demolition of a portion of an existing apartment building and associated accessory structures located on the coastal bluff at Isla Vista Beach to alleviate an existing hazard to public safety, located at 6757 Del Playa Drive, Isla Vista (APN 075-193-032, Third District).

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

A-10) PLANNING AND DEVELOPMENT [File Reference No. 05-00167](#)

Receive a report regarding the Witmer Tree Removal Emergency Permit, 05EMP-00000-00002 issued to Robert Muraora, agent for the landowner of 387 Lambert Road (APN 005-100-011) to authorize the removal of eleven eucalyptus trees that have become unstable due to recent storm events, Toro Canyon area, First District.

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

A-11) PLANNING AND DEVELOPMENT [File Reference No. 05-00189](#)

Receive the Director's report regarding the El Jaro Quarry Highway 1 Stockpile Emergency Permit, 05EMP-0000-00007, issued to Dave White, agent for the landowner, to temporarily authorize the stockpiling of rock materials excavated from El Jaro Quarry on a site adjacent to State Highway 1 about six miles south of the City of Lompoc, 2840 San Julian Road, Lompoc area (APN

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

A-12) PLANNING AND DEVELOPMENT[File Reference No. 05-00179](#)

Consider recommendations regarding California Coastal Commission certification of the Local Coastal Program Amendment with suggested modifications for the Mecay-Hotchkiss Rezone and Redesignation in the Summerland area, First District, as follows:

- a) Receive notice of the California Coastal Commission's certification of the Mecay-Hotchkiss Local Coastal Program Amendment (MAJ-I-03-B) with suggested modifications;
- b) Adopt a resolution to acknowledge receipt of the California Coastal Commission's certification and county action to adopt the LCP Amendment with the suggested modifications;
- c) Authorize Planning & Development to transmit the adopted resolution to the Coastal Commission.

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

a) **Received and filed.**

b) **Adopted.**

RESOLUTION NO. 05-035

c) **Authorized.**

The motion carried unanimously.

A-13) PUBLIC WORKS[File Reference No. 05-00169](#)

Consider recommendations regarding the Tajiguas Landfill Phase 1A Liner Construction (County Project No. 720648, Solid Waste project No. 828344) Third District, as follows:

- a) Approve plans and specifications for the project;
- b) Award the construction contract in the amount of \$3,067,518.90 to Papich Construction Co., Inc. (not a local vendor) subject to the provisions of documents and certification, as set forth in the plans and specifications applicable to the project, as required under California Law;
- c) Authorize the Chair to execute the construction contract upon return of the Contractor's executed contract documents and the approval of the County Counsel, Auditor Controller and Risk Manager or their authorized representatives;
- d) Approve contingency fund in the amount of \$165,875.95 for the project.

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

- a) Approved.
- b) Awarded.
- c) Authorized; Chair to execute.
- d) Approved.

The motion carried unanimously.

A-14) PUBLIC WORKS [File Reference No. 05-00171](#)

Approve and authorize Chair to execute Amendment No. 1 to an agreement with U.S. Energy Services (not a local vendor) for Installation of Micro Turbine Cogeneration Project at the Laguna County Sanitation District Wastewater Reclamation Plant, modifying the Scope of Work and reducing the contract amount by \$66,760.40 for a new total of \$685,753.60.

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

A-15) PUBLIC WORKS [File Reference No. 05-00174](#)

Review and approve the Statement of Final Quantities for work performed and materials supplied for Seismic Retrofit of Padaro Lane, Overhead Bridge No. 51C-161 (Federal Project No. STPLZ-5951 (094) County Project No. 862029) by Lash Construction, Inc. (a local vendor) in the amount of \$409,276.17, Summerland area, First District.

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

A-16) SHERIFF [File Reference No. 05-00178](#)

Approve the purging and disposal of closed property/evidence sleeves in accordance with Government Code Section 26202.

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

Board of Supervisors

A-17) SUPERVISOR GRAY [File Reference No. 05-00175](#)

Approve the appointment of Kipp D. Thonack to the Veteran's Services Advisory Committee, Fourth District.

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

A-18) SUPERVISOR ROSE [File Reference No. 05-00186](#)

Approve the reappointment of Holly Unruh to the Arts Commission, Second District.

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

A-19) SUPERVISOR ROSE [File Reference No. 05-00188](#)

District.

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

Hearing Requests

A-20) PARKS [File Reference No. 05-00177](#)

Set a hearing to consider the introduction (First Reading) of an ordinance amending Santa Barbara County Code Section 26-49 - Dogs Required On Leash, authorizing the County Parks Director to implement dog off-leash hours at various County Parks and Open Spaces.

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Set for a hearing, as follows: March 1, 2005 (EST. TIME: 45 MIN.) The motion carried unanimously.

A-21) PLANNING AND DEVELOPMENT [File Reference No. 05-00180](#)

Set a hearing to receive a report from the Appeals Group of the Process Improvement Team regarding its recommendations for changes to appeal and noticing procedures.

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Continued, as follows: February 15, 2005. The motion carried unanimously.

A-22) TREASURER-TAX COLLECTOR [File Reference No. 05-00170](#)

Set a hearing to consider and approve proposed projects for inclusion in a 2005 Certificates of Participation issuance.

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, that this matter be Set for a hearing, as follows: February 22, 2005 in Santa Maria (EST. TIME: 60 MIN.) The motion carried unanimously.

Approval of Administrative Agenda

A motion was made by Supervisor Gray, seconded by Supervisor Centeno, to Approve the Administrative Agenda as Amended. The motion carried unanimously.

[File Reference No. 05-00051](#)

PUBLIC COMMENT

Accepted Public Comment

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. 03-282) (05-00051)**

RE: Animal Shelter Support - Sister Janet Corcoran addressed the Board.

RE: Introduction of New Community Action Commission Director Fran Forman - Rita Madden addressed the Board.

RE: Orcutt Community Plan Issues - Lillian Smith, George Pierce, Olga Howard addressed the Board.

RE: Personnel Matter - John Quine addressed the Board.

RE: Toro Canyon Property Issues - John Thorndike addressed the Board.

RE: Re-zoning Issues in the Unincorporated Area of Santa Barbara County - Kelly Travers addressed the Board.

RE: "Freedom Process" - Richard Robinson addressed the Board.

RE: Update/Report on CSAC Activities regarding "Pension Funds" and "Benefit System Options" - Fourth District Supervisor Joni Gray addressed the Board.

Departmental Agenda -- Public Hearings

1) TREASURER-TAX COLLECTOR [File Reference No. 05-00144](#)

HEARING - Receive a presentation regarding the Treasurer's Investment Pool. (EST. TIME: 15 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Firestone, seconded by Supervisor Gray, that this matter be Acted on as follows: Received and filed report and conducted public hearing.

The motion carried unanimously.

2) PLANNING AND DEVELOPMENT [File Reference No. 05-00009](#)

HEARING - Consider the introduction (First Reading) of an ordinance (Case No. 04ORD-00000-00024) amending Sections 2-25 and 2-25.1 of Chapter 2, Article V of the County Code regarding General Plan consistency regulations, to streamline the Government Code §65401 and §65402 process. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

Received and filed staff report and conducted public hearing. Referred the matter back to the County Planning Commission and the Montecito Planning Commission for a review and recommendations regarding the current General Plan consistency determination process pursuant to Government Code Section 65402, the appropriate role of the Director of Planning and Development and alternatives to speed up the process.

The motion carried unanimously.

3) COUNTY EXECUTIVE OFFICE, COUNTY COUNSEL and [File Reference No. 05-00075](#)
COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES

HEARING - Consider recommendations regarding strengthening organizational coordination, effectiveness and accountability, as follows: (EST. TIME: 30 MIN.)

- a) Review the list of options contained in the report to the Board dated February 8, 2005;
- b) Direct the County Administrator and County Counsel to return with the necessary ordinance amendments, resolution amendments and/or other implementation actions as the Board determines appropriate.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Centeno, seconded by Supervisor Gray, that this matter be Acted on and continued, as follows: a) Received and filed staff report and conducted public hearing.

b) Directed staff to prepare an ordinance for consideration by the Board on February 22, 2005 establishing the position of County Executive Officer, with enhanced authority to appoint and remove department heads; supervise and control the administrative organization of the County including direct oversight of the department directors consistent with state law. Staff is to include language regarding alternatives for delegation or retention of Board authority to remove department heads. The motion carried unanimously.

2:00 PM

Planning Items and Public Hearings4) PUBLIC WORKS[File Reference No. 05-00164](#)

HEARING - Receive presentation regarding Public Works department operations. (EST. TIME: 1 HR.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

Conducted public hearing and received and filed staff report.

5) COUNTY COUNSEL[File Reference No. 05-00191](#)

HEARING - Consider whether to appeal the decision of the United States Department of Interior, Bureau of Indian Affairs to take 6.9 acres of land in Santa Ynez into trust for the Santa Ynez Band of Mission Indians, Third District. (EST. TIME: 1 HR.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Centeno, seconded by Supervisor Gray, that this matter be Acted on and continued, as follows:

Received and filed staff report and conducted public hearing. The Board appointed Supervisor Gray and Supervisor Firestone as Board Designees to meet with the Santa Ynez Band of Mission Indians in order to discuss options toward a mutual agreement regarding the 6.9 acres of land in trust in the Santa Ynez Valley. Continued the matter to February 15, 2005.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Rose, Supervisor Gray and Supervisor Centeno

Abstentions: 1 - Supervisor Firestone

Adjourn to February 15, 2005

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

Adjourn**Announcements**

THE MEETING OF FEBRUARY 8, 2005 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, FEBRUARY 10, 2005 AT 5:00 P.M. ON GATV CHANNEL 20.

THE DEBT ADVISORY COMMITTEE IS SCHEDULED TO BEGIN AT 9:30 AM ON MONDAY FEBRUARY 7, 2005 IN THE BOARD OF SUPERVISORS CONFERENCE ROOM, 105 E. ANAPAMU STREET, SANTA BARBARA, CA.

<http://www.countyofsb.org>

