

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

February 10, 2004

**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 Schwartz, Supervisor Rose, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Invocation: John Karamitsos, Planning and Development

Report from Closed Session

No reportable action taken.

Approval of Minutes of the February 3, 2004 meeting

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, to Approve the Minutes. The motion carried by the following vote:

Ayes: 4 - Supervisor Schwartz, Supervisor Marshall, Supervisor Gray and Supervisor Centeno

Abstentions: 1 - Supervisor Rose

Administrative Agenda

Administrative Items

- A-1) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES [File Reference No. 04-00132](#)
- Approve and execute a Supplemental Agreement to the contract with American Medical Response, Inc. (BC- 00-154) (a local service provider) delineating outcome measurements to be collected by AMR regarding their service delivery.
- A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Approved; Chair to Execute. The motion carried unanimously.**
- A-2) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES [File Reference No. 04-00139](#)
- Approve and execute a Memorandum of Understanding with Santa Barbara County Education Office to accept state funding in exchange for mental health services mandated to be provided to County school children.
- A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Approved; Chair to Execute. The motion carried unanimously.**
- A-3) AUDITOR-CONTROLLER [File Reference No. 04-00146](#)
- Authorize the Auditor-Controller to impound from various tax agencies up to \$862,090 of disputed property tax revenue resulting from taxpayer assessment appeals for fiscal year 2003-04, per Government Code Section 26906.1.
- A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Authorized. The motion carried unanimously.**
- A-4) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00153](#)
- Approve Budget Revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)
- A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.**
- A-5) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00150](#)
- Approve the continued Local Emergency, Resolution Number 03-384, due to the ongoing earthquake emergency resulting from the December 22, 2003 San Simeon Earthquake.
- A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.**
- A-6) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00145](#)
- Consider recommendations regarding transfer of Undesignated Court Fee Revenue from the County to the State per AB1759, as follows:
- a) Receive a report on Category 4 Undesignated Fees revenue transfer from Counties to the State;
 - b) Approve budget revision request appropriating \$455,639 from Department 990, General Fund Contingency, to Department 025, Fund 0069, Court Services, to cover the payment amount due to the State for fiscal year 2003-04, as legislated by AB1759.

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

a) Received.

b) Approved.

The motion carried unanimously.

A-7)

FIRE

[File Reference No. 04-00137](#)

Accept funding available through the Emergency Management Performance Grant (EMPG) Program, for emergency management planning by the Santa Barbara County Office of Emergency Services (OES), in the amount of \$19,207.

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

A-8)

HOUSING AND COMMUNITY DEVELOPMENT

[File Reference No. 04-00062](#)

Consider recommendations regarding a 2004 Community Development Block Grant application for the County Housing Assistance Program, Fourth District, as follows:

a) Adopt a resolution approving a \$500,000 CDBG grant application and authorizing the Director of the County Department of Housing and Community Development to submit the \$500,000 grant application to the State Department of Housing and Community Development for funding the County's Housing Assistance Program;

b) Authorize the Director to sign all documents required for submittal of the CDBG application, execution of the grant agreement, drawdown of funds, submittal of minor amendment requests and grant administration.

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

a) Adopted.

RESOLUTION NO. 04-026

b) Authorized.

The motion carried unanimously.

A-9)

COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES

[File Reference No. 04-00149](#)

Approve extension of "Supplement to Military Pay Program" to thirty months and adopt a resolution authorizing paid leave of absence for County employees who have been called to active military duty as a result of the War on Terrorism based on the outlined parameters.

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

Approved and Adopted.

RESOLUTION NO. 04-027

The motion carried unanimously.

A-10) PARKS[File Reference No. 04-00136](#)

Accept grants of Easement and Quitclaims for Riding and Hiking Trails at Oak Creek Canyon development to re-align certain trail easement locations affecting three lots and separate owners of recorded TM 14,239, Montecito area, First District, as follows:

- a) Quitclaim and accept easements in the document Termination and Cancellation of Easements and Quitclaim and Grant of Easements from William T. Esrey and Julie C. Esrey, owners of lot 7 of Tract 14,239, and authorize the Clerk of the Board to execute;
- b) Accept the Grant of Easement for Riding and Hiking Trail Purposes from Lot 9 Ventures, LLC, owners of lot 9 of Tract 14,239, and authorize the Clerk of the Board to execute;
- c) Quitclaim to Oak Creek Canyon LLC, a portion of the easement for Riding and Hiking Trail on lot 5 of Tract 14,239, and authorize the Clerk of the Board to execute.

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

a) and b) Accepted.

c) Approved.

The motion carried unanimously.

Department requests continuance of the following item A-11) to April 13, 2004.

A-11) PLANNING AND DEVELOPMENT[File Reference No. 03-01169](#)

Receive report regarding the proposed professional services contract with Thomas E. Figg (not a local vendor) for a development opportunities and constraints analysis of the Betteravia Lakes area (APN 113-210-001 and 113-150-022), in an amount not to exceed \$47,000.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Continued, as follows: April 13, 2004 in Santa Maria. The motion carried unanimously.

A-12) PUBLIC WORKS[File Reference No. 04-00133](#)

Consider recommendations regarding the seismic retrofit of Padaro Lane Overhead Bridge No. 51C-161 (County Project No. 86202 Federal Project No. STPLZ-5951[094]) Summerland area, First District, as follows:

- a) Approve plans and specifications for the seismic retrofit of Padaro Lane Overhead Bridge;
- b) Award the construction contract in the amount of \$434,306.60 to the lowest responsible bidder Lash Construction, Inc. (a local vendor) subject to the provisions of documents and certification, as set forth in the plans and specifications applicable to the project and as required by law;
- c) Authorize the chair to execute the construction contract upon return of the Contractor's executed contract documents and the review and approval of the County Counsel, Auditor Controller and Risk Manager or their authorized representatives;
- d) Approve a contingency fund in the amount of \$34,215.33.

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

a) and b) Approved.

c) Authorized; Chair to execute.

d) Approved.

The motion carried unanimously.

A-13) PUBLIC WORKS

[File Reference No. 04-00134](#)

Approve the Notice of Completion for work performed by A.J. Diani Construction Co., Inc. (a local vendor) for 2002-03 Measure "D" Rubberized Asphalt Concrete Overlay (County Project No. 810487) and authorize Clerk to record, Santa Ynez area, Third District.

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

A-14) PUBLIC WORKS

[File Reference No. 04-00135](#)

Approve the Statement of Final Quantities for work performed and materials supplied by Granite Construction Company, Inc. (a local vendor) for 2002-03 Measure "D" Central and North County Asphalt Concrete Overlay (County Project Number 810492) in the amount of \$788,469.42, Third and Fourth Districts.

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

A-15) PUBLIC WORKS

[File Reference No. 04-00140](#)

Consider recommendations regarding Baron Ranch Railroad Flatcar Bridge over Arroyo Quemada Creek (Solid Waste Project No. 828339 County Project No. 720626), Third District, as follows:

a) Review and approve the Statement of Final Quantities for work performed and materials supplied by the contractor, Blois Construction, Inc., P.O. Box 672, Oxnard, CA 93030 in the amount of \$201,001.12.

b) Accept the Notice of Completion and authorize the Clerk to record.

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

a) Approved.

b) Accepted.

The motion carried unanimously.

A-16) SHERIFF

[File Reference No. 04-00144](#)

Approve the destruction of closed property and evidence sleeves at least two years old and no longer required by law to be retained.

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

Board of Supervisors

A-17) SUPERVISOR MARSHALL [File Reference No. 04-00141](#)

Approve the appointment of Eileen Ryan Preston to the Commission for Women, Third District.

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

A-18) SUPERVISOR MARSHALL [File Reference No. 04-00142](#)

Approve the appointment of John E. Doyle to the Advisory Board on Alcohol and Drug Problems, Third District.

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

Hearing Requests

- A-19) COUNTY EXECUTIVE OFFICE and AUDITOR-CONTROLLER [File Reference No. 04-00148](#)

Set a hearing to consider recommendations regarding the Fiscal Year 2003-04 Mid-Year Financial Status Report and Budget Update, as follows:

- a) Receive and file the Fiscal Year 2003-04 Financial Status Report as of December 31, 2003, showing the status of appropriations and financing for all departmental budgets adopted by the Board of Supervisors, per the provisions of Government Code Section 29126.2;
- b) Accept an updated forecast of the General Fund budget's financial condition on 6/30/04;
- c) Accept a status report on Vehicle License Fee (VLF) revenue as of February 10, 2004, and recommend action, if necessary;
- d) Accept a report on mandated, "business necessity" and "discretionary" programs, and their FY 03-04 adopted appropriations, revenues, and County General Fund contribution amounts.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: February 17, 2004 (EST. TIME: 60 MIN.)

The motion carried unanimously.

- A-20) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES [File Reference No. 04-00147](#)

Set a hearing to present Certificates to 18 employees who have met the training criteria set by the Employees University.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: February 17, 2004 (EST. TIME: 30 MIN.)

The motion carried unanimously.

- A-21) PLANNING AND DEVELOPMENT [File Reference No. 04-00143](#)

Set a hearing to consider the Kirsch appeal of the Montecito Planning Commission's approval of the Hill new single family dwelling located at 640 Cowles Road (APN 013-180-014), First District, as follows:

- a) Adopt the required findings for 02LUP-00000-01133 specified in the Montecito Planning Commission Action Letter dated November 25, 2003;
- b) Deny the appeal, upholding the Montecito Planning Commission's approval of Land Use Permit application 02LUP-00000-01133.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Withdrawn from the agenda. The motion carried unanimously.

- A-22) PUBLIC WORKS [File Reference No. 04-00152](#)

Set a hearing to consider recommendations regarding 2004-05 through 2008-09 Measure "D" Five-Year Local Program of Projects, as follows:

- a) Adopt a Resolution for the Measure "D" Five-Year Local Program of Projects for Fiscal Years 2004-05 through 2008-09, for submittal to the Santa Barbara County Local Transportation Authority for acceptance;
- b) Reaffirm Resolution 89-465, which established priorities and policies for the use of the local portion of the one-half cent sales tax for the transportation needs in Santa Barbara County;
- c) Approve Notice of Exemption pursuant to the County's California Environmental Quality Act (CEQA) guidelines for the above;
- d) Reaffirm or consider revisions to Measure "D" distribution formula for allocation of revenues within Supervisorial Districts;
- e) Direct staff to prepare Fiscal Year 2004/2005 Road Maintenance Annual Plan (RdMap) based upon approved Measure "D" distribution formula.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: March 9, 2004 in Santa Maria (EST. TIME: 45 MIN.) The motion carried unanimously.

A-23) TREASURER-TAX COLLECTOR

[File Reference No. 04-00138](#)

Set a hearing to consider recommendations regarding the refunding of the Montecito Retirement Association's (dba Casa Dorinda) 1993 Certificates of Participation and the issuance of additional proceeds for certain capital projects.

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: February 17, 2004 (EST. TIME: 15 MIN.) The motion carried unanimously.

Approval of Administrative Agenda

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

[File Reference No. 03-00094](#)

PUBLIC COMMENT

Accepted Public Comment

People 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. 92-398) (03-00,094)

RE: A Moment of Silence for the Father of County Parks Director Terri Maus-Nisich - Fifth District Supervisor Joseph Centeno addressed the Board.

RE: County Housing Element Issues - Lillian Smith addressed the Board.

RE: Lover's Month at the Santa Maria Library - Gloria Hoeft addressed the Board.

RE: North County Issues - Andy Caldwell addressed the Board.

RE: Announced The Society of Petroleum Engineers Annual Poster Contest Entries to be from Area Grammar Schools in the North County - Fourth District Joni Gray addressed the Board.

RE: Concerns regarding Handicap Access to Point Sal - Fifth District Supervisor Joseph Centeno addressed the Board.

Departmental Agenda -- Public Hearings

1) **PLANNING AND DEVELOPMENT**

[File Reference No. 04-00043](#)

HEARING - Consider the adoption (Second Reading) of an Ordinance (Case No. 03ORD-00000-00006) to amend the text of the Subdivision Regulations for the County of Santa Barbara, Chapter 21 of the County Code. The proposed amendment would revise Division 3.2 by adding a process whereby property owners may apply to modify conditions that regulate the development of lots created by unrecorded lot splits approved by the County pursuant to Ordinance No. 791 (as amended). (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

ORDINANCE NO. 4525

The motion carried unanimously.

2) **PUBLIC WORKS**

[File Reference No. 04-00097](#)

HEARING - Consider adoption of a resolution adjusting fees for services provided by the County Surveyor relating to subdivision map and document review. (EST. TIME: 15 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Adopted
Received staff report.

RESOLUTION NO. 04-028

The motion carried unanimously.

3) **BOARD OF DIRECTORS, WATER AGENCY and PARKS**

[File Reference No. 04-00057](#)

HEARING - Consider approval and execution of a Memorandum of Understanding between the

County of Santa Barbara, the Santa Barbara County Water Agency, the Cachuma Conservation Release Board and the Santa Ynez River Water Conservation District, Improvement District No. 1. regarding the Surcharge of Lake Cachuma and the Protection of Recreational Resources, Third District. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION:

A motion was made that this matter be Approved; Chair to Execute. The motion carried unanimously.

4) PUBLIC WORKS [File Reference No. 04-00051](#)

HEARING - Consider the Department of Public Works response to the Grand Jury Report concerning the existing condition of Lompoc-Casmalia Road, Fourth District, as follows: (EST. TIME: 30 MIN.)

- a) Consider the report detailing the history and actions regarding the Lompoc/Casmalia Road;
- b) Direct Public Works to commence the process of removing this portion of Lompoc/Casmalia Road from the County maintained system.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Acted on and continued, as follows: Conducted public hearing and received staff report.

- a) Received staff report.
- b) Directed staff to add a representative from Vandenberg Air Force Base to the project team and to return to the Board on May 11, 2004 in Santa Maria with a cost analysis with regard to maintaining the Lompoc-Casmalia Road.

The motion carried unanimously.

5) COUNTY EXECUTIVE OFFICE [File Reference No. 04-00123](#)

HEARING - Consider recommendations regarding Indian Gaming Revenues Special Distribution Funds (SB621), as follows: (EST. TIME: 45 MIN.)

- a) Receive a report on SB 621, which establishes the method for calculating and distributing \$25 million from the Indian Gaming Special Distribution Fund to local governments impacted by tribal gaming;
- b) Adopt a resolution recognizing the creation of the Santa Barbara County Indian Gaming Local Community Benefit Committee (Committee), created by SB 621, and codified as Government Code section 12715(b)(1);
- c) Appoint two representatives from the County to serve on the Committee
- d) Direct staff to ask the City of Solvang to forward a recommendation for three elected representatives, to be appointed by the Board of Supervisors, to serve on the Committee;
- e) Direct staff to ask the Santa Ynez Band of Chumash Indians to select two representatives, to be appointed by the tribe, to serve on the Committee.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

a) Received staff report.

b) Adopted.

RESOLUTION NO. 04-029

c) Appointed Supervisor Marshall as a Representative and Supervisor Gray as the Alternate. Appointed County Administrator Michael Brown as a Representative and a Designee of his choosing for an alternate.

d) and e) Directed.

The motion carried unanimously.

2:00 PM

Planning Items and Public Hearings

6) PLANNING AND DEVELOPMENT

[File Reference No. 04-00083](#)

HEARING - Consider recommendations regarding revisions to Land-Use Overlays, Zone District, and Lot Lines at the Battles Gas Plant Site, as follows: (EST. TIME: 30 MIN.)

- a) Approve two lot line adjustments under the provisions of Chapter 21 and 35 of the Santa Barbara County Code, to adjust parcel boundaries among three adjacent parcels without altering their combined area of 27.2 acres (02LLA-00000-00020);
- b) Consider the introduction (First Reading) of an ordinance amending the Santa Maria Valley Rural Region Zoning District 35-204.50.5 Map by rezoning parcels 128-093-002, 1278-093-006, and 128-093-007/008, as adjusted in item A above, from 25.2 acres of General Industry (M-2) and 2.0 acres of General Agriculture (10-AG) to 27.2 acres of Agriculture II (AG-II-40) under the provisions of the Santa Barbara County Code, Article III of Chapter 35 (02RZN-00000-00005);
- c) Conceptually adopt a resolution amending the Santa Maria Valley Rural Region Land Use Map and the Santa Maria Area Urban Areas Comp. 6 Map of the County's Comprehensive Plan, Land Use Element as follows:
 - i. Remove the Mineral Resource Industry land-use overlay symbol from parcel 128-093-007/008.
 - ii. Remove the Petroleum Resource Industry land-use overlay symbol from parcels 128-093-006 and 128-093-007/008 so that these parcels, as adjusted in item A above, no longer have this overlay.
 - iii. Adjust the Petroleum Resource Industry land-use overlay symbol that applied to parcel 128-093-002 so that it now applies to the parcel as realigned in item A, above.
 - iv. Apply the Agricultural Industry land-use overlay symbol to parcel 128093-007/008 as adjusted in item A, above;
- d) Accept Negative Declaration (03-ND-02), (Attachment C to Exhibit D), as adequate Environmental Review for the actions described in items A-C, above, pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

**A motion was made that this matter be Acted on and continued, as follows:
Conducted public hearing and received staff report.**

a) Conceptually Approved.

b) Read title; waived reading of ordinance in its entirety. Introduction approved. adoption (second reading) or Ordinance set for February 17, 2004.

c) and d) Conceptually Approved and set for final adoption on February 17, 2004.

The motion carried unanimously.

7) GENERAL SERVICES[File Reference No. 04-00131](#)

HEARING - Consider adoption of a resolution establishing fees for use of parking spaces in certain designated areas of the parking lot located at the County Court Complex at 312 East Cook Street by the general public in the amount of \$400 per space per day for the period February 11, 2004 through February 15, 2004, Fifth District. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Acted on as follows:
Conducted public hearing and received staff report.

Authorized the County Facilities Manager to implement a parking management plan for the requisite dates during the Jackson Trial proceedings and at this time no additional fee be charged for such parking. The facilities manager is authorized to steer vehicles, particularly those that cannot fit in ordinary parking spaces, into designated parking spaces and to impose reasonable conditions on continuing occupancy within those spaces. Directed staff not to allow over night parking. Owners of trucks must have a driver present in each parking space, so the trucks can be moved if necessary. Directed staff to report back to the Board as appropriate and to meet with representatives of the media to determine a plan that would reflect mutually acceptable conditions and charges that can be worked out for further proceedings.

The motion carried unanimously.

Adjourn to February 17, 2004

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

Adjourn

Announcements

THE MEETING OF FEBRUARY 10, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, FEBRUARY 12, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

<http://www.countyofsb.org>