

County of Santa Barbara BOARD OF SUPERVISORS

ACTION SUMMARY

October 22, 2002

**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

7:50 A.M. Convene and Recess to Closed Session

9:00 A.M. Reconvene to Regular Session

Roll Call

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

Invocation: Jason Sunukjian, General Services

Report from Closed Session

County Counsel reported the following actions:

By a vote of 4:1, with Supervisor Gray voting No, the Board determined not to seek review of the Court of Appeal decision in the case *People V. Torch*, which held that the County is preempted by federal law from imposing safety conditions on interstate pipelines but that Torch was estopped from challenging the conditions of its land use permit.

County Counsel reported that the United States Supreme Court denied the petitions for certiorari in the cases *Cole V. County* and *Daniel V. Board of Supervisors*. These cases held that property owners could not challenge the acceptance of dedications of beach access that had been imposed many years before as conditions of development permits.

County Counsel reported that the California Court of Appeal denied the County's petition for rehearing in the case *Adam Bros. V. County*. The Court held that the claim that the County had deliberately and falsely designated the property as wetland in the Orcutt Community Plan may proceed to trial.

Details of these announcements may be obtained in the office of County Counsel.

Approval of Minutes of the October 15, 2002 meeting

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

Administrative Agenda

Resolutions to be Presented at 2:00 PM

A-1) SUPERVISOR MARSHALL [File Reference No. 02-01065](#)

Adopt a resolution proclaiming October 20 through October 26, 2002 as Character Counts! Week in Santa Barbara County.

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Adopted RESOLUTION NO. 02-362. The motion carried unanimously.

A-2) SUPERVISOR SCHWARTZ [File Reference No. 02-01063](#)

Adopt a resolution proclaiming the month of October as Domestic Violence Awareness Month.

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Adopted RESOLUTION NO. 02-363 The motion carried unanimously.

Resolutions

- A-3) SUPERVISOR SCHWARTZ [File Reference No. 02-01069](#)

Adopt a resolution recognizing the unveiling and permanent installation of the David Alfaro Siqueiros "Portrait of Mexico Today, 1932" mural at the Santa Barbara Museum of Art.

**A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Adopted
RESOLUTION NO. 02-364 The motion carried unanimously.**

Administrative Items

- A-4) AUDITOR-CONTROLLER [File Reference No. 02-01056](#)

Adopt a personnel resolution, effective November 11, 2002, deleting one (1.0 FTE) Cost Analyst I/II position (Class 1878) from the Auditor-Controller department and adding one (1.0 FTE) Cost Analyst I/II position (Class 1878) to the Alcohol Drug and Mental Health Services department.

**A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Adopted
RESOLUTION NO. 02-365 The motion carried unanimously.**

- A-5) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER
CONSERVATION DISTRICT [File Reference No. 02-01055](#)

Approve and authorize the Chair to execute Amendment No. 1 to the Agreement with Science Application International Corporation (a local vendor) extending the contract end date from October 31, 2002 to October 31, 2003, to prepare an Environmental Impact Report for the Carpinteria Salt Marsh Enhancement Plan, First District.

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, 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. 02-01054](#)

Approve and authorize the Chair to execute Contract Change Order No. 1 with Elevation General Engineering Contractors for the Franciscan Sediment Basin Project to include installation of a storm drain from the basin to Cravens Lane, in the amount of \$59,856.25, First District.

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

- A-7) BOARD OF DIRECTORS, WATER AGENCY [File Reference No. 02-01053](#)

Authorize the Public Works Director, or designee, to execute a Grant Agreement and all subsequent documents and agreements with the US Department of Housing and Urban Development to receive funding up to \$498,900 over the next five (5) years for emergency sediment removal work at Twitchell Reservoir, Fifth District.

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

- A-8) COUNTY EXECUTIVE OFFICE [File Reference No. 02-01067](#)

Consider appointments to the Economic Development Advisory Committee (EDAC), as follows:

a) Approve the addition of the California Coastal Rural Development Corporation (CCRDC) to EDAC membership;

b) Approve the appointment to EDAC of Catharine Manset as California Coastal Rural Development Corporation Representative and Ruth Moran as Alternate.

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

a) and b) Approved.

The motion carried unanimously.

A-9) COUNTY EXECUTIVE OFFICE and PARKS

[File Reference No. 02-01068](#)

Consider recommendations regarding potential impacts of Federal Legislation regarding privatization and lake surcharge for Lake Cachuma, Third District, as follows:

a) Receive a report on the potential impacts to Lake Cachuma of (1) Federal Legislation (HR 5460 Calvert) which could result in privatization of the lake as well as of other Federal land and recreation areas; and, (2) The impacts of the potential surcharge of Lake Cachuma by the Bureau of Reclamation which would raise the water level by three feet;

b) Confirm staff's direction to the County's Federal Legislative Advocate (Waterman and Associates) to advocate the insertion of language into HR 5460 limiting privatization of public lands to instances where no bonafide public body is interested in administering the land.

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

a) Received and filed.

b) Approved.

The motion carried unanimously.

A-10) COUNTY CLERK-RECORDER-ASSESSOR

[File Reference No. 02-01052](#)

Appoint Directors of Special Districts in lieu of election, as recommended by the Summerland Sanitary District and the Santa Maria Valley Water Conservation District.

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Acted on and continued, as follows: Approved appointment of Directors to the Summerland Sanitary District. Continued the appointment of Directors to the Santa Maria Valley Water Conservation District to November 12, 2002 in Santa Maria.

The motion carried unanimously.

A-11) FIRE

[File Reference No. 02-01061](#)

Approve a waiver of the competitive bid requirement and authorize the Purchasing Agent to procure approximately 35 desktop computer systems from Dell Computer Corporation (not a local vendor).

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

A-12) PLANNING AND DEVELOPMENT

[File Reference No. 02-00990](#)

Consider the Van Wingerden Agricultural Preserve Non-Renewal (Case No. 96-AP-002) located at

5154 Foothill Road (APN 004-004-037), Carpinteria area, First District, as follows:

- a) Accept the request for Non-Renewal of Agricultural Preserve 96-AP-002;
- b) Approve and execute the Notice of Non-Renewal by the County Land Conservation Contract for the Van Wingerden Agricultural Preserve.

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

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

The motion carried unanimously.

A-13) PLANNING AND DEVELOPMENT

[File Reference No. 02-01012](#)

Consider the consider the Westerly Stud/ Beaton Agricultural Preserve Non-Renewal (Case No. 69-AP-015), located approximately 1,002 feet northeast of the intersection of Alisos Road and Happy Canyon Road (APN 141-080-009, -010, -011, -017, -018, -019 and -020), Santa Ynez area, Third District, as follows:

- a) Accept the request for Non-Renewal of Agricultural Preserve 69-AP-015;
- b) Approve and execute the Notice of Non-Renewal by the County Land Conservation Contract for the Westerly Stud/ Beaton Agricultural Preserve.

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

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

The motion carried unanimously.

A-14) PROBATION

[File Reference No. 02-01064](#)

Approve and execute a contract with the City of Santa Maria for the County to provide Shelter Services For Youth for Fiscal Year 2002-03, in the amount of \$14,000.

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

A-15) PUBLIC HEALTH

[File Reference No. 02-01058](#)

Approve waiver of competitive bid requirement and authorize the Purchasing Manager to enter into an agreement with ScriptPro (not a local vendor) for a robotic prescription dispensing system, in the amount of \$144,000, plus \$21,125 for computer interface and installation, and \$2,580 for the first six months of maintenance, for a total in the amount of \$168,705.

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

A-16) PUBLIC HEALTH

[File Reference No. 02-01059](#)

Approve and execute Amendment No. 2 to the agreement with McKesson Information Solutions (not

a local vendor) for hardware, application software, processing services and upgrade support including customization for the Public Health billing system in the one-time amount of \$161,140 and extend the contract term from September 23, 2002 through September 22, 2003 for an increase in the amount of \$185,067.

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

A-17) PUBLIC WORKS

[File Reference No. 02-01057](#)

Review and approve the Statement of Final Quantities for work performed and materials supplied by Union Asphalt, Inc. (a local vendor) for construction of 2000-01 Measure D Asphalt Concrete Overlay (Project No. 810427), in the amount of \$2,109,713.17, Third, Fourth and Fifth Districts.

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

A-18) PUBLIC WORKS

[File Reference No. 02-01060](#)

Approve the release of a Monument Deposit in the amount of \$18,700, posted for Tract No. 14,461, Westfield LLC Properties, collected to guarantee the placement of the Tract interior monumentation, Third District.

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

A-19) PUBLIC WORKS

[File Reference No. 02-01062](#)

Approve and execute a Professional Services Contract with Brett Maxfield for Real Property Management Services for the period of October 22, 2002 through October 21, 2004, in an amount not to exceed \$149,560.

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

Board of Supervisors

A-20) SUPERVISOR ROSE

[File Reference No. 02-01050](#)

Approve the reappointment of Catherine Ann Boyer to the Arts Commission, Second District.

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

A-21) SUPERVISOR URBANSKE

[File Reference No. 02-01066](#)

Approve the appointment of Harold Jay to the Advisory Board on Alcohol and Drug Problems, Fifth District.

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

Hearing Requests

A-22) PLANNING AND DEVELOPMENT

[File Reference No. 02-01051](#)

Set a hearing to consider General Plan Amendment Case No. 02GPA-00000-00008, adoption of an amendment to the language of Policy WAT-O-2 (Water -Orcutt 2 Policy) of the Orcutt Community

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Set for a hearing, as follows: November 12, 2002 in Santa Maria. The motion carried unanimously.

Approval of Administrative Agenda

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

[File Reference No. 02-00025](#)

PUBLIC COMMENT

Accepted Public Comment

RE: Oak Tree Protection Measures - Chris Brown addressed the Board.

RE: School Safety Measures/Political Commercials - David Diaz addressed the Board.

RE: Homeless Issues/Health Care/Affordable Housing - Sister Janet Corcoran addressed the Board.

RE: Santa Barbara Chamber of Commerce Hosting Presentation on Highway 101 Improvements/Issues - Michael Magne addressed the Board.

RE: Homeless Issues/Santa Maria Shelter - Cecil Abney, Jay Baker and Peter Scardino addressed the Board

Departmental Agenda -- Public Hearings

Department requests continuance of Departmental Item No. 1 to December 3, 2002.

1) **PUBLIC WORKS**

[File Reference No. 02-00981](#)

MISSION CANYON SEWER DISTRICT - HEARING - Authorize the District to prepare a study to assess the feasibility of extending a sewer main line in Tunnel Road, First District. (EST. TIME: 10 MIN.)

A motion was made by Supervisor Schwartz, seconded by Supervisor Urbanske, that this matter be Continued, as follows: December 3, 2002.

The motion carried unanimously.

2) **PUBLIC WORKS**

[File Reference No. 02-01023](#)

HEARING - Consider recommendations regarding the Hummel Drive Extension Project Final Mitigated Negative Declaration 02-ND-05 (Project No. 420195); Fourth District, as follows: (EST. TIME: 30 MIN.)

a) Approve the Project and the Mitigated Negative Declaration (02-ND-05) pursuant to the County's California Environmental Quality Act (CEQA) guidelines as adequate environmental review for the Hummel Drive Extension Project;

b) Adopt the mitigation monitoring program included in the Mitigated Negative Declaration as conditions of project approval;

c) Authorize the County Public Works Department to proceed with right-of-way negotiations with adjacent property owners.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

a) Conducted public hearing and approved the Project and Mitigated Negative Declaration (02-ND-05).

b) Adopted.

c) Authorized.

The motion carried unanimously.

3) PUBLIC WORKS[File Reference No. 02-00824](#)

HEARING - Consider the appeal of Teresa Seiler of Certificate of Compliance 01-CC-89 (APN 153-290-008), Second District, as follows: (EST. TIME: 1 HR.)

a) Uphold the decision of the County Surveyor, and direct the County Surveyor to send a notice of intent to record a notice of violation by certified mail to the owner of APN 153-290-008 in accordance with California Government Code Section 66499.36 if the owner does not file for a Conditional Certificate of Compliance within 30 calendar days of the appeal hearing decision. Additionally, send a notice of intent to record a notice of violation by certified mail to the owner of APN 153-290-005 in accordance with California Government Code Section 66499.36 if the owner does not show valid proof to the County Surveyor of legality of the parcel within 60 calendar days of written notification;

OR:

b) Grant the appeal of Teresa Seiler, and direct the County Surveyor to issue two (2) Certificates of Compliance for APN 153-290-008 and APN 153-290-005 as set forth in California Government Code Section 66499.35.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

Conducted public hearing and approved option a). Upheld the decision of the County Surveyor and denied the appeal. Directed staff to send a notice of intent to record a notice of violation by certified mail to the owner of APN 153-290-008 in accordance with California Government Code Section 66499.36 if the owner does not file for a Conditional Certificate of Compliance within 30 calendar days of the appeal hearing decision. Further directed that no such notice shall be sent to the owner of APN 153-290-005.

The motion carried unanimously.

4) PLANNING AND DEVELOPMENT[File Reference No. 02-00923](#)

HEARING - Consider the appeal of Nadim Maida, Sandpiper Liquors, of the Zoning Administrator's denial of a sign variance 01VAR-00000-00007 (02APL-00000-00022), for an internally illuminated pole sign approximately 30 feet high (sign, base and pole), located at 2262 Ortega Hill Road (APN 005-176-001) Summerland area, First District, as follows: (EST. TIME: 1 HR.)

a) Adopt the required findings for the project, specified in the Zoning Administrator Action Letter dated June 7, 2002;

b) Deny the appeal, upholding the Zoning Administrator's denial of Variance 01VAR-00000-00007.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

a) Conducted public hearing and adopted required findings for project as specified in the Zoning Administrator Action Letter dated June 7, 2002.

b) Denied the appeal, upholding the Zoning Administrator's denial of Variance 01VAR-00000-00007.

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. 02-00825](#)

HEARING - Consider an amendment to the Coastal Resource Enhancement Fund (CREF) Guidelines for the purpose of assessing 2003-07 CREF fees and making minor updates. (EST. TIME: 1 HR.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

6) GENERAL SERVICES[File Reference No. 02-00998](#)

HEARING - Consider the adoption of an urgency ordinance amending Ordinance No. 679, to extend the term for two (2) years through November 4, 2004 granting a continuance of the franchise to Southern California Edison to construct, alter, operate and maintain a system for the distribution and transmission of electricity upon public streets and highways. (4/5 vote required) (EST. TIME: 10 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

Adopted ordinance as amended to extend the term of Ordinance No. 679 for one day until November 5, 2002.

ORDINANCE NO. 4479

Continued matter until November 5, 2002.

The motion carried unanimously.

7) GENERAL SERVICES[File Reference No. 02-01004](#)

HEARING - Consider the adoption of an urgency ordinance amending Chapter 2 Article XI Section 2-82 Section 8 (Franchise Fees) of the Santa Barbara County Code to permit the increase of franchise fees generated from Gas, Oil, Electric and Water public utilities, or to any person, firm or corporation furnishing services or commodities in the unincorporated area of Santa Barbara County. (4/5 vote required) (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Continued, as follows: November 5, 2002.

The motion carried unanimously.

8) PUBLIC WORKS[File Reference No. 02-00925](#)

HEARING - Consider recommendations regarding Santa Barbara County Community Recycling Programs, All Districts, as follows: (EST. TIME: 20 MIN.)

- a) Approve proposed recycling programs;
- b) Direct staff to return to the Board by December 10, 2002 with specific plan for expanding commercial and multi-family recycling programs.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

- a) Approved.
- b) Directed.

The motion carried unanimously.

9) PUBLIC WORKS[File Reference No. 02-00926](#)

HEARING - Receive a presentation on the Solid Waste and Utilities Division's surface water testing of Pila Creek and provide direction as appropriate, Third District. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

Directed staff to proceed with two additional bacterial tests up to a maximum of six times a year within the existing protocol of the testing program (without staff on 24-hour call).

The motion carried unanimously.

10) PLANNING AND DEVELOPMENT[File Reference No. 02-00818](#)

HEARING - Consider the appeal of Jennifer Foster, agent for the applicant Nuevo Energy Company, of the Planning Commission's June 20, 2002 denial of the Tranquillon Ridge Oil and Gas Development Project (Case No. 94-DP-027 RV02), as follows: (EST. TIME: 30 MIN.)

- a) Adopt the required findings for the project (Attachment A to this Board Letter dated September 10, 2002);
- b) Deny the appeal;
- c) Deny the Tranquillon Ridge Oil and Gas Development application (94-DP-027 RV02).

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

NOTE: PUBLIC HEARING CLOSED. PUBLIC TESTIMONY WILL BE LIMITED TO COMMENT ON PROPOSED FINDINGS.

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

- a) Conducted public hearing and adopted required findings for the project as reflected in Planning and Development memorandum dated October 17, 2002.
- b) Denied the appeal.
- c) Denied application 94-DP-027 RV02.

The motion carried by the following vote:

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

Adjourn to November 5, 2002

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

Adjourn

Announcements

THE MEETING OF OCTOBER 22, 2002 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, OCTOBER 24, 2002 AT 5:00 P.M. ON GATV CHANNEL 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON TUESDAY, OCTOBER 29, 2002; THIS IS A FIFTH TUESDAY (ORDINANCE NO. 3352). THE NEXT REGULAR MEETING WILL BE TUESDAY, NOVEMBER 5, 2002, IN SANTA BARBARA.

<http://www.countyofsb.org>