County of Santa Barbara BOARD OF SUPERVISORS

ACTION SUMMARY September 28, 2004

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. 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: Megan Riker-Rheinschild, District Attorney's Office

Report from Closed Session

County Counsel made the following announcement:

The Board of Supervisors directed County Counsel to docket a new contract for Michael F. Brown's services as County Administrator for Board approval in public session on October 5, 2004. The Board completed the evaluation of the performance of Mr. Brown. The Board appointed a committee consisting of Supervisors Joseph Centeno and Susan Rose to work with Mr. Brown to review the focus and emphasis of the County Administratior's Office for the remainder of Fiscal Year 2004-05.

Details may be obtained in the Office of County Counsel.

Approval of Minutes of the September 21, 2004 meeting

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

Administrative Agenda

Resolutions to be Presented

A-1) SUPERVISOR ROSE

File Reference No. 04-00942

Adopt a resolution in support of the formation of the Santa Barbara Firefighters Alliance.

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

RESOLUTION NO. 04-264

The motion carried unanimously.

Honorary Resolutions

A-2) SUPERVISOR SCHWARTZ

File Reference No. 04-00924

Adopt a resolution commending Hilda Zacarias upon being recognized by the Santa Barbara Hispanic Achievement Council for outstanding accomplishments and contributions to the community.

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

RESOLUTION NO. 04-265

The motion carried unanimously.

A-3) SUPERVISOR SCHWARTZ

File Reference No. 04-00925

Adopt a resolution commending Luis Villegas upon being recognized by the Santa Barbara Hispanic Achievement Council for outstanding accomplishments and contributions to the community.

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

RESOLUTION NO. 04-266

The motion carried unanimously.

Administrative Items

A-4) <u>ALCOHOL, DRUG AND MENTAL HEALTH SERVICES</u>

File Reference No. 04-00930

Consider recommendations regarding contracts for the provision of mental health services for the period of July 1, 2004 through June 30, 2005, as follows:

- a) Approve and execute a contract with Phoenix of Santa Barbara (a local vendor) to continue providing psychiatric, rehabilitation and mental health services to mentally ill adults, for the period of July 1, 2004 through June 30, 2005, in the amount of \$860,544;
- b) Approve and execute a contract with Aurora Vista Del Mar (not a local vendor) to continue providing acute Psychiatric Inpatient Hospital services to adults and adolescents, for the period of July 1, 2004 through June 30, 2005 in the amount of \$300,000;
- c) Authorize the Director of ADMHS to approve amendments to the proposed contracts, provided that any such amendments do not exceed ten percent (10%) of the contract's dollar amount.

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

- a) and b) Approve; Chair to execute
- c) Authorized.

The motion carried unanimously.

A-5) <u>ALCOHOL, DRUG AND MENTAL HEALTH SERVICES</u>

File Reference No. 04-00933

Approve and execute Amendment No. 2 to the County 42 agreement with the State Alcohol and Drug Program increasing funding in FY 03-04 in the amount of \$31,674, from \$6,123,750 to a total of \$6,155,424, and incorporate Exhibit A-1, County Prevention and Treatment Programs Fiscal Summary V.2, and corresponding budget detail forms, FY 03-04.

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

A-6) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

File Reference No. 04-00938

Consider recommendations regarding contracts for the provision of children's mental health services, as follows:

- a) Approve and execute a contract with Phoenix of Santa Barbara (a local vendor) to provide mental health services to local children ages birth to 5 years of age, and their families, for the two year period of July 1, 2004, through June 30, 2006, in the amount of \$264,792;
- b) Approve and execute a contract with Community Action Commission (a local vendor) to continue providing mental health services to emotionally disturbed children for the period of July 1, 2004, through June 30, 2005, in the amount of \$379,500;
- c) Authorize the Director of ADMHS to approve amendments to the proposed contracts, provided that any such amendments do not exceed ten percent (10%) of the contract's dollar amount.

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

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

The motion carried unanimously.

A-7) BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT

File Reference No. 04-00929

Consider recommendations regarding Renewal of Eligibility for Federal Surplus Property Program, Fourth District, as follows:

- a) Adopt a California Department of General Services resolution authorizing certain departmental representatives to acquire federal surplus equipment for the Laguna County Sanitation District from the State Agency for Surplus Property;
- b) Authorize the Clerk of the Board to execute the resolution placing the Laguna County Sanitation District responsible for compliance with all conditions, terms, reservations, and restrictions associated with the acquisition of such property.

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

a) Adopted.

RESOLUTION NO. 04-267

b) Authorized; Chair to execute.

The motion carried unanimously.

A-8) BOARD OF DIRECTORS, WATER AGENCY

File Reference No. 04-00928

Adopt a Resolution to accept the terms and conditions of the grant agreement with the California Department of Water Resources to receive grant funding for the Santa Barbara County Commercial, Industrial, and Institutional (CII) Rebate Program, All Districts.

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

RESOLUTION NO. 04-268

The motion carried unanimously.

A-9) <u>COUNTY EXECUTIVE OFFICE</u>

File Reference No. 04-00943

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

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

A-10) <u>COUNTY CLERK-RECORDER-ASSESSOR</u>

File Reference No. 04-00934

Consider recommendations regarding Election Assistance Grant Agreements with the State of California, as follows:

- a) Authorize the Election Division Manager to execute an Agreement with the State of California for Voter Education and Poll Worker Training Assistance in the amount of \$85,000.
- b) Authorize the Election Division Manager to execute an Agreement with the State of California for Election Assistance for Individuals with Disabilities in the amount of \$30,000.

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

a) and b) Authorized.

The motion carried unanimously.

A-11) <u>COUNTY COUNSEL</u>

File Reference No. 04-00940

Adopt a Personnel Resolution effective September 27, 2004 to add one (0.175 FTE) Deputy County Counsel IV (Range 6792) increasing the hours of a part-time employee from 0.625 FTE to 0.80 FTE.

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

RESOLUTION NO. 04-269

The motion carried unanimously.

A-12) GENERAL SERVICES

File Reference No. 04-00912

Consider recommendations regarding submission of a Grant Application for the Santa Barbara County Courthouse Hall of Records Rehabilitation Project (Site # F02001; Project # 8644) First District, as follows:

- a) Adopt a Resolution authorizing the County Architect to submit a grant application to the California Cultural and Historic Endowment in the amount of \$1,000,000 on behalf of the Clerk-Recorder-Assessor to fund a portion of the Santa Barbara Courthouse Hall of Records Historic Rehabilitation;
- b) Authorize the County Architect execute a Grant Agreement upon the award of such California Cultural and Historic Endowment;
- c) Direct that such grant proceeds shall be used in accordance with such executed Grant Agreement and deposited in the Capital Fund, 1930 in the project account 8644.

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

a) Adopted.

RESOLUTION NO. 04-270

- b) Authorized.
- c) Directed.

The motion carried unanimously.

A-13) HOUSING AND COMMUNITY DEVELOPMENT

File Reference No. 04-00939

Consider recommendations regarding an application for a 2005 Community Development Block Grant (CDBG) Planning/Technical Assistance (P/TA), Fifth District, as follows:

- a) Consider adoption of a resolution approving a 2005 CDBG P/TA application to the State Department of Housing and Community Development and authorize the Director to submit the 2005 CDBG P/TA application for the preparation of a study to analyze and identify the estimated cost to update the existing water system in the Ventucopa community;
- b) Authorize the Director to sign all documents required for submittal of the CDBG application;
- c) If awarded, authorize the Director to sign the grant agreement and all documents necessary for the administration of this grant.

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

a) Adopted.

RESOLUTION NO. 04-271

b) and c) Authorized.

The motion carried unanimously.

A-14) PARKS

File Reference No. 04-00931

Consider recommendations regarding a grant application for Fiscal Year 2005-06 Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for the purchase of a touring pontoon boat for the Naturalist Program at Lake Cachuma, Third District, as follows:

- a) Adopt a resolution approving a grant application to the Fiscal Year 2005/06 Habitat Conservation Fund Program of the California Wildlife Protection Act of 1990 for the purchase of a touring pontoon boat for the Naturalist Program at Lake Cachuma, in the amount of \$21,130;
- b) Appoints the Director of Parks as agent of the County of Santa Barbara to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

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

a) Adopted.

RESOLUTION NO. 04-272

b) Approved.

The motion carried unanimously.

A-15) PARKS

File Reference No. 04-00935

Receive report for kickoff of the 2004 Charitable Giving Campaign.

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

A-16) PLANNING AND DEVELOPMENT

File Reference No. 04-00922

Receive and adopt the Annual Report of the County's Comprehensive Plan (General Plan).

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

Board of Supervisors

A-17) <u>SUPERVISOR MARSHALL</u>

File Reference No. 04-00927

Approve the reappointment of Wendy Gaster Tillman to the Assessment Appeals Board No. 2, Third District.

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

Hearing Requests

A-18) PLANNING AND DEVELOPMENT

File Reference No. 04-00932

Set a hearing to consider providing direction to County staff on the implementation of Orcutt Community Plan Policy WAT-O-2 in light of the Partial Statement of Decision Regarding Trial Phase III in the Santa Maria Groundwater Basin litigation.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: November 9, 2004 in Santa Maria (EST. TIME: 90 MIN.) The motion carried unanimously.

A-19) <u>PLANNING AND DEVELOPMENT</u>

File Reference No. 04-00936

Set a hearing to consider recommendation of approval of the Ocean Meadows Residences project (03GPA-00000-00003, 03RZN-00000-00002, 03DVP-00000-00022, 03DVP-00000-00044, 03TRM-00000-00002, 04CDP-00000-00078, 04CUP-00000-00020, 04CUP-00000-00038, and 04CUP-00000-00046), as follows:

- a) Adopt the required findings for approval of the Ocean Meadows Residences project (Case Numbers 03GPA-00000-00003, 03RZN-00000-00002, 03DVP-00000-00022, 03DVP-00000-00044, 03TRM-00000-00002, 04CDP-00000-00078, 04CUP-00000-00020, 04CUP-00000-00038, and 04CUP-00000-00046), including CEQA findings for the quasi-adjudicative actions as revised, for the Ocean Meadows Residences project;
- b) Certify the Environmental Impact Report and adopt the mitigation monitoring program contained in the conditions of approval as revised, for the quasi-adjudicative actions;
- c) Adopt a Resolution amending the Comprehensive Plan Land Use Element, the Goleta Community Plan and the County's Coastal Land Use Plan to change the Land Use Designation of Lot 41, resulting after subdivision under TM 14,628, from PRD to Recreation;
- d) Adopt an Ordinance rezoning Lot 41 of TM 14,628 from PRD-58 to REC and amending the Coastal Zoning Map for the Coastal Land Use Plan Zoning Districts accordingly;
- e) Approve Case Numbers 03DVP-00000-00022, 03DVP-00000-00044, 03TRM-00000-00002, 04CDP-00000-00078, 04CUP-00000-00020, 04CUP-00000-00038, and 04CUP-00000-00046, subject to conditions of approval;
- f) Obtain proof of easement or right of access to the project site from Whittier Drive and Storke Road prior to approval of 03DVP-00000-00022, 03DVP-00000-00044, 03TRM-00000-00002, and 04CDP-00000-00078.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: October 19, 2004 (EST. TIME:150 MIN.) The motion carried unanimously.

A-20) PLANNING AND DEVELOPMENT

File Reference No. 04-00937

Set a hearing to consider the Ellwood-Devereux Open Space and Habitat Management Plan, Third District, as follows:

a) Amend the Santa Barbara County Comprehensive Plan, Goleta Community Plan to add policies incorporating the Ellwood-Devereux Open Space Plan (OSP) (Case Number 04GPA-00000-00008);

b) Approve an update the Santa Barbara County Comprehensive Plan, Parks, Recreation and Trails Goleta-Santa Barbara Area Map to add new trails provided by the OSP (Case Number 04GPA-00000-00009).

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: October 19, 2004 (EST. TIME: 30 MIN.) The motion carried unanimously.

A-21) PLANNING AND DEVELOPMENT

File Reference No. 04-00941

Set a hearing to consider adoption of text amendments to the Coastal Plan, Land Use Element, and the Coastal and Inland Zoning Ordinances to update the County's oil transportation policies and regulations.

A motion was made by Supervisor Schwartz, seconded by Supervisor Gray, that this matter be Set for a hearing, as follows: October 19, 2004 (EST. TIME: 30 MIN.) The motion carried unanimously.

A-22) PUBLIC WORKS

File Reference No. 04-00945

Authorize the Public Works Director to execute the Maintenance Agreement between Santa Barbara County Public Works Department and Caltrans for the maintenance of the Ortega Hill Class I Bikeway.

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

A-23) COUNTY EXECUTIVE OFFICE

File Reference No. 04-00947

Authorize the District Attorney and Public Defender to continue to provide juvenile dependency representation services for the Superior Court for the period of October 1, 2004 through November 30, 2004, costs to be paid by the Administrative Office of the Courts (AOC).

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

A-24) SUPERVISOR ROSE

File Reference No. 04-00946

Approve the appointment of William Thomas West to the Advisory Board on Alcohol and Drug Problems, Second District.

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

Approval of Administrative Agenda

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

File Reference No. 04-00316

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) (04-00,316)

- RE: War in Iraq Floyd Meyer addressed the Board.
- RE: Announcement regarding SB 1730 County Counsel Stephen "Shane" Stark addressed the Board.
- RE: Health Care Issues / Violence incident in the Orcutt Community Sister Janet Corcoran addressed the Board.
- RE: Toro Canyon Property Issues John Thorndike IV addressed the Board.
- RE: Affordable Housing Issues Steve Musick addressed the Board.
- RE: Homeless Issues in Santa Barbara County Joyce Kaisendian addressed the Board.

Departmental Agenda -- Public Hearings

1) PUBLIC HEALTH

File Reference No. 04-00867

HEARING - Receive report on Public Health disease prevention through the local Syringe Exchange and Education Program and the epidemic of viral Hepatitis C (HCV) in Santa Barbara County. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Continued, as follows: October 5, 2004. The motion carried unanimously.

2) PLANNING AND DEVELOPMENT

File Reference No. 04-00143

HEARING - Consider the appeal of Deborah (Satya) Kirsch, Jon Warner, and Donald Sharpe of the Montecito Planning Commission's approval of the Hill proposed new single family dwelling located at 640 Cowles Road (APN 013-180-014) Land Use Permit (02LUP-00000-01133), First District, as follows: (EST. TIME: 1 HR.)

- a) Adopt the required findings for the project, specified in Attachment A to the Board Letter dated October 14, 2004;
- b) Partially uphold the appeal, modifying the design of the dwelling approved by the Montecito Planning Commission;
- c) Approve issuing of the Land Use Permit 02LUP-00000-01133, subject to the conditions of approval attached to the permit.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Continued, as follows: October 26, 2004. The motion carried unanimously.

3) <u>PUBLIC WORKS</u>

File Reference No. 04-00863

HEARING - Consider adoption (Second Reading) of an ordinance amending Chapter 23, Sections 23-15.5, of the Code of Santa Barbara County, pertaining to speed limits on Patterson Avenue, Second District. (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

ORDINANCE NO. 4552

The motion carried unanimously.

4) FIRE

File Reference No. 04-00919

HEARING - Adopt a fee resolution increasing fire permit fees and development fees by 7.6%, effective October 1, 2004. (EST. TIME: 10 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Marshall, seconded by Supervisor Gray, that this matter be Continued, as follows: October 5, 2004. The motion carried unanimously.

5) PUBLIC WORKS

File Reference No. 04-00861

HEARING - Consider recommendations regarding the proposed assignment of the Landfill Gas Lease and Operating Agreement between NEO Tajiguas LLC and the County of Santa Barbara executed on March 10, 1998, to Across America LFG, LLC, a Delaware limited liability company, as follows: (EST. TIME: 20 MIN)

- a) Receive and review the Due Diligence Memo prepared by the County Auditor-Controller's office on the proposed assignment;
- b) Authorize the Public Works Director, or his or her designee, to execute the "Estoppel Certificate by the County of Santa Barbara";
- c) Approve the assignment of the "Landfill Gas Lease and Operating Agreement Between NEO Tajiguas LLC and The County of Santa Barbara" ("Lease").

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Marshall, seconded by Supervisor Schwartz, that this matter be Continued, as follows: October 5, 2004. The motion carried unanimously.

6) <u>PLANNING AND DEVELOPMENT</u>

File Reference No. 04-00883

HEARING - Consider and adopt revisions to the Inclusionary Housing Program and In-Lieu Fee Policy (04GPA-00000-00010), In-Lieu Fee amounts and maximum affordable sale price formula; action items identified in the County's adopted Housing Element 2003-2008, as follows: (EST. TIME: 3 HRS.)

- a) Receive recommendations from the County Planning Commission;
- b) Find that the Negative Declaration 04NGD-00000-00004 previously adopted by the Board of Supervisors for the Housing Element 2003-2008 update on March 29, 2004 adequately describes the potential environmental effects of revisions to the Inclusionary Housing Program and In-Lieu Fee Policy (04GPA-00000-00010);
- c) Adopt a resolution to adopt Housing Element Amendment 04GPA-00000-00010 amending the Inclusionary Housing Program and In-Lieu Fee Policy in the Housing Element 2003-2008;
- d) Adopt a resolution to adopt revised In-Lieu Fees under the Inclusionary Housing Program, land donation criteria, affordable unit and household adjustment factors, and affordable income, rental rate formulas, and revised maximum affordable sale price formula.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Rose, seconded by Supervisor Schwartz, that this matter be Continued, as follows: Received and filed staff report. Conducted public hearing and continued the matter to November 2, 2004. The motion carried unanimously.

7) HOUSING AND COMMUNITY DEVELOPMENT

File Reference No. 04-00873

HEARING - Consider recommendations regarding County-wide Housing Needs Educational Program, as follows:

- a) Approve the Housing and Community Development Department's initiative to create and implement a County-wide Housing Needs Educational Program (Program) in direct collaboration with businesses, educational institutions, and community based organizations for the purpose of disseminating housing facts, i.e. who "attainable" housing is for, and the overall financial impacts of housing on the community;
- b) Authorize the Housing and Community Development Department to serve as the principal Fiduciary Agent for the Program, which includes accepting funds from outside sources, expending CDBG and HOME Funds for this Program and administering the funds solely for the purpose of the Program;
- c) Authorize the County Auditor-Controller to establish a designated account for all funds received for the Program;
- d) Approve the maximum amount of financial gifts that can be received from any one entity will not exceed \$15,000 per year and direct staff to follow all applicable Government Code and County Policy requirements regarding acceptance of funds.

A motion was made by Supervisor Gray, seconded by Supervisor Rose, that this matter be Continued, as follows: Received and filed staff report and continued the matter to October 12, 2004 in Santa Maria. The motion carried unanimously.

Adjourn to October 5, 2004

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

Adjourn

Announcements

THE MEETING OF SEPTEMBER 28, 2004 WILL BE TELECAST LIVE ON GOVERNMENT ACCESS TV CHANNEL 20 AT 9:00 A. M., AND WILL BE REBROADCAST ON THE FOLLOWING THURSDAY, SEPTEMBER 30, 2004 AT 5:00 P.M. ON GATV CHANNEL 20.

http://www.countyofsb.org