

County of Santa Barbara
BOARD OF SUPERVISORS

ACTION SUMMARY

September 25, 2001

**COUNTY ADMINISTRATION BUILDING
105 EAST ANAPAMU STREET, FOURTH FLOOR
SANTA BARBARA, CA 93101**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, Redevelopment Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

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

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

9:00 A.M. Reconvene to Regular Session

Roll Call

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

Invocation: Greg Richardson, Auditor-Controller's Office

Report from Closed Session

No reportable action taken.

Approval of Minutes of the September 18, 2001 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

A-1) SUPERVISOR ROSE

File Reference No. 01-01255

Adopt a resolution proclaiming October 10, 2001 as California Arts Day.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 01-308 The motion carried unanimously.

A-2) SUPERVISOR ROSE File Reference No. 01-01256

Adopt a resolution proclaiming September 29, 2001 as Affordable Housing Day.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 01-309 The motion carried unanimously.

A-3) SUPERVISOR ROSE File Reference No. 01-01205

Adopt a resolution proclaiming September as School Children's Pedestrian Safety Awareness Month.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 01-307 The motion carried unanimously.

Administrative Items

A-4) AUDITOR-CONTROLLER File Reference No. 01-01266

Receive and file the Auditor's Report on the Schedule of Deposits and Investments in the Santa Barbara County Treasury Pool as of June 30, 2001 and the Auditor's Report on Compliance with Investment Policies.

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

A-5) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT File Reference No. 01-01269

Consider recommendations regarding the Lower Mission Creek Army Corps of Engineers Project, First and Second District, as follows:

a) Receive and file a report on the status of the Lower Mission Creek Project;

b) Direct staff to work with the City of Santa Barbara and the Army Corps of Engineers to develop the necessary cost sharing agreements to initiate project design.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Acted on as follows: a)
Received and filed.

b) Approved. The motion carried unanimously.

A-6) BOARD OF DIRECTORS, LAGUNA COUNTY SANITATION DISTRICT File Reference No. 01-01245

Approve and execute a Real Property Contract and Escrow Instructions between the District and the following property owners for the Dutard-Solomon Trunk Sewer Line (DURSOL), Fourth and Fifth Districts:

Darren and Laura C. Huebner (APN 105-010-029)
John and Michelle L. Vandermuelen (APN 105-010-033).

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

- A-7) BOARD OF DIRECTORS, LAGUNA COUNTY File Reference No. 01-01271
SANITATION DISTRICT
- Authorize the Purchasing Agent to amend a contract with MNS Engineers, Inc. for construction management services for the Dutard-Solomon Trunk Sewer Line Project, in the amount of \$70,800 for a total not to exceed \$160,800, Fourth and Fifth Districts.
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Authorized. The motion carried unanimously.**
- A-8) COUNTY CLERK-RECORDER-ASSESSOR File Reference No. 01-01261
- Appoint members of Board of Directors of special districts in lieu of election pursuant to § 10515 of the California Elections Code, as follows:
- Carpinteria Sanitary District
Carpinteria Valley Water District
Casmalia Community Services District
Cuyama Community Services District
Orcutt Fire Protection District.
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.**
- A-9) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES File Reference No. 01-01265
- Consider a recommendation regarding a supplement to County Employees who have been called to "Active Military Duty" as a result of the war on terrorism, as follows:
- a) Authorize the Auditor-Controller to Implement a "Supplement to Military Pay Program" for County employees who have been called to active military duty as a result of the War on Terrorism based on the outlined parameters;
- b) Adopt a Resolution to establish a paid leave of absence of up to 6 months for those regular County employees called to military duty as a result of the War on Terrorism.
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Approved, as follows:**
- a) **Authorized.**
- b) **Adopted.**
- RESOLUTION NO. 01-313 The motion carried unanimously.**
- A-10) PLANNING AND DEVELOPMENT File Reference No. 01-01037
- Approve and direct execution and recordation by the Clerk of the Board of a new Replacement Contract (01-AP-003) for the original Mahall Agricultural Preserve (70-AP-156) located approximately 2 1/4 miles northeast of the intersection of Drum Canyon Road and Highway 246 (APNs 099-120-020, -021, and -022), Buellton area, Third District.
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Approved; Chair to Execute. The motion carried unanimously.**
- A-11) PLANNING AND DEVELOPMENT File Reference No. 01-01036

01-AP-002) located approximately 2 1/4 miles northeast of the intersection of Drum Canyon Road and Highway 246 (APNs 099-120-019), Buellton area, Third District.

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

A-12) PLANNING AND DEVELOPMENT and PUBLIC WORKS File Reference No. 01-01262

Consider the adoption of an Order to Vacate fee-owned County road property (as stated in the Resolution of Intent to Vacate No. 01-250) on Calle Real in front of the El Encanto Affordable Housing Project (APN 077-490-039) located on the north side of Calle Real, west of Glen Annie, approximately 150 feet east of Ellwood Station Road, Goleta area, Third District.

Request continuance to October 23, 2001.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Continued, as follows: October 23, 2001. The motion carried unanimously.

A-13) PLANNING AND DEVELOPMENT File Reference No. 01-01263

Consider recommendations regarding a California Coastal Commission Local Coastal Program (LCP) Grant for Gaviota Coast Long Range Planning and LCP policy updates, as follows:

a) Adopt a resolution approving Planning and Development's application for a \$55,182 LCP planning grant from the California Coastal Commission for the Gaviota Coast Resource Inventory and Planning project to fund long-range planning and LCP policy updates for the Gaviota Coast. Because Coastal Commission criteria for awarding a LCP grant includes matching funds from the local government, the request will be matched with approximately \$32,000 in funds from the Coastal Impact Assistance Program. The total cost for the LCP policy updates component of the Gaviota Coast Resource Inventory and Planning project is estimated at \$87,182;

b) Appoint John Patton, Director of Planning and Development, as the agent of Santa Barbara County to conduct all negotiations, execute and submit all documents, including, but not limited to applications, quarterly reports and payment requests which may be necessary for the completion of the grant scope of work.

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

RESOLUTION NO. 01-312

b) Appointed. The motion carried unanimously.

A-14) PUBLIC HEALTH File Reference No. 01-01257

Adopt a resolution, required by the Department of Justice, to authorize the Public Health Department Emergency Medical Services Agency to implement a criminal background investigation process by fingerprinting for certification or re-certification of Emergency Medical Technicians in Santa Barbara County, beginning October 1, 2001.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted RESOLUTION NO. 01-310 The motion carried unanimously.

A-15) PUBLIC WORKS File Reference No. 01-01258

Adopt a resolution establishing a No Parking zone on Tallwood Avenue and Marino Drive at El

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 01-311 The motion carried unanimously.

A-16) PUBLIC WORKS File Reference No. 01-01259

Consider recommendations regarding storm repair of Vieja Drive, from Via Cayenta to Via Vistosa, Second District, as follows:

a) Find that the repairs are necessary to provide minimum public access necessary for the protection or preservation of health or safety of residents;

b) Authorize the Public Works Department to perform the repairs and to utilize revenue from the Road Fund to complete this project on a non-County maintained road.

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

b) Authorized. The motion carried unanimously.

A-17) SHERIFF File Reference No. 01-01260

Accept the annual report regarding the use of State Citizens Option for Public Safety (COPS) funds as presented by the Law Enforcement Services Fund.

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

Board of Supervisors

A-18) SUPERVISOR GRAY File Reference No. 01-01272

Approve the appointment of James P. Lowsley to the Santa Barbara County Historic Landmarks Advisory Commission, Fourth District.

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

Hearing Requests

A-19) AUDITOR-CONTROLLER File Reference No. 01-01267

Consider recommendations regarding the Property Tax Administration Fee, as follows:

a) Receive and file a report prepared by the Santa Barbara County Auditor-Controller establishing the 2001-02 Property Tax Administration Fees;

b) Set a hearing to consider the adoption of the resolution to impose the fee pursuant to Revenue and Taxation Code § 95.3.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Continued, as follows:
a) Received and filed.

b) Hearing set for October 9, 2001 in Santa Maria. The motion carried unanimously.

A-20) BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT File Reference No. 01-01270

Consider recommendations regarding the Franciscan Sediment Basin Project, First District, as follows:

- a) Adopt a Notice and Resolution of Intent to Purchase Real Property for the acquisition of permanent easements and a temporary soil stockpiling easement by the Santa Barbara County Flood Control and Water Conservation District, from J&C Farms (a California general partnership) on portions of real property commonly known as APNs 004-013-024 and 004-013-025, in the amount of \$389,382;
- b) Set a date for acceptance of said easements by the District. (SET DATE FOR OCTOBER 23, 2001 ON ADMINISTRATIVE AGENDA)

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Set on the Administrative Agenda, as follows: a) Adopted.

RESOLUTION NO. 01-314

- b) Date set for October 23, 2001 on Administrative Agenda. The motion carried unanimously.**

A-21) GENERAL SERVICES

File Reference No. 01-01268

Set a hearing to receive a staff presentation regarding the Santa Maria Juvenile Justice Center Expansion Project, Fifth District, as follows:

- a) Consider the adoption of CEQA findings and adoption of a Final Mitigated Negative Declaration including the Mitigation Monitoring and Reporting Program contained therein;
- b) Consider the approval of the Santa Maria Juvenile Justice Center Expansion Project, subject to specified conditions of approval.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: October 9, 2001 in Santa Maria. The motion carried unanimously.

A-22) PLANNING AND DEVELOPMENT

File Reference No. 01-01264

HEARING - Deny the appeal of the Planning Commission's approval, consistent with Planning and Development's approval, of the Happy Hound Home Occupation Permit (0-HO-021), to allow a limited dog grooming business to be run from the residence located at 70 Warwick Place, Goleta area, Third District. (FROM SEPTEMBER 26, 2001) (EST. TIME: 2 HRS.) (01-22,157)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: November 6, 2001. The motion carried unanimously.

Approval of Administrative Agenda

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

Public Comment Period

RE: Presentation of the "Mural in a Day" Project – Denny Anderson, Lompoc Valley Chamber of Commerce, addressed the Board.

RE: Concerns Regarding Racial Profiling in our Community – Third District Supervisor Gail Marshall and Second District Supervisor Susan Rose addressed the Board.

RE: Emergency Permits Issued: Two Retaining Walls on a Slope that Suffered Landslide Failures in the Winter of 1998, on Canon View Rd. and the Removal and Location of a Segment of Concrete Balustrade – Diane Meester, Assistant Director, Planning and Development, addressed the Board.

RE: Special Recognition of Norman Holbrook and Kelly Bowman for Outstanding Performance – Chief Probation Officer Susan Gionfriddo addressed the Board.

RE: Hate Crime Issues – Constance Weber addressed the Board.

RE: Toro Canyon Property Issues/Cars for Veterans – John Thorndike addressed the Board.

RE: Committee for Special Justice and Policy Issues Concerning the Sheriffs Department – Peter Marin addressed the Board.

RE: Advisory Committee for E-Government and Introduction of the Newly Designed County Web Site – Jennifer Slayman, County Web Master, addressed the Board.

RE: Funding For AIDS Prevention – Scott McCann, Planned Parenthood, addressed the Board.

RE: Introduction of Justin R. Lott, Sophomore at Santa Maria High School as Supervisor of the Day – Fifth District Supervisor Tom Urbanske addressed the Board.

RE: Introduction of Keith Davis, Appointed as County Human Relations Commission Administrator – Deputy County Administrator Jim Laponis addressed the Board.

RE: Gratitude for Public Safety/Health Care Workers – Sister Janet Corcoran addressed the Board.

RE: HIV Prevention and Funding Issues/Request for Report to the Board – First District Supervisor Naomi Schwartz addressed the Board.

Departmental Agenda -- Public Hearings

- 1) COUNTY COUNSEL File Reference No. 01-00604

HEARING - Consider the adoption (Second Reading) of an Ordinance amending Ordinance No. 1716 regarding composition and activities of the Historic Landmarks Advisory Commission. (EST. TIME: 5 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted ORDINANCE NO. 4425 The motion carried unanimously.

- 2) BOARD OF DIRECTORS, REDEVELOPMENT AGENCY File Reference No. 01-01059

Consider recommendations regarding the Five-Year Implementation Plan and Ten-Year Affordable Housing Compliance Plan for the Isla Vista Redevelopment Project, as follows: (EST. TIME: 30 MIN.)

a) Receive a staff overview regarding the Five-Year Implementation Plan, which includes the Ten-Year Affordable Housing Compliance Plan for the Isla Vista Redevelopment Project;

b) Consider the adoption of a resolution approving the Five-Year Implementation Plan for the Isla Vista Redevelopment Project.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

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

b) Adopted.

RESOLUTION NO. 01-315 The motion carried by the following vote:

Ayes: 4 - Supervisor Marshall, Supervisor Rose, Supervisor Schwartz and Supervisor Urbanske
Noes: 1 - Supervisor Gray

- 3) PUBLIC WORKS File Reference No. 01-01258

Adopt a resolution establishing a No Parking zone on Tallwood Avenue and Marino Drive at El Rancho School, Goleta area, Third District.

A motion was made by Supervisor Marshall, seconded by Supervisor Schwartz, that this matter be Adopted Directed staff to amend composition of the Isla Vista Project Area Committee (PAC) by adding the Santa Barbara Housing Cooperative and the Isla Vista Teen Center. Further directed that elected representatives include 1 residential tenant member, 2 business owner members and 1 residential owner/occupant member and, in addition, that member representatives of the Associated Students and the Graduate Students Association shall be residents of the project area.

RESOLUTION NO. 01-316

The motion carried by the following vote:

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

4) COUNTY EXECUTIVE OFFICE File Reference No. 01-01242

HEARING - Consider recommendations regarding Federal Legislative Priorities, as follows: (EST. TIME: 40 MIN.)

- a) Receive a report from Ron Waterman, of Waterman and Associates, regarding their representation of the County of Santa Barbara in Washington DC;
- b) Consider recommendations and establish the County's Federal Legislative Priorities for FY 2001-02.

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

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

- a) Received and filed report.**
- b) Approved as reflected in Attachment A of County Administrator Board Letter dated September 25, 2001. The motion carried unanimously.**

5) SOCIAL SERVICES File Reference No. 01-01127

HEARING - Consider the introduction (First Reading) of an ordinance amending Chapter 27 § 27-25 (a) 12 of the Santa Barbara County Code to remove the existing civil service exemption for the Project Manager-Workforce Resource classification. (EST. TIME: 10 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Urbanske, seconded by Supervisor Schwartz, that this matter be Read by title; waived reading of the ordinance in its entirety. Introduction approved; adoption (second reading) set, as follows: October 2, 2001 The motion carried unanimously.

6) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES File Reference No. 01-01173

HEARING - Consider the introduction (First Reading) of an Ordinance to amend § 27-25 (a) of Article II, Chapter 27 of the Santa Barbara County Code to add the position of Project Manager-Community Relations I/II/III to the classifications identified as exempt from the classified service. (EST. TIME: 10 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: APPROVE

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Read by title; waived reading of the ordinance in its entirety. Introduction approved; adoption (second reading) set, as follows: October 2, 2001. The motion carried unanimously.

7) PUBLIC WORKS File Reference No. 01-01129

HEARING - Consider the introduction (First Reading) of an ordinance amending Chapter 23, § 23-15.2 through 23-15.5 of the Santa Barbara County Code, pertaining to speed limits on certain County roads, Second and Third Districts. (EST. TIME: 20 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Marshall, seconded by Supervisor Rose, that this matter be Read by title; waived reading of the ordinance in its entirety. Introduction approved; adoption (second reading) set, as follows: October 2, 2001. The motion carried unanimously.

- 8) SUPERVISOR MARSHALL File Reference No. 01-01275

HEARING - Consider allocating \$5,000 from the General County Programs Budget-Board Support Account to the Sustainability Project for the Parade of Green Buildings Project. (EST. TIME: 15 MIN.)

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

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

Planning Items and Public Hearings

- 9) PLANNING AND DEVELOPMENT File Reference No. 01-01039

HEARING - Receive an update from the Chairs of the Planning Commission and Board of Architectural Review regarding amendments to the Telecommunications Ordinance and related processing and permitting of telecommunication facilities. (EST. TIME: 20 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Rose, seconded by Supervisor Marshall, that this matter be Received and filed Received and filed presentation from the Chairs of the Planning Commission and Board of Architectural Review. The motion carried unanimously.

- 10) PUBLIC HEALTH File Reference No. 01-01022

HEARING - Consider recommendations regarding an amendment to Chapter 37 of the Santa Barbara County Code, the Tobacco Control Ordinance, as follows: (EST. TIME: 1 HR.)

a) Consider the introduction (First Reading) of proposed changes to Chapter 37 of the Santa Barbara County Code known as the Tobacco Control Ordinance #4173 to repeal, amend and add sections to this ordinance;

b) Consider a proposal to license tobacco retailers and direct County Counsel to return with draft language related to said licensure and an accompanying fee resolution for introduction on October 9, 2001;

c) Set a hearing for the second reading and adoption of the proposed changes to Chapter 37 of the County Code. (SET HEARING FOR OCTOBER 9, 2001)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Read by title; waived reading of the ordinance in its entirety. Introduction approved; adoption (second reading) set, as follows: a) November 20, 2001. Amended ordinance language of § 37-15 to read "infraction" instead of "misdemeanor".

b) Continued consideration of fee resolution and introduction of ordinance to November 13, 2001.

**c) Set hearing for adoption (second reading) of ordinances for November 20, 2001.
The motion carried unanimously.**

- 11) PLANNING AND DEVELOPMENT File Reference No. 01-00771

Condition R-1 Review and consider the Planning Commission's October 30, 2000 recommendations, as follows: (EST. TIME: 2 HRS.)

- a) Adopt the required findings including CEQA findings specific to the Condition R-1 review process, specified in Attachment of the Planning Commission staff report dated October 24, 2000;
- b) Adopt the Statement of Overriding Considerations, included as Attachment D;
- c) Accept the Programmatic Environmental Impact Report (99-EIR-04), certified by the Planning Commission at the October 30, 2000 hearing, as adequate pursuant to the CEQA finding that:
 - i) The Final Programmatic EIR was completed in compliance with CEQA;
 - ii) The Final Programmatic EIR was presented to the decision-making body of the Lead Agency and that the decision-making body reviewed and considered the information contained in the Final Programmatic EIR prior to making a decision on the Condition R-1 review process.
- d) Deny the appeals of Arguello Inc., Benton Oil and Gas Company, Samedan Oil Corporation and Nuevo Energy Company and uphold the Planning Commission's October 30, 2000 decision to approve staff's recommendations for the Condition R-1 review process (85-FDP-032), with modifications recommended by staff.

Request continuance.

Continued, as follows:

November 5, 2001.

Adjourn to October 2, 2001

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

Announcements

<http://www.co.santa-barbara.ca.us>