

County of Santa Barbara BOARD OF SUPERVISORS

ACTION SUMMARY

March 19, 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. Convened and Recessed to Closed Session

9:00 A.M. Reconvened to Regular Session

Roll Call

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

Invocation: Kevin Drude & Kathy Pfeifer, Planning and Development

Report from Closed Session

No reportable action taken.

County Counsel announced the Following:

Regarding two cases challenging the County's acceptance of offers to dedicate easements granting beach access:

In *Hill-Daniel v. County*, the United States Court of Appeals for the Ninth Circuit affirmed the trial court's dismissal of the complaint.

In *Cole v. County*, the California Supreme Court denied the petition for review of the decision of the Court of Appeal affirming the dismissal of the complaint.

Details of these decisions may be obtained in the Office of County Counsel.

Approval of Minutes of the March 12, 2002 meeting

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

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

Administrative Agenda

Resolutions to be Presented at 2:00 PM

A-1) SUPERVISOR MARSHALL [File Reference No. 02-00297](#)

Adopt a resolution proclaiming March 2002 as Mediation Month in Santa Barbara County.

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 02-095**

The motion carried unanimously.

A-2) SUPERVISOR MARSHALL [File Reference No. 02-00307](#)

Adopt a resolution proclaiming March 20, 2002 as National Agriculture Day and March 17 through March 23, 2002 as National Agriculture Week in Santa Barbara County.

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 02-096**

The motion carried unanimously.

Honorary Resolutions

A-3) SUPERVISOR SCHWARTZ [File Reference No. 02-00308](#)

Adopt a resolution honoring the 2001 Santa Barbara Foundation Man of the Year.

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 02-097**

The motion carried unanimously.

A-4) SUPERVISOR SCHWARTZ [File Reference No. 02-00309](#)

Adopt a resolution honoring the 2001 Santa Barbara Foundation Woman of the Year.

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 02-098**

The motion carried unanimously.

Administrative Items

A-5) COUNTY EXECUTIVE OFFICE [File Reference No. 02-00311](#)

Adopt a resolution consenting to a Transfer of Control/Merger of Comcast Cable Communications, Inc. and consent to transfer of franchise to AT&T Comcast Corporation.

**A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted
RESOLUTION NO. 02-099**

The motion carried unanimously.

- A-6) COUNTY EXECUTIVE OFFICE [File Reference No. 02-00282](#)
- Approve Budget Revision requests. (SEE EXHIBIT A WITH POSTED AGENDA)
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Approved. The motion carried unanimously.**
- A-7) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES [File Reference No. 02-00298](#)
- Adopt a resolution, effective March 18, 2002, as follows:
- Establish the job classification of Social Services Program Analyst (Class 7054), Range 540 (\$3,585-\$4,377 per month);
- Social Services (#5810):
- Delete 12 (1.0 FTE) Program Assistant-Social Services (Class # 0031), Range 535 (\$3,497-\$4,269 per month);
- Add 11 (1.0 FTE) Social Services Program Analyst (Class #7054), Range 540;
- Add 1 (1.0 FTE) Departmental Analyst-Program (Class #2160), Range 540.
- A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Adopted RESOLUTION NO. 02-100**
- The motion carried unanimously.**
- A-8) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES [File Reference No. 02-00310](#)
- Adopt a resolution approving the extension of the Supplement to Military Pay Program for County employees who have been called to active 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 Adopted RESOLUTION NO. 02-101**
- The motion carried unanimously.**
- A-9) PARKS [File Reference No. 02-00293](#)
- Approve and execute Amendment No. 1 to the Lease Agreement between the County and Santa Barbara Cellular Systems, Ltd., extending the term for an additional five years for the period of November 1, 2001 through October 31, 2006, and increasing the base rent from \$7,657.69 per year to \$17,000 per year, to allow Santa Barbara Cellular Systems, Ltd. to continue to operate its communications facility at Rincon Beach County Park, First 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-10) PLANNING AND DEVELOPMENT [File Reference No. 02-00290](#)
- Set date to consider the request of May Costa for an Agricultural Preserve Replacement Contract (Case No. 96-AP-006) for APN 101-050-005, located at 6530 Foxen Canyon Road, Santa Maria area, Fifth District. (SET DATE FOR MAY 7, 2002 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: May 7, 2002. The motion carried unanimously.**

A-11) PLANNING AND DEVELOPMENT[File Reference No. 02-00291](#)

Set date to consider the request of Beringer Blass Wine Estates Company for an Agricultural Preserve Replacement Contract (Case No. 01AGP-00000-00010) for APN 129-210-031 and -036, located at 6020 Foxen Canyon Road, Santa Maria area, Fifth District. (SET DATE FOR MAY 7, 2002 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: May 7, 2002. The motion carried unanimously.

A-12) PLANNING AND DEVELOPMENT[File Reference No. 02-00296](#)

Set date to consider the request of Norene Ferrero for an Agricultural Preserve Replacement Contract (Case No. 00-AP-005) for APN 099-030-013 and -050, located approximately 1 1/4 miles southwest of the intersection Highway 135 and Bell Street, Los Alamos area, Fourth District. (SET DATE FOR MAY 7, 2002 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: May 7, 2002. The motion carried unanimously.

A-13) PLANNING AND DEVELOPMENT[File Reference No. 02-00299](#)

Approve funding source for services with the Land Trust for Santa Barbara County to monitor the Agricultural Easement Conditions of Approval for the Sedgwick Ranch, Third District.

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

A-14) PLANNING AND DEVELOPMENT[File Reference No. 02-00302](#)

Appoint two at-large members, Kathryn Dole as at-large licensed landscape architect, and Christopher Roberts, as at-large community member, to the Santa Barbara County Board of Architectural Review as recommended by the BAR at its February 15, 2002 meeting.

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

A-15) PUBLIC HEALTH[File Reference No. 02-00306](#)

Approve the Local Emergency, Resolution Number 00-193, due to the spread and on-going epidemic of blood-borne viral hepatitis (Hepatitis B and C) and human immunodeficiency virus (HIV) infections among injection drug users and authorize Pacific Pride as the agent of the County to carry out the Needle Exchange and Education Program.

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

A-16) PUBLIC WORKS[File Reference No. 02-00295](#)

Authorize the Purchasing Agent to procure a Trimble 5603 (3") Robotic Total Station in the amount of \$36,112.41 without being required to conduct a formal bid process.

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

A-17) PUBLIC WORKS[File Reference No. 02-00303](#)

Approve and authorize the execution of Contract Change Order No. 3 in the amount of \$85,000 for

Construction of Fiscal Year 2000-01 County Wide Measure D Preventive Maintenance Application of Slurry Seal(Project No. 820458), All Districts.

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

A-18) PUBLIC WORKS

[File Reference No. 02-00304](#)

Approve and execute a professional services contract with Nazneen Akther for Engineering Aide Services in the Transportation Division, for the period of March 18, 2002 through March 17, 2003, in an amount not to exceed \$49,042.73.

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

Board of Supervisors

A-19) SUPERVISOR SCHWARTZ

[File Reference No. 02-00292](#)

Approve the reappointment of Joe Lazaro to the Veteran's Services Advisory Committee, First District.

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

Hearing Requests

A-20) LOCAL AGENCY FORMATION COMMISSION

[File Reference No. 02-00294](#)

Set a hearing to appoint or reappoint one member of the Board to fill a vacancy created on May 6, 2002 on the Local Agency Formation Commission, for a term ending May 1, 2006.

A motion was made by Supervisor Schwartz, seconded by Supervisor Rose, that this matter be Set for a hearing, as follows: March 26, 2002 (EST. TIME: 5 MIN.) 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.

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

PUBLIC COMMENT

Accepted Public Comment

Persons desiring to address the Board must complete and deliver to the Clerk the form which is available at the Hearing Room entrance prior to the commencement of this comment period. THE PUBLIC COMMENT PERIOD IS RESERVED FOR COMMENT ON MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD OF SUPERVISORS. EACH PERSON MAY ADDRESS THE BOARD FOR UP TO THREE MINUTES AT THE DISCRETION OF THE CHAIR, FOR A TOTAL PUBLIC COMMENT PERIOD OF NO MORE THAN 15 MINUTES. (Resolution No. 92-398) (02-00,025)

RE: Report on Trip to New York City - Fire Chief John Scherrei addressed the Board.

RE: Introduction of Claudia Lujan, appointed as County Affirmative Action / EEO Officer - County Administrator Michael Brown addressed the Board.

RE: Announced the Passing of Reverend George Hall - First District Supervisor Naomi Schwartz addressed the Board.

RE: "The Un-conscience Mind" - Christopher Brown addressed the Board.

RE: Pet Care and Safety/National Agriculture Week - Sister Janet Corcoran addressed the Board.

RE: Annual Report from Easy Lift Transportation - David Grabowski addressed the Board.

RE: Introducing the Supervisor for the Day, Lauren Coons a Senior at St. Joseph High School- Fifth District Supervisor Tom Urbanske addressed the Board.

RE: Announced the Passing of Paulette Cannon Armstrong - Fourth District Supervisor Joni Gray addressed the Board.

RE: Introducing Linda Williams as an Intern for the North County Supervisor's Offices - Fourth District Supervisor Joni Gray addressed the Board.

Departmental Agenda -- Public Hearings1) COUNTY COUNSEL[File Reference No. 02-00237](#)

HEARING - Consider recommendations regarding a Memorandum of Understanding for the Naples Townsite, Third District, as follows: (EST. TIME: 2 HRS.)

a) Receive a staff report and public testimony on the proposed Memorandum of Understanding ("MOU") between Naples property owners and County;

a) Approve and authorize the Chair to execute the MOU.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on and continued, as follows: April 23, 2002. Directed staff to report back on proposed amendments to the Memorandum of Understanding and to respond to Board questions and comments raised at hearing.

The motion carried unanimously.

2) COUNTY EXECUTIVE OFFICE[File Reference No. 02-00287](#)

HEARING - Consider (by request of the Community Energy Alliance) the transfer of \$15,000 from the 2001/2002 General Fund Contingency allotment to the Transfers to other Governments and Organizations division of the general county programs budget to help finance a Comprehensive Energy Plan. (EST. TIME: 30 MIN.)

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

No action taken.

2:00 PM . . . Presentation of Resolutions and Awards**Planning Items and Public Hearings**3) **PLANNING AND DEVELOPMENT**[File Reference No. 02-00058](#)

HEARING - Consider recommendations regarding amendments to the Santa Barbara County Code related to the Change of Owner, Operator or Guarantor for Certain Oil and Gas Facilities, as follows:
(EST. TIME: 3 HRS.)

- a) Consider the introduction (First Reading) of an Ordinance adding Chapter 25B entitled Change of Owner, Operator or Guarantor for Certain Oil and Gas Facilities, as recommended by the Planning Commission and subsequently amended by staff (Exhibit A to the Board Letter dated March 19, 2002), and make the findings included herein (Exhibit D to the Board Letter dated March 19, 2002);
- b) Consider the introduction (First Reading) of an Ordinance amending sections of Chapter 24A entitled Administrative Fines and Penalties, so that it is applicable to Chapter 25B;
- c) Set a hearing for the adoption (Second Reading) of the Ordinances for April 2, 2002.

COUNTY ADMINISTRATOR'S RECOMMENDATION: POLICY

A motion was made by Supervisor Schwartz, seconded by Supervisor Marshall, that this matter be Acted on and continued, as follows: a) Read title; waived reading of ordinance in its entirety. Introduction approved as amended. Directed staff to amend the second sentence of Section 25B-10, Part 1(i), Exhibit A of Board letter dated March 19, 2002, to read as follows:

"The Director shall require relevant records of compliance and corrective action taken subsequent to any major incidents for facilities, if any, that are similar in nature to those that are the subject of the original permit, as may be necessary to make findings."

Adoption (second reading) of Ordinance set as follows: April 2, 2002.

b) Read title; waived reading of ordinance in its entirety. Introduction approved. Adoption (second reading) set as follows: April 2, 2002.

c) Adoption (second reading) of ordinances set as follows: April 2, 2002.

The motion carried by the following vote:

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

Adjourn to March 26, 2002

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

Adjourn

Announcements

<http://www.countyofsb.org>