

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal
Second District - Janet Wolf, Chair
Third District - Doreen Farr
Fourth District - Joni Gray, Vice Chair
Fifth District - Joseph Centeno

Michael F. Brown, County Executive Officer

Agenda

Tuesday, February 16, 2010

9:00 AM

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.

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

Persons may address the Board of Supervisors in person or by using the remote video testimony system located at the County Administration Building, Board Hearing Room, Fourth Floor, 105 East Anapamu Street, in Santa Barbara or at the Betteravia Government Center, Board Hearing Room, 511 East Lakeside Parkway, Santa Maria. Persons may address the Board on any matter listed on the agenda by completing and delivering to the Clerk a speaker slip before the item is considered. Matters not listed on the agenda may be addressed during the public comment period at the conclusion of the administrative agenda. Further information on agenda items can be obtained in the Clerk of the Board Office, Room 407, in the County Administration Building in Santa Barbara.

Board Meeting Procedures

The Board of Supervisors is the legislative body for the County of Santa Barbara. Persons are encouraged to attend and testify before the Board on any matter appearing on the agenda. Correspondence to the Board regarding items appearing on the agenda should be directed to the Clerk of the Board, 105 East Anapamu Street, Room 407, Santa Barbara CA 93101. For information regarding the meetings of the Board of Supervisors including specific meeting times contact the Clerk of the Board at (805) 568-2240. Procedures for the conduct of the meetings of the Board of Supervisors can be found in Board Resolutions 09-368 (General) and 91-333 (Land Use).

The schedule of the Board of Supervisors, meeting agendas, supplemental hearing materials and minutes of the Board meetings are available on the Internet at: www.countyofsb.org

Board Meetings are televised live on County of Santa Barbara TV channel 20. For information about obtaining a videotape of a public hearing or a schedule of CSBTV broadcasts please call (805) 568-3427.

Late Distribution

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Clerk of the Board to all or a majority of the members of the Board of Supervisors less than 72 hours prior to that meeting are available for inspection in the Clerk of the Board Office, 105 East Anapamu Street, Room 407, Santa Barbara, CA, at the Office of the Board of Supervisors, Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria, CA and on the Internet at: <http://santabarbara.legistar.com/Calendar.aspx#current>.

Disability Access

The Board of Supervisors Hearing Room in Santa Barbara is located on the Fourth Floor of the County Administration Building, 105 East Anapamu Street. The Hearing Room is wheelchair accessible. Accessible public parking is available behind the County Administration Building and in City Parking Lot #6 located at the corner of Anacapa Street and Anapamu Street.

The Board of Supervisors Hearing Room in Santa Maria is located at the Betteravia Government Center, 511 East Lakeside Parkway, Santa Maria. The Hearing Room is wheelchair accessible. Accessible public parking is available at the Betteravia Government Center.

American Sign Language interpreters, Spanish language interpretation and sound enhancement equipment may be arranged by contacting the Clerk of the Board of Supervisors by 4:00 p.m. on Friday before the Board meeting. For information about these services please contact the Clerk of the Board at (805) 568-2240.

Closed Session

The Board of Supervisors conducts a Closed Session every Tuesday between 8:00 A.M. and 9:00 A.M. and between 1:00 P.M. and 2:00 P.M. as necessary. Closed Sessions are not open to the public. Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Actions taken by the Board during Closed Session will be announced during open session (Gov. Code Sections 54957.1(a) & (b), Ralph M. Brown Act). The Closed Session agenda is posted as an addendum to the Board's agenda each Friday in the Office of the Clerk of the Board. For information related to Closed Session announcements please contact County Counsel at (805) 568-2950.

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

9:00 A.M. Reconvene to Regular Session

Roll Call

Pledge of Allegiance

Report from Closed Session

COUNTY COUNSEL

[10-00009](#)

Closed Session Agenda

Approval of Minutes of the February 9, 2010 Meeting

Administrative Agenda

All matters listed hereunder constitute a consent agenda, and will be acted upon by a single roll call vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board or the public, in which event the matter shall be removed from the administrative agenda and considered as a separate item.

Administrative Items

A-1) AUDITOR-CONTROLLER

[10-00155](#)

Approve and authorize the Chair to execute a contract with Brown Armstrong Paulden McCown Starbuck Thornburgh and Keeter Accountancy Corporation in the amount of \$148,400.00 to perform the County of Santa Barbara's Fiscal Year 2009/2010 financial audit and Single Audit, and the First 5 Commission's Fiscal Year 2009/2010 financial audit, and the Redevelopment Agency's (RDA) Fiscal Year 2009/2010 financial and compliance audits.

A-2) AUDITOR-CONTROLLER

[10-00158](#)

Receive and file the County of Santa Barbara's Single Audit Report for the Fiscal Year ended June 30, 2009.

A-3) COUNTY COUNSEL

[10-00154](#)

Approve and authorize the Chair to execute an Agreement for Professional Legal Services with the Law Offices of Stephan C. Volker, specifying a not-to-exceed amount for services of \$100,000.00, supporting the County of Santa Barbara's negotiations about and related matters associated with the University of California, Santa Barbara's (UCSB) proposed Long Range Development Plan. Services under this agreement will be completed by January 1, 2012, unless otherwise directed. (4/5 Vote Required)

A-4) COUNTY EXECUTIVE OFFICE**[10-00160](#)**

Adopt a Resolution authorizing the creation of a Recovery Zone under the provisions of the American Recovery and Reinvestment Act of 2009 for the purpose of applying for and issuing Recovery Zone Economic Development Bonds, and related matters.

A-5) FIRE**[10-00172](#)**

Authorize the Fire Department to accept a grant of \$140,408.00 from the Orfalea Foundations for the licensing, purchase and installation of mountain top repeater radios for the Fire Command and Control Radio System Project.

A-6) GENERAL SERVICES**[10-00168](#)**

Approve and authorize the Chair to execute a Reservation of Easements and Declaration of Covenants, Conditions and Restrictions for County of Santa Barbara-owned properties at 940 and 942 Ballard Canyon Road, located in Solvang, APNs 137-710-017 and 137-710-016, in connection with the County's Ballard Canyon Water System, Third District. (4/5 Vote Required)

A-7) GENERAL SERVICES**[10-00169](#)**

Accept the Notice of Completion for the Alumni Corner Solar Parking Lot in Isla Vista, County Project No. 8680, Third District.

A-8) PUBLIC WORKS**[10-00165](#)**

Approve and authorize the Chair to execute a letter to the Executive Director for the Santa Barbara County Association of Governments (SBCAG) expressing support for a schedule revision to the Pacific Surfliner train schedule.

A-9) PUBLIC WORKS**[10-00162](#)**

Consider recommendations regarding construction of the El Embarcadero Improvements Project, County Project No. 310312, Third District, as follows:

a) Approve and authorize the Purchasing Agent to amend Contract No. CN06988 with Penfield and Smith (a local vendor) of Santa Barbara, California, for design services from \$98,000.00 to \$165,000.00 for the El Embarcadero Improvement Project, County Project No. 310312, Third District;

b) Approve the Project and Categorical Exemption, pursuant to the County's California Environmental Quality Act (CEQA) guidelines for the Construction of the El Embarcadero Improvement Project, County Project No. 310312; and

c) Authorize the Director of Public Works to advertise for construction bids for the Construction of the El Embarcadero Improvement Project, County Project No. 310312.

A-10) PUBLIC WORKS[10-00161](#)

Consider recommendations regarding the construction of 2009 American Recovery and Reinvestment Act (ARRA) Shoulder Enhancements in Santa Ynez, County Project No. 862310, Third District, as follows:

- a) Approve the plans and specifications for Construction of 2009 American Recovery and Reinvestment Act (ARRA) Shoulder Enhancements;
- b) Award the construction contract in the amount of \$1,208,559.92 to the lowest responsive bidder, Rockwood General Contractors, Inc. (not a local vendor) located at 781 Calle Bendita Arroyo Grande, CA 93420, 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;
- b) Approve and 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; and
- d) Approve a contingency fund in the amount of \$72,928.00 for Construction of 2009 American Recovery and Reinvestment Act (ARRA) Shoulder Enhancements in Santa Ynez, County Project No. 862310, Third District.

A-11) PUBLIC WORKS[10-00163](#)

Consider recommendations regarding the Laguna County Sanitation District Clean Green Energy Demand Response Agreement with EnerNOC, Inc., Fourth District, as follows:

- a) Approve the Clean Green Energy Demand Response Agreement with EnerNOC, Inc.; and
- b) Authorize the Public Works Director, or his designees (Deputy Public Works Director or Utilities Manager) to sign the Energy Demand Response Sales and Services Agreement of behalf of the Laguna County Sanitation District, effective through December 31, 2013.

A-12) PUBLIC WORKS[10-00171](#)

Consider recommendations regarding the 2010 Transportation Economic Stimulus California Environmental Quality Act (CEQA) and Advertising Authority, as follows:

- a) Approve the Project Categories and Notice of Exemption pursuant to the County's California Environmental Quality Act (CEQA) guidelines for the Proposed Projects in preparation for the 2010 Federal Economic Stimulus Package; and
- b) Authorize the Director of Public Works to advertise for construction bids for Roadway projects up to \$17,500,000.00, Hardscape projects up to \$2,000,000.00, and Bridge Maintenance and Repair up to \$500,000.00 in preparation for the proposed 2010 Jobs for Main Street Federal Economic Stimulus Package.

A-13) PUBLIC WORKS[10-00164](#)

Consider recommendations regarding the Tajiguas Landfill Phase IIB Groundwater Protection System, County Project No.828724, Third District, as follows:

- a) Accept Notice of Completion for work performed by the Contractor, Whitaker Construction, Inc., and authorize the Clerk to record; and
- b) Review and approve the Statement of Final Quantities for work performed and materials supplied for this project by the contractor, Whitaker Construction, Inc., in the amount of \$462,013.37.

ADDENDUM**Item A-14) on the Administrative Agenda is amended, as follows:****A-14) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT, BOARD OF DIRECTORS, WATER AGENCY**[10-00157](#)

Acting as the Santa Barbara County ~~Flood Control and Water Conservation District~~ Water Agency Board of Directors:

Approve and authorize the Chair to execute Amendment No. 1 to the Agreement with Kennedy/Jenks Consultants (not a local vendor) to administer and Coordinate Proposition 50 Grant Project Submittals to the State Water Resources Control Board (SWRCB) by extending the term of the agreement from February 28, 2010 to April 1, 2011.

A-15) SHERIFF[10-00142](#)

Approve and authorize the Chair to execute an application for the disposal of Internal Affairs files at least five (5) years old. (4/5 Vote Required)

A-16) SHERIFF[10-00153](#)

Consider recommendations regarding the acceptance of an Orfalea Foundations Grant in the amount of \$67,009.00 for an upgrade of the Reverse 911 System, as follows: (4/5 Vote Required)

- a) Accept the Orfalea Fund's Aware and Prepare Initiative Grant in the amount of \$67,009.00;
- b) Approve Budget Revision Request No. 0000768 recognizing the donation, and appropriating expenditure to purchase the Reverse 911 system; and
- c) Authorize the Purchasing Agent to procure Reverse 911 hardware and software for the Sheriff's Department without being required to conduct a formal bid process for the period ending June 30, 2010.

A-17) SOCIAL SERVICES**[10-00156](#)**

Approve the appointment of Carlos Jimenez and Robert Jeppeson to serve on the Santa Barbara County Workforce Investment Board for the terms ending on February 28, 2013.

Board of Supervisors**A-18) SUPERVISOR CARBAJAL****[10-00173](#)**

Approve the reappointment of Richard E. Weinberg to the Santa Barbara MTD Board, term ending March 30, 2014, First District.

A-19) SUPERVISOR CARBAJAL**[10-00174](#)**

Approve the appointment of Bill Palladini to the Montecito Board of Architectural Review, term ending January 1, 2013, First District.

A-20) SUPERVISOR CARBAJAL**[10-00175](#)**

Approve the appointment of Derrik Eichelberger to the Montecito Board of Architectural Review, term ending January 1, 2011, First District.

Hearing Requests**A-21) PLANNING AND DEVELOPMENT****[10-00159](#)**

Set hearing to consider recommendations regarding an Ordinance Amending the Building and Safety Fee Schedule, as follows:

(Set hearing for 3/2/10. Time estimate 10 minutes.)

a) Consider the introduction (first reading) of an Ordinance amending the Building and Safety Fee Schedule to include a penalty fee provision on building permits submitted in response to a building violation; and

b) Set hearing on the Administrative Agenda of March 16, 2010 to consider the adoption (second reading) of an Ordinance amending the Building and Safety Fee Schedule, to be effective 60 days from adoption.

A-22) PUBLIC WORKS**[10-00166](#)**

Set hearing to consider recommendations regarding speed limits on various roads, First, Second, Third, and Fourth Districts, as follows: (4/5 Vote Required)
(Set hearing for 3/2/10. Time estimate 30 minutes.)

a) Consider the introduction (first reading) of an Ordinance amending Chapter 23, Sections 23-15.3, 23-15.4, 23-15.5, 23-15.6 & 23-15.7 of the Santa Barbara County Code, pertaining to speed limits on Hot Springs Road and Olive Mill Road in the Montecito area, Modoc Road in the Santa Barbara area, Puente Drive and Vieja Drive in the Goleta area, Storke Road in the Isla Vista area, Onstott Road in the Mission Hills area, and College Drive in the Orcutt

area; and

b) Set hearing on the Administrative Agenda for March 9, 2010 to consider the adoption (second reading) of an Ordinance amending Chapter 23 Sections 23-15.3, 23-15.4, 23-15.5, 23-15.6 & 23-15.7 of the Santa Barbara County Code, pertaining to speed limits on the subject road described herein.

Resolution to be Presented at 11:45 A.M.

Reception to follow at 12:00 P.M. in the Board of Supervisors' Conference Room

A-23) SUPERVISOR CARBAJAL, SUPERVISOR WOLF [10-00176](#)

Adopt a Resolution proclaiming the month of February 2010 as Black History Month in Santa Barbara County.

Administrative Items

A-24) COMMUNICATIONS FOR REFERRAL [10-00177](#)

Hope Elementary School District - Approve the request of the Hope Elementary School District ordering an election to authorize the issuance of school bonds, establishing specifications of the election order, and requesting consolidation with other elections occurring on June 8, 2010.

(APPROVE AND REFER TO THE COUNTY CLERK-RECORDER-ASSESSOR)

A-25) COUNTY EXECUTIVE OFFICE [10-00178](#)

Consider recommendations regarding a Request for Proposal to provide fire protection services for the City of Lompoc, Fourth District, as follows:

a) Authorize the County Executive Officer, County Fire Chief, and Auditor-Controller to review the feasibility of providing fire services to the City of Lompoc per its Request for Proposal of January 28, 2010;

b) Perform such analysis as required in order to understand and make recommendations related to the proposal;

c) Report on any alternatives; and

d) Confer with the City of Lompoc in developing such studies and provide other information and recommendations as may be developed during the process.

Approval of Administrative Agenda**Board Member Reports****Public Comment Period**

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. 09-368) (10-00001)

WHEN TESTIFYING BEFORE THE BOARD OF SUPERVISORS, PERSONAL ATTACKS AND OTHER DISRUPTIVE BEHAVIOR IS NOT APPROPRIATE.

Departmental Agenda**Planning Items and Public Hearings****1) PUBLIC WORKS****[10-00136](#)**

HEARING - Consider recommendations regarding an appeal of the County Surveyor's decision to deny issuing a Certificate of Compliance on APN 153-300-020, Cule, Second District, as follows: (EST. TIME: 10 MIN.)

a) Uphold the County Surveyors decision to deny a Certificate of Compliance on APN 153-300-020 and direct the County Surveyor to initiate the process to file a Notice of Violation under Section 66499.36 of the California Government Code; or

b) Direct the County Surveyor to issue a Certificate of Compliance on APN 153-300-020.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

2) COUNTY EXECUTIVE OFFICE**[10-00119](#)**

HEARING - Consider recommendations regarding an Isla Vista Car Share Program Ordinance and Resolution, Third District, as follows: (EST. TIME: 20 MIN.)

a) Consider the introduction (first reading) of an Ordinance amending Chapter 23 of the Santa Barbara County Code pertaining to the Use of County Rights-of-Way to provide for Car Share parking;

b) Receive and file a report regarding a proposed Resolution to allow use of County Rights-of-Way for Car Share Purposes in Isla Vista consistent with California Vehicle Code (CVC) Section 22507.1; and

c) Set hearing for February 23, 2010 to consider recommendations, as follows:

i) Consider the adoption (second reading) of an Ordinance amending Chapter 23 of the Santa Barbara County Code, pertaining to the Use of County Rights-of-Way for Car Share Parking Purposes; and

ii) Consider the adoption of a Resolution to allow use of County Rights-of-Way for Car Share Purposes in Isla Vista consistent with California Vehicle Code (CVC) Section 22507.1.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

3) PLANNING AND DEVELOPMENT[09-00977](#)

HEARING - Consider recommendations regarding an Extension of the Urgency Ordinance for a Moratorium on Approval of Medical Marijuana Dispensaries for a period of ten months and fifteen days, as follows: (4/5 Vote Required) (EST. TIME: 20 MIN.)

- a) Issue a report pursuant to Government Code section 65858 (d);
- b) Adopt the Extension of the Urgency Ordinance for a Moratorium on Approval of Medical Marijuana Dispensaries for 10 months and 15 days; and
- c) Determine that the Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and 15060(c)(3) and direct staff to file the attached Notice of Exemption with the County Clerk.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

4) SHERIFF[10-00143](#)

HEARING - Receive and file a presentation by the Sheriff on the upcoming State Parolee Day Reporting Center. (EST. TIME: 30 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

5) SUPERVISOR CARBAJAL[10-00150](#)

HEARING - Consider recommendations regarding policy direction for the establishment of a Local Jobs Capital Project Construction Stabilization Agreement, as follows: (EST. TIME: 1 HR.)

- a) Consider the adoption of policy direction to establish a Local Jobs Construction Stabilization Agreement for certain County government capital projects;
- b) Direct staff to proceed with the necessary coordination, negotiation, and preparation of documents needed to establish such an agreement; and
- c) Return to the Board of Supervisors within 45 days with an agreement for adoption.

Adjourn to**February 23, 2010****Betteravia Government Center****Board Hearing Room****511 East Lakeside Parkway****Santa Maria****Challenges**

IF YOU CHALLENGE A DETERMINATION MADE ON A MATTER ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.

Announcements

The meeting of Tuesday, February 16, 2010 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, February 18, 2010, at 5:00 PM and on Saturday, February 20, 2010, at 10:00 AM on CSBTV Channel 20.

<http://www.countyofsb.org>