

County of Santa Barbara
BOARD OF SUPERVISORS



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

Michael F. Brown, County Executive Officer

Action Summary

Tuesday, December 8, 2009

9:00 AM

BETTERAVIA GOVERNMENT CENTER
BOARD HEARING ROOM
511 EAST LAKESIDE PARKWAY, SANTA MARIA

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.

7:50 A.M. Convened and Recessed to Closed Session**9:00 A.M. Reconvened to Regular Session***CONVENED 9:12 A.M.***Roll Call**

Present: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Pledge of Allegiance**Report from Closed Session**COUNTY COUNSEL[09-01058](#)

Closed Session Agenda

County Counsel reported the Board of Supervisors took the following actions:

By a vote of 4-1 (Ayes: Supervisors Carbajal, Wolf, Farr and Centeno and Absent: Supervisor Gray), the Board approved the appointment of Takashi Michael Wada, M.D., Ph.D. as the new Director of the County Public Health Department, effective March 2010;

By a vote of 3-1-1 (Ayes: Supervisors Carbajal, Wolf and Centeno; Abstain: Supervisor Farr and Absent: Supervisor Gray) authorized County Counsel to appeal the Civil Service Commission decision in the matter of Shawn Terris' suspension from employment; and

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

Approval of Minutes of the December 1, 2009 Meeting

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

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

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.

Resolutions to be Presented at 9:15 A.M.**A-1) SUPERVISOR CARBAJAL**[09-01035](#)

Adopt a Resolution of Commendation honoring Richard Linley upon his retirement from the Parks Department after 27 years of dedicated and loyal service to Santa Barbara County Parks, the County of Santa Barbara, and the citizens of Santa Barbara.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Adopted.

RESOLUTION NO. 09-363

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-2) SUPERVISOR GRAY[09-01038](#)

Adopt a Resolution of Commendation honoring R. Thomas Allen upon his retirement from the Public Defender's Office after 39 years of committed public service and dedication to the Public Defender's Office and its clients, as well as for his contributions to the County of Santa Barbara.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Adopted.

RESOLUTION NO. 09-364

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-3) BOARD OF SUPERVISORS[09-01023](#)

Adopt a Resolution of Commendation honoring Tony Manuel upon his retirement from the County Executive Office after over 19 years of faithful, loyal, and distinguished service to the citizens of Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Adopted.

RESOLUTION NO. 09-365

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Honorary ResolutionsA-4) SUPERVISOR CARBAJAL[09-01047](#)

Adopt a Resolution of Commendation honoring Dr. George Primbs for his dedicated service to the residents of Santa Barbara County.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Adopted.

RESOLUTION NO. 09-366

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Administrative Items**A-5) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES****[09-01032](#)**

Consider recommendations regarding Contractors on Payroll for psychiatric services, as follows:

- a) Approve and authorize the Chair to execute an Amendment to the Contractor on Payroll Agreement with Kellee Clougherty, M.D., reducing the amount by \$60,360.00 for a new contract maximum amount of \$126,840.00 for the period of July 1, 2009 to June 30, 2010, funded by Realignment and Medi-Cal revenue identified in the Adopted Fiscal Year 2009-2010 Budget;
- b) Approve and authorize the Chair to execute an Amendment to the Contractor on Payroll Agreement with Herman Schornstein, M.D., increasing the amount by \$59,510.00 for a new contract maximum amount of \$105,270.00 for the period of July 1, 2009 through June 30, 2010, funded by Realignment and Medi-Cal revenue identified in the Adopted Fiscal Year 2009-2010 Budget;
- c) Approve and authorize the Chair to execute a Contractor on Payroll Agreement with Angeline De Guzman, M.D., in an amount not to exceed \$47,840.00 for the period of January 1, 2010 through June 30, 2010 funded by Other Charges for Services identified in the Adopted Fiscal Year 2009-2010 Budget; and
- d) Authorize the Director of ADMHS to approve amendments to the proposed contracts, provided any such amendments do not exceed ten percent (10%) of the contract's dollar amount.

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

a) through c) Approved; Chair to execute.

d) No action taken.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-6) COUNTY EXECUTIVE OFFICE[09-01046](#)

Approve Budget Revision Requests (SEE EXHIBIT A WITH POSTED AGENDA). (4/5 Vote Required).

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-7) COUNTY EXECUTIVE OFFICE, BOARD OF DIRECTORS, REDEVELOPMENT AGENCY, PUBLIC WORKS[09-00966](#)

Consider recommendations regarding an Isla Vista Outdoor Dining Program Ordinance, Third District, as follows:

a) Consider the adoption (second reading) of the Ordinance, amending Chapter 28 of the Santa Barbara County Code, pertaining to the Use of County Sidewalks and Rights-of-Way for Dining Purposes in Isla Vista; and

b) Adopt a Resolution to set a fee for the use of County Right-of-Way for Dining Purposes in Isla Vista.

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

a) Adopted.

ORDINANCE No. 4738

b) Adopted.

RESOLUTION NO. 09-367

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-8) COUNTY COUNSEL[09-00992](#)

Approve and authorize the Chair to execute an Agreement for Professional Legal Services with David Nye, Nye, Peabody, Sterling, and Hale LLP (a local vendor) for pending litigation in the case of Terris v. County of Santa Barbara, Santa Barbara Superior Court Case No. 1339241. (4/5 Vote Required)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-9) FIRE[09-01015](#)

Approve the donation of specified surplus firefighting equipment to Allan Hancock College to be used for their Public Safety Training Programs as it would serve a public benefit.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-10) GENERAL SERVICES[09-01025](#)

Approve and authorize the Chair to execute a Lease Agreement with the Center for Employment Training, a California non-profit corporation, for 1,529 square feet of office and class/meeting room space located at 509 W. Morrison Avenue in Santa Maria, APNs 123-172-007, 123-172-008, and 123-172-013, ORES Folio No. 003615, for implementation and operation of an Adult Probation Report and Resource Center, for a term of one (1) year commencing upon Board approval, and expiring on November 30, 2010, and includes annual renewal options so long as funding is available. The rent is fixed at \$764.50 per month for the term and any extensions, and includes utilities, water/sewer, and trash, Fifth District. (4/5 Vote Required)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-11) GENERAL SERVICES[09-01026](#)

Approve the proposed amendments to the Bylaws of the Santa Barbara Bowl Foundation, First District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-12) GENERAL SERVICES**[09-01028](#)**

Consider recommendations regarding the restructuring and relocation of Department of Social Services staff with respect to the Flower Valley Lease Agreement in Lompoc, Fourth District, as follows: (4/5 Vote Required)

a) Approve the relocation of the CalWORKS program and other Department of Social Services staff currently located in leased premises at the Flower Valley Plaza at 1133 and 1145 N. H Street, Suites C1-7 and D7-9, approximately 11,400 square feet, in Lompoc, to other Department of Social Services offices; and

b) Direct General Services to notify the Landlord of lease termination, with a six-month notice for Non-Appropriation, pursuant to Section 10 Non-Appropriation in the Lease Agreement between the County of Santa Barbara and Stuart Whitman Inc., executed in October 2008.

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

a) and b) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-13) GENERAL SERVICES**09-01029**

Consider recommendations regarding the execution of Real Property Purchase Contracts and Acceptance of a Grant Deed for 1073 Toro Canyon Road, APN 155-020-015, First District, as follows: (4/5 Vote Required)

- a) Approve and authorize the Chair to execute the Real Property Purchase Contract and Escrow instructions with John P. Thorndike, as owner of 1073 Toro Canyon Road, APN 155-020-015, in the amount of \$30,000.00;
- b) Accept the original Grant Deed to the real property conveyed from John P. Thorndike, as owner of 1073 Toro Canyon Road, APN 155-020-015, to the County of Santa Barbara by authorizing the Clerk of the Board to execute the Certificate of Acceptance; and
- c) Approve the Notice of Exemption pursuant to Section 15313 of the California Environmental Quality Act (CEQA) guidelines.

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

a) Approved; Chair to execute.

b) Accepted.

c) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-14) GENERAL SERVICES**09-01033**

Approve and authorize the Purchasing Manager to issue change orders to the existing contract with Tel-Tec Security Systems, Inc. (not a local vendor) in the amount of \$80,239.84, for a total contract amount of \$353,388.95, for the additional installation of security cameras at five building locations occupied by the Department of Social Services, Capital Project No. 8574, Second, Fourth, and Fifth Districts.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-15) GENERAL SERVICES**[09-01050](#)**

Consider recommendations regarding the Cuyama Aquatics Complex, Phase 1 Notice of Completion and the Cuyama Aquatics Complex, Phase 2 Notice of Completion and Construction Contract Amendment No. 1, Fifth District, as follows:

- a) Approve and authorize the Chair to execute Amendment No. 1 to the Contract with Robert Jones General Engineering, Inc. (a local vendor) for the Cuyama Aquatics Complex, Phase 2 in the amount of \$36,123.00, for a total contract amount of \$393,123.00;
- b) Accept the Notice of Completion for the Cuyama Aquatics Complex, Phase 2 construction performed by Robert Jones General Engineering, Inc; and
- c) Accept the Notice of Completion for the Cuyama Aquatics Complex construction performed by S.J. Deferville Construction, Inc.

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

a) Approved; Chair to execute.

b) and c) Accepted.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-16) GENERAL SERVICES**[09-01051](#)**

Consider recommendations regarding the Santa Ynez Airport Building Addition Construction Contract Amendment No. 1 and Notice of Completion, 910 Airport Road, Santa Ynez, CA, Project No. 8583, Third District, as follows:

a) Approve and authorize the Chair to execute Amendment No. 1 to the Contract with TASCOC Construction, Inc. (not a local vendor) for the Santa Ynez Airport Building Addition in the amount of \$98,259.00, for a total contract amount of \$635,497.00; and

b) Accept the Notice of Completion for the building addition work performed by TASCOC Construction, Inc.

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

a) Approved; Chair to execute.

b) Accepted.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-17) HOUSING AND COMMUNITY DEVELOPMENT**09-01034**

Consider recommendations regarding the Sumida Family L.P. Sumida Gardens HOME Loan Agreement, Second District, as follows:

- a) Approve the final commitment of \$630,000.00 in HOME funds for permanent financing costs associated with the Sumida Gardens rental project;
- b) Approve and authorize the Chair to execute a Loan Agreement in the amount of \$630,000.00 and a Regulatory Agreement for the Sumida Gardens project; and
- c) Authorize the Director of Housing and Community Development to execute a Subordination Agreement at a future date, consistent with the conditions in Section 2.11 of the Loan Agreement.

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

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

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-18) INFORMATION TECHNOLOGY SERVICES**09-01045**

Receive and file a recommendation from the Information Technology Department to leverage Microsoft licenses enterprise-wide and procure Microsoft products according to the terms and conditions negotiated by the County of Riverside on behalf of the California County Information Systems Directors Association (CCISDA), for an annual amount not to exceed \$1,500,000.00, for up to five years beginning on January 1, 2010.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Received and filed. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-19) PARKS[09-01037](#)

Authorize the Director of Parks to advertise for the construction of the Pavement Improvement for the Don Potter area at Waller Park in Santa Maria, County Project No. D62049, Fourth District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Authorized. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-20) PARKS[09-01052](#)

Consider recommendations regarding the termination of the Concession Agreement with Cachuma Lake Boat Rentals, Inc. (CBRI), Third District, as follows:

a) Authorize the Parks Director's to issue a Notice of Termination for the Concession Agreement with CBRI; and

b) Direct the Parks Director to return to the Board with either:

i) A replacement concessionaire who will provide the customary services to the public at Lake Cachuma Recreation Area; or

ii) A recommendation for other means of operation of the concession services.

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

a) Authorized.

b) Directed staff to return in 30 to 60 days with recommendations regarding the Concession Agreement.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-21) PLANNING AND DEVELOPMENT**[09-01022](#)**

Consider recommendations regarding the Montecito Growth Management Ordinance (MGMO) Annual Director's Report, as follows:

a) Receive and file the Planning & Development Director's annual report regarding the health and safety findings relative to continuing the Montecito Growth Management Ordinance No. 3916 (MGMO); and

b) Determine that the public health and safety continues to be jeopardized by residential construction such that the MGMO will remain in effect.

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

a) Received and filed.

b) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-22) PROBATION**[09-01013](#)**

Authorize the Chief Probation Officer to submit an application and execute the Grant Award Agreement for anticipated funds in the amount of \$532,253.00 from the California Emergency Management Agency (Cal EMA) Evidence-Based Probation Supervision Program, as provided by the 2009 American Recovery and Reinvestment Act (ARRA).

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Authorized. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-23) PUBLIC WORKS[09-01040](#)

Consider recommendations regarding the Construction of Pardall Road Enhancement, Project No. 720723, Third District, as follows:

- a) Accept the Notice of Completion for the work performed by John Madonna Construction, Inc. (not a local vendor), 12165 Los Osos Valley Road, San Luis Obispo, CA 93405; and
- b) Review and approve the Statement of Final Quantities for work performed and materials supplied for this project by the Contractor in the amount of \$2,708,190.31.

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

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

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-24) PUBLIC WORKS[09-01018](#)

Consider recommendations regarding the construction of 2009 American Recovery and Reinvestment Act (ARRA) hot mix asphalt overlay and miscellaneous concrete repairs, County Project No. 810537, Second and Fifth Districts, as follows:

- a) Approve the plans and specifications for construction of 2009 American Recovery and Reinvestment Act (ARRA) hot mix asphalt overlay and miscellaneous concrete repairs;
- b) Award the construction contract in the amount of \$654,847.45 to the lowest responsive bidder, Granite Construction Company (a local vendor with an office in Santa Barbara), 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;
- c) 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 \$45,242.37.

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

a) through d) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-25) PUBLIC WORKS

09-01019

Consider recommendations regarding two Grant Deeds to abandon the Needlegrass Easements that were accepted on Recorded Tract No. 14,011 and approve Final Tract Map No. 14,681 (Wilks), Fourth District, as follows: (4/5 Vote Required)

a) Approve and authorize the Chair to execute the Grant Deed for the Reconveyance and Abandonment of Open Space Easement (Lot 8) which grants, transfers, and reconveys to Robert C. Wilks and Jackie C. Wilks that certain Needlegrass Conservation Easement area affecting APN 105-210-032 as determined by the County Planning Commission that the release of the easement is appropriate and complies with the original intend of the grant;

b) Approve and authorize the Chair to execute the Grant Deed for the Reconveyance and Abandonment of Open Space Easement (Lots 15 and 16) which grants, transfers, and reconveys to Robert C. Wilks and Jackie C. Wilks that certain Needlegrass Conservation Easement area affecting APN 105-210-039 and APN 105-210-040 as determined by the County Planning Commission that the release of the easement is appropriate and complies with the original intend of the grant; and

c) Approve the Final Map of Tract No. 14,681.

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

a) and b) Approved; Chair to execute.

c) Approved.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-26) PUBLIC WORKS**[09-01030](#)**

Accept the Notice of Completion for work performed by the Contractor, Granite Construction Company, (a local vendor with an office in Santa Barbara) P.O. Box 50085, Watsonville, CA 95077, for construction of 2009 American Recovery and Reinvestment Act (ARRA), Minor Bridge Rehabilitation Project, County Project No. 810535, First, Second, Third and Fifth Districts.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Accepted. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-27) PUBLIC WORKS**[09-01039](#)**

Accept the Notice of Completion for the work performed by the Contractor, Granite Construction Company, Inc. (a local vendor with an office in Santa Barbara), P.O. Box 50085, Watsonville, CA, 95077, for construction of 2009 American Recovery and Reinvestment Act (ARRA) County Wide Road Rehabilitation (Asphalt Concrete Overlay and SAMI), Project No. 810536.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Accepted. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-28) PUBLIC WORKS**[09-01041](#)**

Accept the Notice of Completion for work performed by the Contractor, D-Kal Engineering, Inc. (not a local vendor), P. O. Box 1919, San Luis Obispo, CA 93406, for the construction of 2009 American Recovery and Reinvestment Act (ARRA) Miscellaneous Concrete Repair, County Project No. 820619, Second, Third, and Fourth Districts.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Accepted. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

- A-29) PUBLIC WORKS, BOARD OF DIRECTORS, FLOOD CONTROL AND WATER CONSERVATION DISTRICT [09-01017](#)
Acting as the Santa Barbara County Flood Control and Water Conservation District Board of Directors:

Approve and authorize the Chair to execute Amendment No. 1 to the Agreement with HDR Engineering (not a local vendor) for engineering services for the Las Vegas/San Pedro Creeks Improvement Project by increasing the amount of the agreement by \$40,000.00 to a total amount not to exceed \$529,351.00 and extending the contract period from December 31, 2009 to June 30, 2011, Third District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved; Chair to Execute. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Board of Supervisors

- A-30) SUPERVISOR CARBAJAL [09-01049](#)

Approve the reappointment of Fred Lemere to the Carpinteria Cemetery District, term ending December 31, 2013, First District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

- A-31) SUPERVISOR CARBAJAL [09-01048](#)

Approve the reappointment of David Seehof to the Carpinteria Cemetery District, term ending December 31, 2013, First District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-32) SUPERVISOR FARR[09-01042](#)

Approve the reappointment of James Rhode to the Santa Barbara County Advisory Board on Alcohol and Drug Problems, term ending December 31, 2012, Third District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-33) SUPERVISOR FARR[09-01043](#)

Approve the appointment of Deborah-Anne Aceves to the Santa Barbara County Historic Landmarks Advisory Committee, term ending December 31, 2012, Third District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-34) SUPERVISOR FARR[09-01044](#)

Approve the reappointment of Cathy Schlottmann to the Mosquito and Vector Management District of Santa Barbara County, term ending December 31, 2012, Third District.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Hearing Requests**A-35) COUNTY EXECUTIVE OFFICE****[09-01053](#)**

Set hearing to consider Board of Supervisor appointments to Boards, Commissions and Committees.

(Set hearing for 1/5/10. Time estimate 15 minutes.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 5, 2010 in Santa Barbara (EST. TIME: 15 MIN.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-36) GENERAL SERVICES**[09-01027](#)**

Set hearing to receive and file the annual report on the results of the Local Vendor Outreach Program, Fiscal Year 2008-2009.

(Set hearing for 1/5/10. Time estimate 30 minutes.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 5, 2010 in Santa Barbara (EST. TIME: 30 MIN.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-37) GENERAL SERVICES**[09-01036](#)**

Set hearing to receive and file an update on the General Services Risk Management Division, including Workers' Compensation and General Liability programs.

(Set hearing for 1/5/10. Time estimate 1 hour.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 5, 2010 in Santa Barbara (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-38) PARKS[09-01031](#)

Set hearing to consider recommendations regarding proposed fee adjustments for Cachuma Lake, Jalama Beach, and the Day Use Parks, as follows:

(Set hearing for 1/5/10. Time estimate 1 hour.)

a) Receive and file a staff report regarding:

i) The designation of certain campsites at Cachuma Lake and Jalama Beach camping parks as premium campsites and establishment of premium camping fees for these sites at both camping parks;

ii) The establishment of peak season camping fees for Cachuma Lake and Jalama Beach camping parks, along with other minor adjustments to trailer fees at Cachuma Lake;

iii) Other recommended fee adjustments for the day use parks;

b) Approve the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) for the setting of fees; and

c) Adopt two (2) Resolutions approving the Park Commission recommended fee adjustments at Cachuma Lake, Jalama Beach, and the group picnic areas in the day use parks.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 5, 2010 in Santa Barbara (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-39) PLANNING AND DEVELOPMENT[09-01020](#)

Set hearing to receive and file a briefing on the Santa Barbara County 2010 Census Integrated Communications Plan.

(Set hearing for 1/19/10. Time estimate 30 minutes.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 19, 2010 in Santa Barbara (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-40) PLANNING AND DEVELOPMENT[09-01021](#)

Set hearing to consider the appeal filed by the Ray Severn, Penfield and Smith, agent for Chisan Nursery, Case No. 09APL-00000-00028, of the County Planning Commission's October 26, 2009 approval, 07DVP-00000-00035, APN 133-130-009, located at 9676 Harvest Road, in the Los Alamos area, Third District.
(Set hearing for 1/12/10. Time estimate 1 hour.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Set for a hearing, as follows: January 12, 2010 in Santa Maria (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Administrative Items**A-41) COUNTY COUNSEL, COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES**[09-01054](#)

Approve an amended agreement with Michael F. Brown for services as County Executive Officer.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-42) COUNTY EXECUTIVE OFFICE: HUMAN RESOURCES[09-01055](#)

Approve a correction to Item A-10, Attachment A-4 from the Board of Supervisors' November 10, 2009 Agenda regarding recommendations for the 2010 medical and dental insurance program.

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Approved. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

A-43) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES**[09-01056](#)**

Authorize the County Executive Officer to submit an application and execute the Grant Award Agreement for anticipated funds in the amount of approximately \$539,838.00 for the Recovery Act Justice Assistance Grant - Substance Abuse Offender Treatment Program (JAG - OTP) from the California Emergency Management Agency (Cal EMA).

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Authorized. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Approval of Administrative Agenda

HEARING TIME: 9:20 A.M. - 10:30 A.M. (70 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, to Approve the Administrative Agenda as Amended. The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Public Comment Period

HEARING TIME: 10:32 A.M. - 10:43 A.M. (11 MIN.)

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. 03-282) (09-00001)

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

RE: Dr. Takashi Michael Wada was presented to the Board and community as the new Santa Barbara County Director of Public Health Department and Chief County Medical Officer - Fifth District Supervisor Joe Centeno Addressed the Board.

RE: Deputy Director Michele Mickiewicz (who served the County of Santa Barbara recently as its Interim Director of Public Health) and her staff, were offered thanks and appreciation for all they have done for the public they serve - Second District Supervisor Janet Wolf and Third District Supervisor Doreen Farr Addressed the Board.

RE: Fifth District Supervisor Joe Centeno was recognized for his leadership as Chair of the Board of Supervisors for the year 2009 - Second District Supervisor Janet Wolf Addressed the Board.

RE: KIDS Network, County's annual performance - Andy Caldwell Addressed the Board.

RE: Racism - Dr. Robert L. Johns, Ph.D. Addressed the Board.

RE: Legal issues regarding County - Katherine Anne Smith Addressed the Board.

Departmental Agenda
Planning Items and Public Hearings

- 1) ALCOHOL, DRUG AND MENTAL HEALTH SERVICES, [09-00956](#)
AUDITOR-CONTROLLER
HEARING - Receive and file an update on the Alcohol, Drug and Mental Health Services Department. (EST. TIME: 1 HR.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: CONTINUE TO 1/26/10

HEARING TIME: 11:03 A.M. - 11:04 A.M. (1 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Continued, as follows: January 26, 2010 in Santa Maria (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

- 2) COUNTY EXECUTIVE OFFICE [09-01014](#)

HEARING - Consider recommendations regarding the annual Federal and State Legislative Reports and Contract renewal, as follows: (EST. TIME: 1 HR.)

a) Approve and authorize the Chair to execute a Contract with Governmental Advocates, Inc. for state advocacy services for the period of January 1, 2010 through December 31, 2010 for an amount not to exceed \$61,236.00;

b) Receive a presentation from Governmental Advocates, Inc. to provide an update on state advocacy services rendered in the prior year; and

c) Receive a presentation from Thomas Walters and Associates to provide an update on federal advocacy services rendered in the prior year.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: CONTINUE TO 1/12/09

HEARING TIME: 11:04 A.M. - 11:05 A.M. (1 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Continued, as follows: to January 12, 2010 in Santa Maria (EST. TIME: 1 HR.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

3) COUNTY EXECUTIVE OFFICE[09-01011](#)

HEARING - Consider the adoption of the 2010 Board of Supervisors' schedule of meeting dates and locations. (EST. TIME: 15 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 11:06 A.M. - 11:25 A.M. (19 MIN.)

Received and filed staff presentation and conducted public hearing.

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

Adopted the first six months of the proposed 2010 Board of Supervisors' schedule of meeting dates and locations as reflected in County Executive Office board letter and attachment dated December 1, 2009.

Continued to January 5, 2010 in Santa Barbara to consider approval of remaining schedule of meeting dates and locations for 2010.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

4) COUNTY EXECUTIVE OFFICE[09-01012](#)

HEARING - Adopt a Resolution amending the Board of Supervisors' Agenda Policies and Protocols for the Conduct of Meetings and rescinding Resolution No. 03-282. (EST. TIME: 20 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 11:26 A.M. - 12:05 P.M. (39 MIN.)

Received and filed staff presentation and conducted public hearing.

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

Adopted; amended as follows:

Strike the words "with consensus of the Board" from Section 8 (Public Comment Period).

Move the second sentence of Section 12 (Time Limits), to the end of Section 12 and also strike the words "with consensus of the Board" so that the last sentence of Section 12 reads as follows:

"The Chair may adopt reasonable regulations including, but not limited to, modifying the amount of time allocated for testimony on particular issues and for each individual speaker".

RESOLUTION NO. 09-368

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

5) COUNTY EXECUTIVE OFFICE, OFFICE OF EMERGENCY SERVICES, GENERAL SERVICES 09-01009
HEARING - Consider recommendations regarding the Emergency Operations Center

Building Project No. 8666, Second District, as follows: (EST. TIME: 30 MIN.)

- a) Award a Fixed Price Construction Contract to the apparent low bidder, Melchiori Construction Company (a local vendor) in the amount of \$3,586,013.00, subject to the provisions of the documents and certifications as set forth in the plans and specifications applicable to the project and as required by California 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;
- c) Authorize the Director of General Services to approve change orders of an amount not to exceed \$25,000.00 plus 5% of the awarded contract amount less \$250,000.00, or \$191,800.65;
- d) Approve and authorize Chair to execute Amendment No. 1 to the Professional Services Agreement for The Austin Company for Construction Administration Services in the amount of \$179,487.00 inclusive of reimbursable expenses, for a total contract fee of \$550,618.00;
- e) Approve the Final Mitigated Negative Declaration and adopt the County's mitigation monitoring program pursuant to the California Environmental Quality Act (CEQA) guidelines for the Emergency Operations Center;
- f) Approve a Surety Deposit Agreement with the Goleta Water District for project related improvements; and
- g) Direct the Emergency Operations Chief to ensure compliance with the County's "Acceptance of Gifts by County" policy, accept a cash donation of approximately \$2,000,000.00 (two million) from the Orfalea Fund's "Aware and Prepare Initiative" and the Initiative's partnering philanthropic entities (local 501 (c)(3)) to be deposited in Fund 30 , Department 063 , Account 8666 (Capital Projects, Project No. 8666 (EOC)), solely for EOC construction and critical EOC system needs as agreed to between the County and the donor. (4/5 Vote Required)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 12:06 P.M. - 12:07 P.M. (1 MIN.)

A motion was made by Supervisor Carbajal, seconded by Supervisor Wolf, that this matter be Continued, as follows: January 5, 2010 in Santa Barbara (EST. TIME: 30 MIN.). The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

6) SOCIAL SERVICES

09-00997

HEARING - Receive and file the KIDS Network's Annual Progress Report and presentation.
(EST. TIME: 20 MIN.)

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

HEARING TIME: 1:05 P.M. - 1:44 P.M. (39 MIN.)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Carbajal, seconded by Supervisor Farr, that this matter be Received and filed.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

7) SUPERVISOR WOLF, SUPERVISOR GRAY[09-00977](#)

HEARING - Consider directing staff from County Counsel, Planning and Development, Sheriffs, and Probation Departments to return to the Board on February 2, 2010 to provide information and options, including draft language, related to the regulation, restriction, moratorium or ban on the operation of medical marijuana dispensaries. (EST. TIME: 1 HR. 30 MIN.)

HEARING TIME: 1:45 P.M. - 2:55 P.M. (70 MIN.)

Received and filed staff presentation and conducted public hearing.

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

Directed staff to return to the Board no later than January 19, 2010 with a proposed urgency ordinance for a moratorium against any new proposed medical marijuana dispensaries until such time that the Board can consider amendments to the existing land use and development codes.

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

8) SUPERVISOR WOLF[09-01006](#)

HEARING - Consider recommendations regarding the creation of an Ordinance for Tobacco-Free Parks and Beaches, as follows: (EST. TIME: 1 HR. 45 MIN.)

- a) Approve work to explore development of an Ordinance for tobacco-free parks and beaches;
- b) Direct the staff of the Public Health Department to work with the Parks Department to bring this matter to the Parks Commission for their input on December 10, 2009; and
- c) Return to the Board of Supervisors with recommendations on an Ordinance and sample language, if indicated.

HEARING TIME: 2:56 A.M. - 3:29 A.M. (33 MIN.)

Received and filed staff presentation and conducted public hearing.

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

- a) Approved.**
- b) Directed.**
- c) Authorized.**

The motion carried by the following vote:

Ayes: 4 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, and Supervisor Centeno

Absent: 1 - Supervisor Gray

Adjourned at 3:30 PM

**THE BOARD OF SUPERVISORS CLOSED THE FINAL MEETING OF 2009 WITH
WARMEST WISHES TO ALL CITIZENS OF SANTA BARBARA COUNTY AND
WISHED THEM A JOYOUS HOLIDAY SEASON AND A VERY PROSPEROUS
AND HEALTHY NEW YEAR.**

Adjourned to

January 5, 2010

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

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, December 8, 2009 will be telecast live on County of Santa Barbara TV channel 20 at 9:00 AM, and will be rebroadcast on Thursday, December 10, 2009, at 5:00 PM and on Saturday, December 12, 2009 at 10:00 AM on CSBTV Channel 20.

THE BOARD OF SUPERVISORS WILL NOT MEET ON THE FOLLOWING DATES: TUESDAY, DECEMBER 15, 2009, TUESDAY, DECEMBER 22, 2009, AND TUESDAY, DECEMBER 29, 2009 (THIS IS A FIFTH TUESDAY ORDINANCE NO. 3352).

THE NEXT REGULAR BOARD OF SUPERVISORS HEARING WILL BE HELD JANUARY 5, 2010 IN SANTA BARBARA.

<http://www.countyofsb.org>