

Tuesday, February 10, 2004

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.**

**SUM**

1

**AGN**

A-1

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

**AYES: Supervisors Achadjian, Pinard, Bianchi, Ryan, and Chairperson Ovitt**

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2004-42, resolution proclaiming the Week of February 17 through February 24, 2004 as "Mardi Gras Week", adopted.**

**Chairperson Ovitt:** reads the resolution and presents the same to Mr. Allen Root and Ms. Amanda Root the King and Queen of Mardi Gras.

**Mr. and Ms. Root:** discuss the events for the upcoming week.

2

PC

This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Mr. Brad Brown:** indicates he has been refuse air time for his Public Access TV show, which aims at informing the public on election candidates and would be on the Government Access channel; urges the Board to allow his show to air.

**Mr. Bill Barker:** addresses his problem with contamination of his private well; questions how the developer who built his home got the permit for this project without sufficient water.

**Mr. Jesse Arnold:** concurs with Mr. Brown relating to the airing of his TV show; addresses Touch Screen Voting; urges the Board to forget about computers when it relates to voting and stick with the system that is already in place.

**Mr. Dan Del Campo:** addresses a memo dated 1-16-04 from the Monterey County Water Resources Agency relating to Nacimiento Lake; states this memo is disturbing because Monterey County feels they have an upper hand over San Luis Obispo County when it comes to water resources; requests an investigation regarding this matter.

**Mr. Michael Kovacs:** addresses his concerns with the Board approving unbudgeted items; addresses exercising his Constitutional rights as a citizen. **No action taken.**

3

B-PC

This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

**Ms. Julia Miller:** Coordinator for the Children Services Network, addresses Item B-15 and thanks the Board for the Father Involvement Study; states the County was chosen to be part of this study because of the strength of the safe system of care; describes the study.

**Ms. Elizabeth Scott-Graham:** addresses Item B-7, indicating she supports Supervisor Bianchi for this nomination because she is dedicated to the California Coast.

**Mr. Doug Buckmaster:** addresses Item B-7, stating he doesn't support either one of the candidates; feels it would be hypocritical if either one were chosen due to their voting history relating to the coast.

**Mr. Jesse Arnold:** asks Mr. David Edge, CAO, to explain Item B-3 relating to the salaries and benefits for Management Peace Officer classes; addresses Item B-7 asking the Board not to include Supervisor Ryan as a recommended candidate for the Coastal Commission.

**Mr. Michael Kovacs:** states Item B-7 should have been a hearing item; feels the public is being subverted out of the decision making process.

**Ms. Tarren Collins:** Sierra Club, states she supports the words of Mr. Buckmaster; indicates the public is looking for a stronger Coastal Commission; feels this County was chosen for the first review due to the violations of the Coastal Act; urges the Board to vote no on the nominations in Item B-7.

**Ms. Pam Heatherington:** Executive Director of the Environmental Defense Center, states Item B-7 is troublesome; states the letter in the packet dated January 28, 2004 and is now on the Consent Agenda; indicates Santa Barbara County set a hearing for this issue; states the public deserves a representative that embraces the coast and urges the Board not to send this letter.

**Ms. Biz Steinberg:** addresses Item B-15 and thanks the Board for their support; speaks to the importance of the Father Involvement Study.

**Ms. Susan Mullen:** states she is amazed how the "environmentalist eat their own"; feels Supervisor Bianchi would be a great choice for the appointment to the Coastal Commission and recommends her for the job; states her record speaks for itself; urges the Board's unanimous support.

**Mr. Eric Greening:** addresses his concerns with the process of Item B-7; feels the County needs to work with the cities; believes one Supervisor and one City Government Representative should be chosen and he would suggest Mr. George Luna.  
**No action taken.**

4 B-1 Consent Agenda Item B-1 is withdrawn for separate action. **Thereafter, on motion of**  
thru **Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call**  
B-21 **vote:**

**AYES: Supervisors Ryan, Bianchi, Pinard, Achadjian, and**  
**Chairperson Ovitt**  
**NOES: None**  
**ABSENT: None**

**Consent Agenda Items B-1 through B-21 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-21, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

B-1 Letter transmitting plans and specifications (Clerk's File) for interior and exterior signage for the New Government Center, **Withdrawn for separate action.**

B-2 Introduction of a proposed ordinance amending the County fee schedule for the Information Technology Department, Planning, Public Works, Public Health, County Fire, and Golf Courses; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for March 2, 2004, at 9:00 a.m..**

Administrative Office Items:

- B-3 **RESOLUTION NO. 2004-43**, establishing salaries and benefits for Management Peace Officer classes, **Adopted.**
- B-4 **RESOLUTION NO. 2004-44**, amending the salary and benefits for the position of Sheriff-Coroner, **Adopted.**
- B-5 **RESOLUTION NO. 2004-45**, proclaiming the termination of the local emergency related to the San Simeon Earthquake, **Adopted.**

Board of Supervisors Items:

- B-6 Allocation of \$8,000 from District Two Community Project Funds, to pay the cost of LAFCO application fees to consider the formation of the Cayucos Community Services District, **Approved.**
- B-7 Submittal to the Governor's Office the names of Supervisor Shirley Bianchi and Supervisor Mike Ryan for consideration as representatives on the Coastal Commission, **Approved.**

General Services Items:

- B-8 Easement on County owned real property to Pacific Gas and Electric Company for the purpose of supplying electrical service to the North County Regional Center, **Approved.**
- B-9 Amended contracts with Comerford, Inc., dba Fairway Management, modifying the split of the golf cart rental fees at the Morro Bay Golf Course Pro Shop Concession and the Dairy Creek Golf Course Pro Shop, **Approved.**

Public Works Items:

- B-10 Budget adjustment in the amount of \$8,000 from Board of Supervisors Community Project Funds to provide partial funding of the LAFCO fee for the formation of the Cayucos Community Services District, **Approved.**
- B-11 **RESOLUTION NO. 2004-46**, accepting conveyance from Paul and Cheryl Brow for Oak Shores emergency access project; 1st District, **Adopted.**
- B-12 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map: CO 98-0170, a proposed subdivision resulting in 2 lots, by James and Mary Johnson, Halcyon Road and Aloma Way, Nipomo Mesa, **Approved and RESOLUTION NO. 2004-47**, accepting the offer of dedication for road widening on Aloma Way and Halcyon Road; 4th District, **Adopted.**

Social Services Items:

- B-13 Contract with San Luis Obispo County Community College District for Workplace Readiness Services for fiscal year 2003-2004, **Approved.**
- B-14 Grant agreement with the Public Health Institute/California Center for Research on Women and Families to increase coordination between CalWORKs and Child Welfare Services to improve services for at-risk families in San Luis Obispo County, **Approved.**
- B-15 Agreement (Clerk's File) with the State Office of Child Abuse Prevention Grant Funds on behalf of the Children's Services Network for a Father Involvement Study; 2) a budget adjustment in the amount of \$300,000; and 3) a contract with the Economic Opportunity Commission, Inc. for father involvement services, **Approved.**

Other Items:

- B-16 Unannounced cash count of the County Treasurer's Office, conducted on December 8, 2003, **Approved.**
- B-17 Contract (Clerk's File) with OnePlanetWeb, Inc., for software licensing and professional services, **Approved.**
- B-18 Reaffirm the adoption of Resolution Number 2004-34 to include the attached standard agreement with the California Youth Authority for emergency housing of juveniles with the California Youth Authority, **Approved.**
- B-19 **RESOLUTION NO. 2004-48**, commending Marlene Williams upon her retirement after 14 years of service, **Adopted.**
- B-20 **RESOLUTION NO. 2004-49**, approving an avigation easement from Robert Arnold and Jeffrey Johns for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-21 **RESOLUTION NO. 2004-50**, delegating signatory authority for future Health Insurance Portability and Accountability Act (HIPAA) Business Associate agreements to the Administrator, Family Care Center for Medical Services Business Associates, **Adopted.**

- 5 B-1 Letter transmitting plans and specifications (Clerk's File) for interior and exterior signage for the New Government Center, is presented.

During discussion on the Consent Agenda Supervisor Pinard requests Item B-1 be withdrawn for separate consideration.

**Supervisor Pinard:** states she does not support using an outside firm and believes this job can be done by a local group.

**Mr. Duane Leib:** General Services Director, indicates the consultant is from Emeryville, however the bid will go through an open bidding process which will give locals an opportunity to bid.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES: Supervisors Ryan, Bianchi, Pinard, Achadjian, and Chairperson Ovitt**  
**NOES: None**  
**ABSENT: None**

**the Board adopts the Contract Documents for providing building signage for the New County Government Center, P5302, and directs the County Clerk to give Notice to Bidders, calling for sealed bids no later than 3:00 p.m. on Thursday, March 11, 2004.**

- 6 C-1 This is the time set for hearing to consider resolutions (Clerk's File) approving a waterway management program for the San Luis Obispo Creek Watershed, request to adopt drainage design guidelines for the San Luis Obispo Creek Watershed and certification of the final environmental impact report for the project; 2nd, 3rd, 4th and 5th Districts.

**Mr. Mark Hutchinson:** Public Works, presents the staff report; indicating the purpose of this hearing is to present the results of a multi-year study and to initiate a program that is intended to address flood control issues in the San Luis Obispo Creek watershed; presents a brief history of Zone 9 and maps of the area; states the project is the Waterway Management Program; indicates the purpose and focus of the comprehensive plan is to ensure that aquatic resource impacts are first avoided, then minimized to the maximum extent practicable; addresses what the plan includes and the intended results; feels this program will streamline the permit process and serve as a foundation for larger projects and as an example for other watersheds; outlines funding and the development of the program; acknowledges the agencies involved and discusses the recommendations.

**Supervisor Bianchi:** asks if this document can be applied towards other coastal streams, with Mr. Hutchinson responding yes.

**Supervisor Pinard:** questions what in this document will help remove concrete abutments and what makes this program different; addresses the permit process; states her concerns relating to recharge, permeability and alleviating the reason for needing additional flood channelization, with Mr. Hutchinson responding.

**Ms. Ellen Carroll:** Environmental Coordinator, states this document is the first building block and provides more information that was not available two to three years ago; indicates it doesn't answer all the questions but it gives more technical and detailed information and therefore mitigation measures or changes on a project will be different today than they were before.

**Mr. Eric Greening:** requests this item be continued due to the amount of material involved; feels there are entities that have not been heard from; questions if there has been a Federal consistency review and has Cal Trans been heard from relating to the proposed Cuesta Park detention enhancement; addresses notification of this hearing; addresses the impacts of this Plan on Steelhead and the drainage plan.

**Mr. Jay Walter:** representing the City of San Luis Obispo, states he appreciates the County's support; states this is a comprehensive update from previous creek policies and involves the latest technology; indicates it is a handbook for maintenance and management practices; states the drainage design guidelines are extensive; urges the Board's support in adopting the Plan which will move this document into the Federal process.

**Ms. Pam Heatherington:** Executive Director of the Environmental Center, states she agrees with Mr. Greening; addresses the impacts on the habitat areas; believes this item needs more public input.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Ryan, Bianchi, Achadjian, Chairperson  
Ovitt  
**NOES:** Supervisor Pinard  
**ABSENT:** None

**sitting as the Board of the San Luis Obispo County Flood Control and Water Conservation District: certifies the final Environmental Impact Report and adopts CEQA findings for the Program and RESOLUTION NO. 2004-51, resolution of the San Luis Obispo County Flood Control and Water Conservation District adopting the San Luis Obispo Creek Waterway Management Program, adopted.**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Ryan Bianchi, Achadjian, Chairperson  
Oivtt  
**NOES:** Supervisor Pinard  
**ABSENT:** None

**sitting as the San Luis Obispo County Board of Supervisors, the Board certifies the final Environmental Impact Report and adopts the CEQA findings for the project and RESOLUTION NO. 2004-52, resolution amending the standard improvement specifications and drawings of the San Luis Obispo County Public Works Department, adopted.**

1339 sq. ft. located on the northwest corner of 2nd and San Miguel Streets in the community of Avila Beach in the San Luis Bay Coastal Planning Area; 3rd District.

**Mr. James Caruso:** Planning, presents the staff report; states discussions between the Applicant and the Appellant were successful; indicates he will let the Appellant speak for herself.

**Supervisor Pinard:** states this was a very successful meeting and she appreciates the Applicant taking the time to meet with the neighbors and feels there was a successful outcome as the plans were altered to satisfy the Appellant.

**Ms. Sylvia Alcon:** Appellant, states she appreciates the Board's support; states the architect met with the neighbors and addressed all concerns; indicates the plans were altered to satisfy the neighbors and now the plans are more in keeping with the residential zoning.

**Mr. Garth Kornreich:** Architect for the Applicant, states he is glad all parties came to an agreement and indicates the process has improved the project.

**Mr. Michael Sanchez:** thanks the Board for their support and Supervisor Pinard for her role as the mediator; urges the Board to approve the project.

**Mr. Michael Kovacs:** commends Ms. Alcon for her efforts to preserve the coastline; urges the Board to not take any action on this item.

**Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Pinard, Bianchi, Achadjian, Ryan,  
Chairperson Ovitt  
**NOES:** None  
**ABSENT:** None

**the Board partially upholds the appeal and RESOLUTION NO. 2004-53, resolution partially affirming the decision of the Planning Commission and conditionally approving the application of Hole-In-The-Clouds LLC for a vesting Tentative Map for tract 2571 and Development Plan S030010U, adopted.**

8 CS The Board announces it will be going into Closed Session regarding:

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated)** 1) *In re PG&E Bankruptcy*, 2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, 3) *NRC Proceedings Concerning Spent Fuel*, 4) *Lum v. County of San Luis Obispo*, 5) *Naimark v. County of San Luis Obispo*, 6) *AT&T v. County of San Luis Obispo*, and 7) *MCI WorldCom v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** 8) *Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases* 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 9) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases* 2.

**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: 10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's Association*. 11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Sheriff's Management*.

**Chairperson Ovitt:** opens the floor to public comment.

**Mr. Michael Kovacs:** questions the report out process; feels the public is being left out of this process.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: Items 1 through 11 were discussed and - No public report is required because no final action was taken, and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, February 10, 2004, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 02/13/2004  
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