

Tuesday, May 25, 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 AGN

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

Mr. Tony Buffa: nuclear physicist and professor at Cal Poly, addresses an experiment proposed for this County involving particles called "neutrinos"; explains what the experiment would entail and that it requires the cooperation of PG&E since it would be located near the Diablo Canyon reactors; PG&E has made a tentative decision to not allow the project; his hope is that by bringing this to the public, PG&E will reverse their decision; presents documents in support of his comments.

Mr. Roger Gambs: addresses mental illness and his concerns to the proposed budget cuts and cutting programs for the mentally ill and the impact this will have in the community; urges the Board to fund these programs through cost savings from places such as the closure of General Hospital.

Mr. Bill Capps: addresses the action taken last week by the Board on the taking of private property and giving it to a developer for a new housing project; suggests the Board was told "some lies and half truths" to get the approval of this Board; reads from a letter dated May 25, 2004 and signed by "The Owners of the Private Property on Nacimiento Shores Road"; outlines concerns to comments regarding the emergency access road.

Ms. Sharon Capps: continues reading the letter started by Mr. Capps outlining the concerns of the neighbors to the location of this emergency access; believes the Board can change the action taken last week.

Ms. Janice Freear Meyer: presents a letter for the record and reads from the same outlining her concerns to the action taken last week with respect to Tract 2162 and the emergency access easement.

Mr. Rob Meyer: continues reading the letter started by Ms. Meyer outlining their concerns to the development of the project and inconsistent information from various staff members.

Rev. C. Hite: addresses her concern to the needs of the underprivileged, disabled, veterans and mentally ill in the County; requests a moratorium on cutting any services provided to these folks.

Ms. Toni Paradis: state for the past 22 years she has cared for her disabled son, who is a near drowning survivor; speaks to how hard the work is; supports a salary and benefit increase for In-Home Supportive Services (IHSS) workers.

Mr. Sanford Cook: 33rd Assembly District Democratic Committee Chair, speaks in support of a salary increase for IHSS workers; urges the Board to negotiate in good faith with the United Domestic Workers on this issue.

Ms. Jane von Koeche: IHSS worker, reads a poem relating to health care workers and those they care for.

Ms. Debbie Class: states she cares for her sister and what that entails; her mother previously provided all her sisters care but now her parents also need care, so she and her husband are providing this.

Mr. Steve Weiner: Santa Barbara & San Luis Obispo County Building & Construction Council Executive Secretary/Treasurer, states he is representing 27 trade's unions that are in support of the IHSS workers being provided with a fair wage and benefits.

Mr. Walt Mankins: representing Operating Engineers Local #12 and President of the San Barbara/San Luis Obispo County Building Trades, speaks in support of a fair wage being deserved and necessary for the IHSS workers.

Ms. Yvonne Ross: reads a letter from Suzanne McKeever-Becotte, regarding her daughter who was hit by a drunk driver and the care she needs now; presents another letter, for the record, from Geneva Warkentin, in support of increased wages for IHSS workers.

Mr. Eric Greening: supports increased wages for IHSS workers.

Mr. Tom Hutchings: speaks on behalf of the United Domestic Workers and the need to allow these workers to do their job with dignity and pay them for the job they are performing.

Mr. Hank Lewis: representing Electrical Workers Local #639, supports an increase in wages for the IHSS workers and that they should also have benefits.

Mr. Michael Passarelli: Food Bank, states that Thursday is the third annual "Hunger Awareness Day" in the County; outlines where events will be occurring.

Mr. Dan Gross: speaks about mental health programs and an art show that will be held near the Mission in San Luis Obispo starting May 26th; all the art work is by folks with mental illnesses; presents a flyer regarding the event; speaks to the need to maintain funding for mental health programs; comments on Transitions Mental Health and how this program saved his life.

Mr. Robert Toth: states he is an IHSS worker and addresses the number of hours he puts in each week; urges the Board to support an increase in their wages.

Mr. Stew Jenkins: states IHSS workers make less than some folks working in fast food restaurants and these folks need an increase in their wages. **No action taken.**

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

Rev C. Hite: comments on Items B-5, B-6 and B-7 and states she is speaking on behalf of "Michelle" who lost her assistance from the County; addresses her concern to the assistance given to the disabled of the County. **No action taken.**

3 B-1 **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**
thru
B-17

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

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-17 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Plans and specifications (Clerk's File) for the new Sheriff station and Agricultural Commissioner Facility Project, at the North County Regional Center in Templeton; 1st District, **Approved and the Clerk is instructed to give notice of bid opening set for Thursday, July 1, 2004 at 3:00 p.m..**

Administrative Office Items:

- B-2 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 69 (Dalidio Ranch) to the City of San Luis Obispo, **Approved.**
- B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 86 (Olsen) to the City of Paso Robles, **Approved.**

District Attorney Items:

- B-4 **RESOLUTION NO. 2004-156**, to approve a contract (Clerk's File) totaling \$39,081 for a Criminal Restitution Compact (CRC) for the District's Attorney's office with the Victim Compensation and Government Claim Board for fiscal year 2004-05, **Adopted.**
- B-5 **RESOLUTION NO. 2004-157**, authorizing an agreement (Clerk's File) with the Victim Compensation and Government Claims Board for the Victim/Witness Assistance Center to provide verification of crime victim compensation claims for fiscal year 2004-05, **Adopted.**
- B-6 **RESOLUTION NO. 2004-158**, Contract extension with the State Victim Compensation and Government Claims Board for fiscal year 2004-05 to continue to provide direct payment of funeral/burial expenses for victims of crime qualified for the State Victims of Crime program, provide payment for relocation expenses for adult victims of domestic violence and crime scene clean-up, **Adopted.**

General Services Items:

- B-7 **RESOLUTION NO. 2004-159**, authorizing the surplus and sale of county-owned real property to an adjacent property owner in the unincorporated area of California Valley; and requests approve a corresponding budget adjustment in the amount of \$16,000 from unanticipated revenue to Countywide Community Building Renovation, **Adopted.**
- B-8 **RESOLUTION NO. 2004-160**, authorizing execution of a notice of completion for the construction and improvement to the taxiways and roadways at the San Luis Obispo County Regional Airport, **Adopted**
- B-9 **RESOLUTION NO. 2004-161**, authorizing the County to designate restricted speed zones for Nacimiento Lake; 1st District, **Adopted.**
- B-10 **RESOLUTION NO. 2004-162**, of intention to request proposals from non-profit community service organizations to manage the County-owned South County Regional Center in the City of Arroyo Grande; 4th District, **Adopted.**

Public Works Items:

- B-11 Bid opening report for the construction of water systems improvements at the California Men's Colony (CMC) near San Luis Obispo; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Arthurs Constructing Inc. in the amount of \$268,618.**
- B-12 **RESOLUTION NO. 2004-163**, authorizing a contract change order for the construction of drainage and pavement improvements at the intersection of Tefft Street and Thompson Avenue in Nipomo; 4th District, **Adopted.**
- B-13 Agreements and grant of easements from the State to San Luis Obispo County Flood

Control and Water Conservation District (Chorro Valley water pipeline project) and to the County (Kansas Avenue sewer line replacement project); 2nd District, **Approved.**

- B-14 Cooperative agreement with the State for the installation of traffic signals, lighting and ramp improvements at Las Tablas Road/Route 101 interchange in Templeton and approve a corresponding budget adjustment in the amount of \$120,000 from the State Department of Transportation; 1st District **Approved.**

Other Items:

- B-15 Request from the Clerk-Recorder to appoint Robert Sparling to the Upper Salinas Las Tablas Resource Conservation District Board of Directors, **Approved.**
- B-16 Request from Planning and Building to authorize use of alternative publication procedures for the Summer of 2004, General Plan Amendment Cycle, **Approved.**
- B-17 State Mental Health Plan contract (Clerk's File) that designates Behavioral Health as a provider of Medi-Cal services, **Approved.**

4

- C-1 This is the time set for hearing to consider an appeal by Gordon Hensley (EPI Center - Environmental in the Public Interest) of the Planning Commission's decision to approve Tract 2343 (S000184T) and Minor Use Permit/Coastal Development Permit DRC 2003-00015 for Michael Tutt; 2nd District.

Ms. Kerry O'Neill: Planning, states they received a letter to withdraw the appeal but are recommending that the Board partially uphold the appeal and adopt the resolution; presents a copy of revised Exhibit C - Conditions that need to be included with the resolution.

Mr. Gordon Hensley: Appellant, states they are in support of the staff recommendation.

Mr. Jeff Edwards: representing the Mr. Tutt, states they are in agreement with the staff report.

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

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

the Board partially upholds the appeal, approves the Revised Exhibit C - Conditions to replace the incorrect conditions with the resolution and RESOLUTION NO. 2004-164, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Michael Tutt for a vesting tentative tract map for Tract 2343 and Minor Use Permit DRC 2003-00015, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

5

- D-1 This is the time set for consideration of a proposed construction and demolition debris recycling program.

Mr. Mark Sullivan: Public Works, outlines the proposal for a Construction and Demolition Ordinance to meet the requirements of the Integrated Waste Management Act (AB 939) to reduce the waste stream going to landfills by 50% by the year 2000 or risk fines of up to \$10,000 per day; the Integrated Waste Management Authority (IWMA) has recommended that the County and cities implement a Construction and Demolition Debris Recycling Program ordinance to help fulfill the State mandate; highlights programs to address AB 939 that are currently in place; requirements of the program will include coordination with the Planning and Building Department; staffing

(within existing allocation); estimating a fee of \$65 per application to offset the cost of the new program; outlines the expected results; outlines the recommendations before the Board today.

Supervisor Bianchi: questions the potential for the \$10,000 per day fine with Ms. Mary Whittlesey, Public Works, responding.

Supervisor Achadjian: addresses the application for a recycling center in South County that is currently going through the General Plan Amendment process.

Supervisor Ryan: suggests it is a good idea to move forward with this but has concerns about setting the fee for it now; feels the program should run for a year and then look at the need for fees.

Chairperson Ovitt: addresses his concern to the lack of coordination with Planning and that he does not want to see another layer added to the processing time.

Mr. Bill Worrell: General Manager for the IWMA, urges the Board to support this item and outlines what the program will involve.

Mr. Tom Martin: Cold Canyon Landfill, states they are a certified facility and urges the Board to exempt non-certified users from the fee and why.

Mr. Brad Goodrow: North County Recycling, speaks in agreement with comments by Mr. Martin.

Chairperson Ovitt: states he would like to see the second and third staff recommendations referred to budget hearings.

Supervisor Ryan: questions recyclers such as Heilmann, that take metal, toilets, etc. and not being certified and whether it's possible to certify these types of facilities, with Mr. Worrell responding.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board directs staff to move forward with a Construction and Demolition Debris Recycling Program Ordinance for the Board's consideration for presentation to the Board during the summer of 2004.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board refers (1) modifying the proposed 2004-05 Solid Waste Coordination budget (2945) to allow additional expenditures and offsetting revenue for this new construction and demolition program as shown in Exhibit A of the staff report dated May 25, 2004 and (2) proposing a new fee related to the construction and demolition program as a part of the FY 2005-06 fee hearing, to the 2004-05 Budget Hearings as a Supplemental item.

6 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) *AT&T v. County of San Luis Obispo*, (2) *MCI WorldCom v. County of San Luis Obispo*, (3) *Dudich v. County of San Luis Obispo* and (4) *Madonna, et al. v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 4. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (6) *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: (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's Association*.

III. 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: (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*.

Chairperson Ovitt: opens the floor to public comment without response.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

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

7 E-1 This is the time set for consideration of a request to process a land use ordinance amendment G030013W (Schlund/C3J LP) to delete a Salinas River Area Plan Standard that restricts minimum parcel size to 10 acres on four parcels within a 43.8-acre site in the Residential Rural land use category; 1st District.

Mr. Warren Hoag: Planning, states staff is requesting a continuance to June 8th to meet noticing requirements.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board continues said matter to June 8, 2004.

8 E-2 This is the time set for consideration of possible ordinance amendments to Title 22 of the County Code, the Land Use Ordinance (inland only), relating to off-road vehicle courses in the Agriculture land use category; All Districts.

Mr. Warren Hoag: Planning, introduces the item.

Ms. Kami Griffin: Planning, presents the staff report, outlining the request on March 9, by the Board, to bring a discussion item regarding the use of land designated Agriculture for off-road vehicle courses; states that currently off-road courses are not allowed on agriculturally zoned land; options could include looking at: establishing specific standards for this use; permit level requirements; setback requirements; additional noticing; access locations; and, limitations on use; staff is looking for direction on these issues.

Mr. George Sullivan: states he is a member of the Parks and Recreation Commission but is speaking as an individual today; he is a motorcycle rider and has never missed a day of work from this activity; suggests there are a lot of folks in the County who also participate in this activity; there needs to be a way to accommodate this and keep folks in the County using this recreational activity.

Mr. Dan DeVaul: states if the Board moves forward with this, asks that they also keep an exemption for non-profits.

Mr. Robert Johnson: states that opening up Agricultural land for commercial use is "the dumbest idea he's ever heard"; off-road courses on Agricultural land is not an agricultural use only a recreational use; this is a bad idea and he is representing several of his neighbors who agree with him.

Mr. Michael Winn: states he is here to argue against this proposal; believes it is a bad idea to open agricultural lands for this type of use; urges the Board to not move forward with this but if it is to be looked at suggests that it be done on a case by case basis and not just open this to all agriculturally zoned land.

Mr. Brad Arnott: suggests there is a need for some type of facility for motorcycle uses in the County; there are a lot of areas being used illegally and believes if facilities were developed it would stop some of this illegal use.

Mr. Tim Pilg: Central Coast Motorcycle Association, states this area is “all about cycles” and they are proposing developing an area to be run by a non-profit group; believes this could be set up in an area that is away from towns to keep associated problems (noise, dust, etc.) away from residential areas.

Mr. Jeff Baxter: states they are trying to get a track going in the North County; he does not feel that this type of activity will be wanted everywhere and not on all agricultural land.

Mr. Zac Baxter: states he has been riding all his life and the closest place to ride is approximately two hours away; addresses the current nuisances that come from agricultural uses and doesn't see how it would be “much worse” for dirt bikes.

Ms. Connie Baxter: states she runs an equestrian park on her property in San Miguel on a large ranch they purchased because it was not being used for farming and was not considered viable farming land, so they purchased the land for “farming fun”; addresses the number of equestrian events they hold on an ongoing basis.

Mr. Jim Patterson: addresses the Salinas River Corridor and the issue of ORV's in the riverbed; believes this should be allowed but not on all agriculturally zoned land; there is no need to add another threat to agricultural land with these types of uses; suggests looking at areas that are appropriate for this type of use and changing the use to recreation; also believes this needs to go through the Park and Recreation Commission for their review.

Ms. Pam Heatherington: believes that if more land is needed for this type of recreation then it should go through the Parks and Recreation Commission; concerns about using agricultural land that was previously farmed and used pesticides; suggests that any agricultural land proposed for use should know what was grown there previously as these bikes will kick up dirt that could be contaminated with pesticides.

Mr. Irv McMillan: speaks to his neighbor allowing a Motocross three years in a row and his objections to this; addresses the negative impacts this had on his cattle; does not want to see this opened to all agriculturally zoned lands; feels sites should be looked at individually.

Mr. Eric Greening: agrees with all the speakers against opening the uses on agricultural land; expresses his concern as to the negative impacts this could have on agriculture.

Ms. Patty Andreen: supports comments to send this to the Parks and Recreation Commission for their review; addresses her concerns to this proposal being detrimental to agriculture.

Ms. Christine Mulholland: presents three photographs of the DeVaul dirt bike track; comments on the number of complaints she has had about this track; states 130 people signed waivers to ride on this property in the past year; comments on the amount of dirt she has in her home because of this track; urges the Board to not consider bike tracks near residential areas.

Mr. John Frady: states he and his family are all motorcycle riders and they need a place to ride that is close to home; urges the Board to find specific areas in the County to allow this activity to occur.

Supervisor Achadjian: questions whether the Parks and Recreation Commission have looked at this issue.

Mr. Sullivan: states he is the 5th District representative on the Parks and Recreation Commission and concurs that this can be included in the Update but this process will

take years; believes these issues can be addressed now.

Supervisor Ryan: states he wants to see this move forward and is the one who brought this here today; indicates he is very active in the motorcycle community and these folks need some place to ride that is close by but not too close to civilization; suggests there should be a minimum parcel size established for this; an erosion control plan for the track; limit the number of events that would be allowed yearly; the use permit level would be at the Administrative level and noticing should be required of all neighbors.

Supervisor Bianchi: addresses her concern that the impact on streams could be severe depending on the location of these tracks; also, doesn't want these tracks located where there are serpentine rock structures; suggests the possibility of moving forward with the request and requiring a Minor User Permit after Parks and Recreation Commission review.

Chairperson Ovitt: addresses his views and suggests this needs to move forward to a committee made up of various user groups to establish rules, criteria and whatever else is needed.

Supervisor Achadjian: states they have also had problems in the Santa Maria riverbed and agrees there needs to be a place for this activity but he doesn't want it on agricultural lands.

A motion by Supervisor Ryan, seconded by Chairperson Ovitt to authorize processing of the General Plan Amendment request but first send it to a committee to be made up of Ag producers, motorcycle/off-road users, environmental users, Planning staff and the Parks & Recreation Commission, is discussed.

Supervisor Bianchi: suggests the committee should review this first before authorizing the processing to see if there should even be an amendment.

Ms. Griffin: addresses the motion and questions whether the Board will choose the committee members or staff.

Supervisor Ryan: suggests that each group should give the names of the folks they want on the committee and each group should be limited to two.

Supervisor Pinard: indicates she does not support the motion expressing her concern to infringing on agricultural lands; she wants to help the motorcycle groups but feel it should be looked at individually rather than as an overlay of the entire County.

The motion maker and second agree to amend their motion and thereafter, on motion of Supervisor Ryan, seconded by Chairperson Ovitt and on the following roll call vote:

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

the Board refers this matter to a committee to be made up of two members from each of the following groups (which each group making their own appointments): Agricultural users (2 from Bureau & 2 from Cattlemen's Association), motorcycle/off-road users, environmental users, Planning staff, and the Parks and Recreation Commission to review the issues and bring the matter back to the Board with recommendations in September 2004.

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, May 25, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: June 2, 2004
vms