

Tuesday, December 13, 2005

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 Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG IS LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

1 A-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2005-404, resolution commending San Luis Obispo County Government Center, San Luis Obispo Airport Volunteers and the RSVP Volunteer Program, adopted.

Chairperson Bianchi: reads the resolution and presents the same to Ms. Diane Maiorona, Director of the RSVP Volunteer Program and Mr. Mac McCullar and Ms. Delphine "Del" Silva, volunteers.

Mr. Duane Leib: General Services Director, thanks Ms. Tami Bisantz, Clerk-Recorder's Office, for her suggestion to use volunteers to staff information desks; discusses the superior work the volunteers have done for the County; thanks the volunteers and the RSVP staff for all their work; states Ms. Silva has been a volunteer with the program since its start in 1988 and wishes her a Happy 91st Birthday on Christmas Day.

Ms. Diane Maiorona: thanks the Board for the recognition.

Ms. Julie Rodewald: County Clerk-Recorder, discusses the use of volunteers to officiate marriage ceremonies; the numerous marriage ceremonies Mr. McCullar has performed and expresses her appreciation to the volunteers for their work.

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

Mr. David Duggan: state he is unhappy with Chairperson Bianchi and her involvement with the Los Osos Community Service District Sewer Project.

Mr. Eric Greening: expresses his concern regarding the Bureau of Reclamation consideration of the Ocean Disposal Alternative for Central Valley Pollution and urges the Board to put this matter on their next agenda; states the Nuclear Regulatory Commission is meeting on Wednesday to address the County's concerns regarding the wastewater facility and urges the Board to attend the meeting.

Chairperson Bianchi: invites the public to attend the County's Open House on Friday, December 16, 2005 from 3:30 to 5:00 p.m..

Board members: direct General Services and County Counsel to create a waiver to enable volunteers to work on larger scale projects for the County. **No action taken.**

3 B-1 This is the time set for members of the public wishing to address the Board on items set on the
thru Consent Agenda.
B-14

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

Consent Agenda Item B-1, the title on the coversheet is amended to include the following: “and repeal Section 2.20.060 which consolidates the duties of the Health Agency Director and the Public Guardian.” Item B-3, the coversheet is amended to correct the project number from (#32005) to (#320005).

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

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-14 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-14, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set for Hearing:

B-1 Introduction of proposed ordinances amending the County Code Section 2.26.030 related to the Health Agency and the appointment of the Public Guardian, **Approved as amended and the Clerk is instructed to give notice of hearing date set for January 10, 2006 at 9 a.m.**

General Services Items:

B-2 Contract (Clerk’s File) in the amount of \$130,000 with Mead & Hunt for final engineering design and construction documents for the proposed T- Hangar Project at the San Luis Obispo County Regional Airport, **Approved.**

B-3 Bid opening report for the Government Center – Install Parking Controls and Fence Project (# 32005) at the Courthouse Annex parking lot; All Districts, **Approved as amended and the Chairperson is instructed to sign contract documents with Voss Construction Corporation in the amount of \$82,050.**

B-4 2006 goals for the Disadvantaged Business Enterprise Program, **Approved.**

B-5 Expansion of the County Parks promotion and marketing program, **Approved.**

Public Works Items:

B-6 Reimbursement agreement with the Oceano Boys and Girls Club (P12A444) for sidewalk construction to promote safe pedestrian access to the facility from the Oceano Elementary School; 4th District, **Approved.**

B-7 **RESOLUTION NO. 2005-405**, amending the County Traffic Regulation Code for the establishment of No Parking and/or Limited Parking Zones on Cow Meadow Place, Winery Road and Posada Lane, Templeton; Sherwood Avenue and Main Street, Cambria; Los Olivos Avenue, Los Osos; and Cienega Street (State Highway 1) in Oceano; 1st, 2nd, and 4th Districts, **Adopted.**

B-8 The following map has been received and has satisfied all the conditions of approval that were established in the public hearings on their tentative maps:

A. Parcel Map CO 03-0188, a proposed subdivision resulting in 3 lots, by Guenther and Anneliese Mayer-Harnisch, Old Oak Park Road, north of Arroyo Grande; 3rd District, **Approved.**

Other Items:

B-9 Re-appoint Marti Kemper (alternate member) and Kem Weber (regular member) to the Assessment Appeals Board, **Approved.**

B-10 **RESOLUTION NO. 2005-406**, granting the County Clerk-Recorder authority to submit applications to the Secretary of State and to execute the standard agreements for Help America Vote Act Funds, **Adopted**.

B-11 Cooperative fire protection agreement (Clerk's File) with the Avila Beach Community Services District, **Approved**.

B-12 Designate Karen Baylor, Ph.D., MFT as Chief Executive Officer of the San Luis Obispo County Psychiatric Health Facility, **Approved**.

B-13 Land conservation contracts, amending existing contracts and a farmland security zone contract (Clerk's File) pursuant to the California Land Conservation Act of 1965; 1st and 5th Districts.

A. **RESOLUTION NO. 2005-407**, Fetzer Vineyard (AGP2004-00028) request to enter into a land conservation contract; 1st District, **Adopted**.

B. **RESOLUTION NO. 2005-408**, Don Severa (AGP2004-00024) request to amend a land conservation contract to add 120 acres; 1st District, **Adopted**.

C. **RESOLUTION NO. 2005-409**, Carrasco Properties LP (AGP2004-00027) request to enter into a Farmland Security Zone contract; 1st District, **Adopted**.

D. **RESOLUTION NO. 2005-410**, Alvin Algee (AGP2004-00025) request to amend a land conservation contract to add a 0.5 acre parcel; 5th District, **Adopted**.

E. **RESOLUTION NO. 2005-411**, James Cushman (AGP2005-00008) request to enter into a land conservation contract; 1st District, **Adopted**.

F. **RESOLUTION NO. 2005-412**, John and Mary Donati (AGP2004-00023) request to enter into a land conservation contract; 5th District, **Adopted**.

B-14 Budget adjustment in the amount of \$12,552 to the Veterans Services operating budget from the Veterans Services – Virgil J. Leinardi Trust for the purchase of computer equipment and software, **Approved**.

4 C-1 This is the time set for hearing to consider an appeal by Roy and Amalia Thomas of the South County Road Improvement Fee; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommends denial of the appeal.

The Appellants, Roy and Amalia Thomas, are not present.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board denies the appeal.

5 C-2 This is the time set for hearing to consider an appeal by Virginia Franco of the South County Road Improvement Fee; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommends denial of the appeal.

Supervisor Achadjian: expresses his concern to the impacts these fees will have on the services Lifesteps provides; questions alternatives to defer payment of the fees or placing a lien on the property to be paid when the property is sold or when a change in use occurs.

Mr. James Lindholm: County Counsel, states the Board has the option to place a lien on the property or assist in finding other funding sources.

Mr. Marshall: states he has spoken to Planning staff regarding funding with Community Development Block Grant funds and indicates the grant cycle has closed for this year and the next filing period won't be until next year.

Ms. Dee Krogh: Lifesteps Program Director, discusses their permit process and the fees they have already paid; the work their program does with helping the homeless; urges the Board to uphold the appeal.

Supervisor Patterson: questions the impacts on the roads, the number of residents being served and whether they would oppose a lien on the property.

Supervisor Achadjian: questions the number of clients who have vehicles on the property.

Ms. Krogh: states the residents are not allowed to have vehicles.

Mr. Michael Winn: speaks to the exceptional work of the program and his hope that the Board will help; asks if waiving the fee would set a precedent; questions if a sale for different purposes occurs, if the lien would require payment.

Mr. Marshall: states based on the testimony presented today, he would recommend the Board determine there is no net increase in traffic generated and waive the fees.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, based on the value and positiveness of the services provided to the community, and that the residents are not allowed to have vehicles, the Board waives the fees based on no increase in traffic on the road.

Mr. David Edge: County Administrative Officer, suggests the Board amend the motion by deleting the portion regarding “based on the value and positiveness of the services provided to the community” in order to avoid setting a precedent that suggests worthy services are exempt.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board amends the prior motion and waives the fees based on no increase in traffic on the road.

6 C-3 This is the time set for hearing to consider an appeal by Yvonne Reiter-Brown of the Hearing Officer’s decision to approve the application of Sherman Starr et. al, for the Minor Use Permit/Coastal Development Permit D010161p; the project is located at 1521 Valley View Lane on the north and southeast portions of the intersection of Starr Lane and Valley Vista in the community of Los Osos; 2nd District.

Ms. Kerry Brown: Planning, presents the staff report and recommendations.

Supervisor Patterson: suggests on Page C-3-12, Under #20, that language be added regarding the use of drought tolerant plants.

Ms. Kerry Brown: makes a correction to the staff report on Page C-3-12, Under #20, in the second sentence, “Section 23.40.186” should be amended to read: “Section 23.04.186”.

Ms. Yvonne Reiter-Brown: Appellant, discusses signed petitions by neighbors supporting her appeal; presents her appeal with photographs of neighboring properties.

Mr. Terry Brown: Appellant, discusses the density of neighboring properties.

Ms. Yvonne Reiter-Brown: urges the Board to maintain the rural character and height of the neighborhood.

Mr. Jeff Edwards: representing Sherman Starr, discusses the history of the project; the building setbacks of 30 feet to benefit neighbors; presents aerial photos of the area; discusses the building elevations and neighborhood compatibility; states the added mitigations further address the potential adverse visual effects from the proposed homes; urges the Board to uphold the Administrative Hearing Officer’s decision to approve the Minor Use Permit (MUP).

Ms. Sandra Bean: states her support of the Starr Minor Use Permit.

Mr. Richard Burke: discusses the Los Osos Advisory Committee meetings where the project was reviewed; gives his reasons for supporting the approval of this MUP.

Mr. Michael Lorenzo: discusses the cooperation by the Starr's and urges the Board to support the project.

Mr. Danny Martin: discusses the accommodations he made when building his home to avoid problems with the neighbors; urges the Board to deny the appeal.

Ms. Shirley Palmer: expresses her concern with the loss of privacy due to the height of the proposed home.

Mr. Eric Greening: addresses his concern with inconsistencies in the staff report regarding water issues.

Ms. Julie Tacker: states she wants to reserve her right to further appeal this matter to the Coastal Commission.

Mr. Bob Blair: states the Applicant has done everything that has been asked of him; urges the Board to approve this project.

Mr. Edwards: states he has no additional comments for the Board.

Ms. Yvonne Reiter-Brown: makes her closing comments.

Supervisor Patterson: expresses his concern regarding the water resources available in Los Osos; states Cal Cities has issued a Will Serve letter for this project; urges water conserving landscaping as a condition of the project.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:

AYES: Supervisors Ovitt, Lenthall, Achadjian, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the Board denies the appeal and adds a condition for water conserving plants to be used in the landscape plan and RESOLUTION NO. 2005-413, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Sherman Starr et al. for Minor Use Permit and Coastal Development Plan D010161P, adopted as amended.

7 C-4 This is the time set for hearing to consider the 2005 South County Circulation Study Update and imposing Road Improvement Fees for the South County area; 4th District.

Mr. Dale Ramey: Public Works, presents the staff report; discusses the purpose of the Circulation Study; addresses last years building activity for Areas 1 and 2; states there were 11 fee appeals to the Board during 2004-2005; addresses the fee account balance as of June 30, 2005 for Areas 1 and 2; highlights the projects in the fee and the non-fee system; the status of the Tefft Street/Highway 101 Interchange and South Oakglen Avenue; discusses increases in construction costs; gives the estimated fee program construction costs for 2005 for Areas 1 and 2; presents the staff recommendations.

Supervisor Achadjian: questions the status of the EIR on the Willow Road Extension project.

Mr. Ramey: responds that the EIR is currently being circulated.

Supervisor Achadjian: questions the possibility of combining Areas 1 and 2 funding.

Mr. Jerry Bunin: Government Affairs Director for the Homebuilder's Association, states the traffic problems in Nipomo can't be addressed without new construction; suggests when the Growth Management Ordinance comes back to the Board, they reinstate the 40 permits for Smart Growth projects to help address the traffic problems.

Supervisor Achadjian: states for the record, Area 2 funds should not go towards the Halcyon Road Realignment project.

Mr. Ramey: states Public Works and Planning will continue to work together to create a phasing and financing plan to come back at a March Board meeting.

Mr. Michael Winn: states the community does not support merging Areas 1 and 2 funds; agrees with Supervisor Achadjian that Area 2 funds shouldn't go towards the Halcyon Road Realignment project; expresses his support of new funding alternatives that the County is investigating.

Mr. Bob Blair: states he agrees with Supervisor Achadjian regarding Area 2 funds not being used towards the Halcyon Road Realignment project; discusses the traffic impacts on Tefft Street offramp; states the Traffic Study needs to be re-reviewed; suggest that granny houses should be exempt from road impact fees and the growth rate should be returned to 2.3%.

Matters is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the Board receives and adopts the 2005 Update of the South County Traffic Study; RESOLUTION NO. 2005-414, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the road improvement fee for all development within portions of the South County Area of the County of San Luis Obispo and adopting the required annual update, adopted. Further the Board directs Public Works to work together with Planning and Building to address the Level of Service issues relating to the Tefft Street/Highway 101 Interchange area and the Halcyon Road/Highway 1 north intersection in developing a Resource Capacity Study under the provisions of the Resource Management System.

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:

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (2) *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. (3) *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: (4) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Sheriffs Management*; (5) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

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

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.

9 C-5 This is the time set for hearing to consider the annual review of the Public Facilities Fees Program for Fiscal Year 2004-2005. (This item was amended at the beginning of the meeting to include a page regarding Parks & Recreation Fees, which was inadvertently left out of the staff report.)

Ms. Pat Beck: Assistant Director of Planning and Building Department, presents the staff report; states that by the end of the week the Update to the Public Facilities Financing Plan will be available to the Board, mailed out to the Advisory Committees and posted on their website.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board receives and files the 2004/2005 Public Facilities Fees Program annual report.

10 D-1 This is the time set for hearing (continued from October 4, 2005) of the interim report on the implementation of managed care for Medi-Cal Patients.

Mr. Jess Montoya: Health Agency Director, presents the staff report; outlines the purpose of the Managed Care Advisory Task Force; discusses the Governor's Medi-Cal Redesign Proposal; states the Medi-Cal Program expenditures currently exceed \$34 billion per year; states the initial concerns regarding merging with a neighboring County for a County Operated Health System (COHS); outlines reasons for merging with an existing COHS; the continuing research focuses on community outreach, actuarial analysis and multi-agency COHS; presents the staff recommendations; outlines Santa Barbara Regional Health Authority's (SBRHA) and the State's negotiation issues; discusses the time line for implementing a Medi-Cal Managed Care System; thanks the Managed Care Advisory Task Force members for their participation.

Board members: address various issues, comments and concerns regarding: how the partnership with Santa Barbara County would work; the Board's desire to be a 50/50 partner; other alternatives to creating a COHS without a partner; questions if Santa Barbara COHS can support San Luis Obispo County patients too; questions the financial stability of Santa Barbara's COHS; concerns about available local offices for services to address problems and the need for bilingual services.

Mr. Montoya: indicates the concerns raised by the Board will be addressed during the negotiation process; he will return to the Board in June or July 2006 with a report on the progress of the negotiations.

Ms. Gail Wilcox: Deputy County Administrative Officer, states the legislation should outline the County is in the fact finding process; the Community Health Centers (CHC) is working in Santa Barbara County and there is a need to continue to hold the CHC harmless in this process.

Ms. Linda Quesenberry: Chair for the Latino Outreach Council, reads a letter of endorsement, dated December 7, 2005, into the record.

Mr. Tim Curley: Regional Vice Chair of the Hospital Council, presents a letter to the Board dated December 12, 2005, regarding their conditions for support of the partnership with the SBRHA.

Ms. Sue Anderson: CEO for French and Arroyo Grande Hospitals, expresses her support for a merger with SBRHA; discusses previous experience with SBRHA; expresses her belief that this is the best option for the County.

Dr. Brian Roberts: expresses his concern regarding this matter; indicates the State should help fund when they are mandating programs; urges the Board to not use Santa Barbara County's money to fund the program; asks the Board to move forward but to ask the State for funding.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board directs the Health Agency Director and County Administrative Office to begin the negotiation process for implementation of a County Organized Health System (COHS) with the Santa Barbara Health Regional Health Authority.

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, December 13, 2005, 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/C.M. Christensen,
Deputy Clerk-Recorder

DATED: 1/3/2006