

Tuesday, January 23, 2001

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, Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM **AGN**

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

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

RESOLUTION NO. 2001-26, resolution commending Glen Arthur Britton upon his retirement after thirty-four years of dedicated service with the County Flood Control District and Engineering Department, adopted.

Supervisor Ryan: reads the resolution and presents the same to Mr. Britton.

Mr. Britton: introduces his family and thanks the Board and his co-workers for the recognition.

Mr. Glen Priddy: Acting Public Works Director, thanks Mr. Britton on behalf of the Department and states he will be missed.

Mr. George Gibson: Engineering, states Mr. Britton was a hardworking dependable employee; he will be missed and it will be hard to replace him; presents Mr. Britton with a job related mobile.

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

Mr. Oscar Bayer: speaks to Item B-10 and indicates he is the proposed appointment for the Airport Land Use Commission and is available to answer any questions.

Mr. Robert G. Tefft, MD.: addresses Item B-10 and the qualifications of Mr. Bayer and urges his appointment to the Airport Land Use Commission.

Mr. Ernie Sebby: speaks to Item B-10 and urges the appointment of Mr. Bayer and states the Commission will suffer if there is any delay.

Mr. Harold Guiton: addresses Item B-10 and states he has a problem with the community of Oceano not being represented on the Commission and recommends Mr. Bill Senna for the appointment.

Mr. Raphael Brady: addresses Item B-10 and indicates his support of Mr. Bayer and addresses his ability to get the job done.

Mr. Bill Senna: addresses Item B-10 and states there are problems with the Oceano Airport; feels the Oceano Airport is not represented on the Commission; believes he would make a good candidate.

Mr. Tom Ramler: Chairperson of the Oceano Halcyon Advisory Committee, addresses Item B-10 and states he knows both men and feels both men are qualified however, he would like to see the community of Oceano represented.

Mr. Pascal Grimand: speaks to Item B-10 and states he is in favor of the appointment of Mr. Bayer.

Mr. Gordon Shore: addresses Item B-10 and states he is in support of the appointment of Mr. Senna.

Mr. Kenneth Brooks: addresses Item B-10 and discusses safety issues related to airports and the improved management of the Oceano airport; feels Mr. Bayer has always been involved and has the time to give.

Mr. George Layman: addresses Item B-19 and urges the Board to have this as a hearing item when it comes back.

Mr. Glen Priddy: addresses Item B-20, a resolution commending Stan Saude upon his retirement; states Mr. Saude did not want a presentation; presents a brief history of Mr. Saude's accomplishments and thanks him for a job well done. **No action taken.**

3 B-10 Request by Supervisor Pinard to appoint Oscar Bayer as the Board Representative to the Airport Land Use Commission, is presented.

Supervisor Pinard: states there is no provision that indicates there needs to be a delegate from Oceano; addresses the qualifications and dedication of Mr. Bayer and the need for the commission to have a quorum to continue acting on their business.

Chairperson Achadjian: indicates he would like to continue this Item so that more local discussions can take place to try to come up with a solution to this appointment; indicates he would like to see Oceano represented.

A motion by Supervisor Pinard, seconded by Supervisor Bianchi to appoint Oscar Bayer to the Airport Land Use Commission and Mr. Senna as the alternate, is discussed.

Mr. Tim McNulty: Deputy County Counsel, states once a Commissioner is appointed then that appointee selects a proxy.

Supervisor Pinard amends her motion to appoint Mr. Bayer only, with Supervisor Bianchi concurring.

Chairperson Achadjian: states he cannot support the motion because he would like to see Oceano represented.

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, Ovitt, Ryan |
| NOES: | Supervisor | Chairperson Achadjian |
| ABSENT: | None | |

the Board appoints Oscar Bayer to the Airport Land Use Commission, term to expire May 1, 2003.

4 B-1 Consent agenda Item B-7 is amended to change the term start date to read "February 6, thru B-31 2001". Item B-10 is withdrawn for separate action and acted on previously. Items B-19 and B-22 are withdrawn. **On motion of Supervisor Ryan, seconded by Supervisor Bianchi, and on the following roll call vote:**

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

Consent Agenda items B-1 through B-31 are approved as recommended by the County Administrative Officer and as amended by this Board.

Said Consent Agenda Items B-1 through B-31, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1 Plans and specifications (Clerk's File) for road improvements on Ash Street from Pine Avenue to Broderson Avenue in the community of Los Osos; 2nd District, **Approved and the Clerk**

is instructed to give notice of the bid opening set for February 22, 2001, at 3:00 P.M..

Administrative Office Items:

- B-2 **RESOLUTION NO. 2001-27**, approving the conflict of interest code for the Health Agency, **Adopted.**
- B-3 **RESOLUTION NO. 2001-28**, approving the conflict of interest code for the San Luis Unified Coastal School District, **Adopted.**
- B-4 **RESOLUTION NO. 2001-29**, authorizing participation by the County of San Luis Obispo in "The County Exhibits Program" at the California State Fair, **Adopted.**

Board of Supervisors Items:

- B-5 Allocation \$1,500 from District Four Community Project Funds to the Nipomo Youth Recreation Association, Inc., to be used to bring the Vietnam Memorial Wall to the community of Nipomo, **Approved.**
- B-6 Appointments of Board members to various committees and commissions, **Approved.**
- B-7 Appointment of P. Eugene Mehlschau as the District Four Representative to the Planning Commission, **Approved as amended.**
- B-8 Appointment of Bob Roos as the District One Representative to the Planning Commission, **Approved.**
- B-9 Appointment of Dorothy Jennings as a District One Representative to the Parks and Recreation Commission, **Approved.**
- B-10 Appointment of Oscar Bayer as the Board Representative to the Airport Land Use Commission, **Withdrawn for separate action and acted on previously.**

General Services Items:

- B-11 Request to authorize the Director of General Services to sign grant applications for the Oceano Airport, **Approved.**
- B-12 **RESOLUTION NO. 2001-30**, authorizing execution of a notice of completion for construction of the culvert portion of the runway extension project at the San Luis Obispo County Regional Airport, **Adopted.**
- B-13 **RESOLUTION NO. 2001-31**, authorizing a grant application under the National Estuary Program's Mini-Grant Program for the development of a sedimentation interpretive display within the Elfin Forest, **Adopted.**
- B-14 **RESOLUTION NO. 2001-32**, appointing the Director of General Services as agent to negotiate and sign a Memorandum of Understanding with the Dana Adobe Nipomo Amigos Board of Directors, **Adopted.**

Health Items:

- B-15 Appointment of Kathleen O'Neill to a two year term as the County representative on the Emergency Medical Services Agency, Inc., Board of Directors, **Approved.**
- B-16 Agreement with the State Department of Health Services for the Emergency Medical Services appropriation for fiscal year 2000-01 and a corresponding budget adjustment in the amount of \$180,738 to Budget Unit 3288 - California Healthcare for Indigents Program from unanticipated revenue, **Approved.**
- B-17 Contract (Clerk's File) with American Care Home to provide social support services for Mental Health clients, **Approved.**

Public Works Items:

- B-18 Agreement with the San Miguel Community Services District authorizing the County to continue

operation of the San Miguel Water System; 1st District, **Approved.**

- B-19 Budget adjustment in the amount of \$520,000 from Road Improvement Fees to fund the Los Berros Road at El Campo Road Channelization Project; 4th District, **Withdrawn.**
- B-20 **RESOLUTION NO. 2001-33**, commending Stan Saude upon his retirement after thirty years of service, **Adopted.**
- B-21 The following maps:
- A. COAL 98-0082, a proposed lot line adjustment resulting in 2 lots by Dale Guerra and Louis Curtis, located on Highway 41 two miles east of Cayucos; 2nd District, **Approved.**
 - B. Tract 1790 Phase 1, a proposed subdivision resulting in 10 lots by Falconcrest Builders, located on Hazel Lane Nipomo, reject the offers of dedication without prejudice; 4th District, **Approved.**
 - C. CO 98-0225 a proposed subdivision resulting in 2 lots by Kevin and Karen Eldredge, located on Hidden Springs Road, South of San Luis Obispo, **Approved and RESOLUTION NO. 2001-34**, accepting the avigation easement; 3rd District, **Adopted.**
 - D. COAL 00-0048, a proposed lot line adjustment resulting in 2 lots by Vincent Fonte et al, located on Tiburon Way southeast of San Luis Obispo, **Adopted and RESOLUTION NO. 2001-35**, accepting the avigation easement; 3rd District, **Approved.**

Social Services Items:

- B-22 Establishment of a single Adult Day Health Care Planning Council to serve both San Luis Obispo and Santa Barbara counties, **Withdrawn.**
- B-23 Contract (Clerk's File) with the Economic Opportunity Commission to provide specialized services to families to maintain safe and stable home environments, **Approved.**
- B-24 Contracts (Clerk's File) with the City of Atascadero and Paso Robles Public Schools to provide after school activities for high school students in the north county, **Approved.**
- B-25 Amendments to contracts with the North County Women's Shelter and Resource Center and the Women's Shelter Program, Inc. to continue providing domestic abuse services for fiscal year 2000-01, **Approved.**
- B-26 The Child Care Planning Council's priorities report to develop priorities funding services to migrant children and children 0-5 years of age, **Approved.**
- B-27 The Child Care Planning Council's priorities report to develop priorities for funding preschool services to children in underserved populations and geographical areas, **Approved.**

Other Items:

- B-28 A purchase and support agreement (Clerk's File) with Tritech Software Systems for the installation of a computer aided dispatch system and approve a corresponding appropriation transfer in the amount of \$220,000 from County Fire public facility fees, **Approved.**
- B-29 Agreements (Clerk's File) with the Women's Shelter Program, Inc., and the North County Women's Resource Center/Shelter to disburse domestic violence funds, **Approved.**
- B-30 **RESOLUTION NO. 2001-36**, amending the position allocation list for Budget Unit 2590 - Sheriff-Coroner by deleting three Sheriff's Correctional Sergeant positions and adding three Sheriff's Correctional Lieutenant positions, **Adopted.**
- B-31 **RESOLUTION NO. 2001-37**, adopting the Countywide Cost Allocation Plan for 2001-2002, **Adopted.**
- 5 SP This is the time set for a presentation by the Federal Land Cadastre Service (Roszemcadastre).

Chairperson Achadjian: welcomes the Roszemcadastre in Russian.

Mr. Dick Frank: County Assessor, describes the events that led to the Tacis Russian Federation studying San Luis Obispo County's land valuation systems and introduces their Management Consultant Mr. Reinhold Wessely.

Mr. Wessely: states they are working on a European Union Project for implementation of property rights; indicates they are very grateful for the opportunity to work with Mr. Frank; introduces Mr. Alexei Overchuk, Deputy Chairman of Roszemcadastre.

Mr. Overchuk: presents the European system of cadastre and property rights registration; indicates they are grateful for the opportunity to work with Mr. Frank; hands the Board a decorative plate as a token of appreciation. **No action taken.**

(SUPERVISORS PEG PINARD AND MICHAEL P. RYAN ARE NOW ABSENT.)

6 C-1 This is the time set for the continued hearing to consider a resolution adopting the Engineer's report, confirming the assessment and directing certain actions for the formation of the Gracia Avenue Assessment District, located in the community of Cayucos; 2nd District.

Mr. Robert Livick: presents the staff report and recommendation; states the ballots were opened and certified by the Clerk.

(SUPERVISORS PEG PINARD AND MICHAEL P. RYAN ARE NOW PRESENT.)

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-38, a resolution adopting Engineer's Report, confirming the assessment and ordering the work and acquisitions, and directing actions with respect thereto Gracia Avenue Assessment District, adopted.

7 C-2 This is the time set for hearing to consider an appeal by Ken Renshaw of the Planning Commission's approval of a Minor Use Permit/Coastal Development Permit/Variance to allow construction of a single family residence, located on the east side of Ogden Drive in the community of Cambria; 2nd District.

Mr. Matt Janssen: Planning, introduces the item.

Ms. Karen Nall: Planning, presents the staff report; describes the project and the issues of the appeal which include problems with Table G, exclusions to the gross structural area and a second variance being granted.

Mr. Ken Renshaw: Appellant, compares his home to the applicant's; feels there are two approaches: 1) the "legitimate approach" and 2) the "insider's approach"; addresses equal protection of the laws; presents a definition of Gross Structural Area (GSA); describes how the applicant gets extra areas and rooms to fit into 1,745 sq. ft.; feels the applicant has submitted plans for a house, with a GSA 278 sq. ft. larger than directed by the Planning Commission; indicates he had an independent architect look at the floor plans and his conclusion was the project was 2,109 sq. ft.; believes the variance to build on a lot of over 30% slope should be denied; addresses the second variance and the inconsistencies of Table G; feels approval of this project would violate his property rights.

Mr. Gary Swauger: representing the Applicant, states the lot is steep; indicates they were given direction by staff on how to proceed and they followed that direction; states the North Coast Advisory Committee (NCAC) approved this project; agrees there are inconsistencies with Table G; addresses the issue of what constitutes a loft; speaks to the circulation area and asks that Condition No. 2 be omitted.

Mr. Renshaw: states many members of the NCAC are new and have never seen Table G before and indicates he is against Condition 2 being omitted.

Supervisor Bianchi: feels Table G should be sent back to staff for a re-write; feels staff has

done the best job they could have done with the current criteria; believes the project should be sent back to the Planning Commission to determine the actual square footage by an outside architect.

A motion by Supervisor Bianchi to refer this item back to the Planning Commission for an independent evaluation of the square footage, dies for lack of a second.

Supervisor Ryan: asks staff if all other projects were judged on the same criteria and if so feels this project should go forward; agrees Table G should be cleaned up however, does not feel this applicant should suffer because of the inconsistencies in the Table.

Supervisor Pinard: addresses two issues: 1) the NCAC approved this project and 2) treating this applicant consistent with applicants in the past.

A motion by Supervisor Bianchi to tentatively uphold the appeal and return with findings to uphold the appeal, dies for lack of a second.

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

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

the Board denies the appeal, adopts the Negative Declaration (ED99-218/ED00-055) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq and RESOLUTION NO. 2001-39, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of John Gonyer for Minor Use Permit/Coastal Development Permit D990009P, adopted.

8 C-2 **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:**

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

RESOLUTION NO. 2001-40, resolution affirming the decision of the Planning Commission and approving the application of John Gonyer for variance/coastal development permit D000001V, adopted.

Based on further discussions the Board directs staff to re-work Table G so that it makes sense trying not to use the words “lots or parcels” but using square footage; also to complete this as soon as possible and before other applicants come in.

9 D-1 This is the time set for consideration of the possible use of Preventive Health Grant Program (tobacco settlement) funds to backfill Tobacco Control Program operating revenues in fiscal year 2001-02.

Dr. Greg Thomas: Health Agency Director, presents the staff report; states the Tobacco Control Program is expecting a decline in funding; addresses the factors causing the decline; addresses the financial considerations; speaks to enforcement of the workplace no smoking law and youth access to tobacco products; addresses a letter written and signed by the Preventive Health Grant Advisory Committee.

Mr. David Edge: County Administrator, indicates the first payment was received and was less than what was expected; discusses the budget.

Supervisor Ryan: asks when the shortfall of \$125,000 will take place, with staff responding.

Supervisor Pinard: addresses the letter from the Preventive Health Grant Advisory Committee; feels by granting the Tobacco Control Program’s request the Board would be circumventing the process the Board set up; believes the request of the Preventive Health Grant Advisory Committee should be honored.

Supervisor Ovitt: questions how much of the unused funds will be subject to a rollover and are

there unused funds every year; questions if there is a danger of losing funds, with Ms. Susan Hughes, Director of the Tobacco Control Program, responding.

Dr. Steve Hansen: addresses the importance of prevention programs and getting the Tobacco Control Program funded; stresses the need for a longterm program that is well funded with knowledgeable staff.

Ms. Jill Bolster-White: states it is critically important that the Request for Application (RFA) process takes place and she hopes the Board will continue with that process.

Dr. Susan Minker: urges the Board keep to the process in place, the way it was set up.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Pinard and unanimously carried, and the Board directs the Preventive Health Grant Advisory Committee to accept the request from the Tobacco Control Program along with all other programs.

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

Mr. Richie Ray Walker: addresses the abuse of authority under the color of law and the death of Mr. Schneider; feels this is a growing police state.

Mr. Gary Fowler: states he supports the Board's decision regarding the drive through ordinance in San Luis Obispo; addresses the restrictive sales ordinance; asks the Board to bring this ordinance back for review.

Ms. Linda Hall: addresses her request for documents regarding two predator control hunters; feels she has been "stone-walled"; states she only wants a log of their activities.

Dr. Campbell: states he will be going to trial next month on a criminal infraction; indicates when he was looking through his file he found a statement "possible constitutionalist"; addresses the loss of Mr. Donald Schneider.

Mr. Michael Kovacs: addresses the presentation by the Russians and land ownership.

Mr. Eric Greening: states the Minerals Management Service hearing took place in Santa Maria; indicates due to poor noticing the public comment period will remain open until February 22, 2001. **No action taken.**

11 F-1 This is the time set for consideration of a report on a new downtown government office building.

Mr. Duane Leib: General Services Director, states in May of 1999 the Board approved the Countywide Facilities Master Plan; states a key element of that plan is a new government office building; indicates the proposed location is at the existing Monterey Street parking garage site; addresses the consolidation of departments from outlying buildings to one location; introduces Mr. Bruce Fraser, Fraser Seiple Architects.

Mr. Fraser: indicates they are currently looking at a four story building, approximately 105,000 sq. ft. with 146 parking spaces; presents a computer video of the buildings mass and how it would look compared to the other structures in the area.

Board Members: discuss various issues, comments and concerns regarding: the shape of the building; the location of the courtyards and amenities; using windows and sky lights to save energy and using all aspects of energy conservation; maintaining an "old town" feature; traffic circulation; parking areas and fire access, with Mr. Fraser and staff responding.

Mr. Jim Grant: Administration, discusses the budget for the proposed building; states the cost estimates were developed based on a 100,000 sq. ft. building with two levels of underground parking; indicates there are three components: 1) Construct Office Building - \$24,000,000, 2) Construct Underground Parking - \$6,000,000, and 3) Other Project Costs (Architecture, Engineering, Furniture, Equipment & Contingencies - \$10,000,000 for a total of \$40,000,000.

Mr. Eric Greening: states he is glad to hear the Board discussing energy efficiency; addresses the buildings design; speaks to accessibility and urges Mr. Fraser to work with the Central Coast Canaries; addresses wiring being put in the ceilings and suggests a center isle for the Board

Chambers.

Mr. Michael Kovacs: addresses money being spent on consultants; feels false facts are being given; addresses the growth in government; states he is upset over \$40,000,000 being spent on government.

Ms. Linda Hall: states she concurs with Mr. Greening; suggests a less expensive location and a possible garden on the roof.

Supervisor Ryan: states he likes the concept; feels the consolidation works; states his concern about the look of the building and traffic; urges the inclusion of as much parking as possible.

Mr. Ron Wisnan: City of San Luis Obispo, thanks the County for including the City; feels there is a good cooperative relationship taking place.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board directs staff to proceed with procurement of consultants to produce construction documents for a new Government Office Building.

12 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) *County of San Luis Obispo v. Mercer*, 2) *Atascadero Mutual Water Co. v. County of San Luis Obispo*, 3) *Coalition for Rural Preservation v. County of San Luis Obispo*, 4) *San Miguel Sanitary District v. County of San Luis Obispo*, and 5) *Virgin v. County of San Luis Obispo*.

B. Conference with Legal counsel - Anticipated Litigation (Gov. Code, § 54956.9)

6) *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.
7) *Initiation of litigation (Gov. Code § 54956.9(c).)* No. of cases 2.

Chairperson Achadjian: 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: Items 1 thru 7 - No 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, January 23, 2001, 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: 01/26/2001
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