

Tuesday, June 5, 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 Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** Harry L. Ovitt

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.**

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**Chairperson Achadjian:** reads a letter from Supervisor Ovitt explaining why he cannot attend today's meeting.

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

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

**RESOLUTION NO. 2001-226, proclaiming June 10, 2001 as "Arts and Scholars Day" in the County of San Luis Obispo, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Ms. Ann Ream.

**Ms. Ream:** thanks the Board for acknowledging the Arts; recognizes the volunteers and thanks them for their support.

**Ms. Kate Stolberger:** Executive Director of the Arts Council, introduces the art scholars and the awards they have received.

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

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

**RESOLUTION NO. 2001-227, resolution honoring Greenspace for their work with the rebirth of the Monterey Pine Forest, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Richard Hawley, Ms. Deborah Parker and Mr. Art Van Rhyn, Greenspace.

**Mr. Van Rhyn:** addresses the dangers to our forests which include the Pine Pitch Canker, Sudden Oak Death and development; thanks the Board for the recognition.

**Ms. Parker:** thanks the Supervisors for this honor; recognizes the dedication of the members and directors of Greenspace; displays the National Arbor Day Award that was won by Greenspace.

**Mr. Hawley:** states Greenspace could not have done this without the membership of almost one thousand and the support of the County; hopes the Board will eventually come up with a tree retention ordinance.

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

**Mr. Eric Greening:** addresses Item B-43; expresses the concern for a crossing over the creek and the environmental impacts; addresses the need for a fish ladder due to the Steelhead habitat up stream.

**Mr. Bob Tefft:** speaks to Item B-8, the appointment of James Gleim as a representative to the Airport Land Use Commission; states he would like to recognize him for all his hard work.

**Dr. Arthur Segal:** questions why their contract is being replaced without discussion, competitive bidding, or reason.

**Ms. Joanne Tarkington:** states she is one of the mid-wives whose contract has been replaced; addresses their track record and commitment to their patients; states her concern for the major contractual change; urges the Board not to sign this contract until there has been a formal RFP.

**Ms. Linda Richards:** states she shares Dr. Segal's and Ms. Tarkington's concerns about the contractual change; states the Hospital and the OB unit are extremely fragile at this time; addresses poor staffing at the hospital; feels there are legal as well as practical considerations; urges the Board to deny the contract before them.

**Mr. Roy Ogden:** addresses Item B-1; states the County taking a portion of Orchard Avenue will make the property inconsistent with the way the Banta family has always used it; indicates they will probably be coming back before the Board seeking an exemption from the building permit allocation program; states the design for this project will also create a dangerous condition for vehicular traffic. **No action taken.**

4 \_\_\_\_\_ B-1 Consent Agenda Items B-57 and B-58 are added to the Consent Agenda. Item B-26 is amended to correct the title and staff report to include an agreement with Grover Heights Elementary School. Item B-49 is amended to replace page B-49-39 due to a technical correction. Items B-11, B-24, B-25, and B-49 are withdrawn for separate action.

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

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

**Consent Agenda Items B-1 through B-58 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Said Consent Items B-1 through B-58, 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 the widening of Orchard Avenue from .5 miles southeast to 1.5 miles southeast of Tefft Street, Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of Bid opening set for July 5, 2001, at 3:00 P.M..**

Administrative Office Items:

B-2 Settlement of one outstanding claim (Bennett) against the County in the amount of \$270,000, **Approved.**

B-3 Year end budget adjustments for various County departments and 2) an amendment to the fixed asset list for Budget Unit 2730 - Agricultural Commissioner by adding two file servers at a cost of \$25,888, **Approved.**

Agricultural Commissioner Items:

B-4 **RESOLUTION NO. 2001-228**, amending Resolutions 70-253 and 92-220, clarifying memberships and terms of the Agriculture Liaison Advisory Board, **Adopted.**

B-5 **RESOLUTION NO. 2001-229**, amending the position allocation list for Budget Unit 2730 - Agricultural Commissioner, by deleting 8 Agricultural/Measurement Standards Technician positions and adding 8 Agricultural/Measurement Standards Technician I/II positions and establishing salaries, **Adopted.**

Board of Supervisors Items:

B-6 Allocation of \$725 from Community Project Funds (Districts Two and Three - \$250; District Four - \$100; District Five - \$125) to the Girls Scouts of Tres Condados to offset costs associated with holding two day camps for local Girl Scouts, **Approved.**

B-7 Allocation of \$500 from District One Community Project Funds to the Templeton Area Advisory Group to be used for costs associated with holding monthly meetings, **Approved.**

B-8 Appointment of James Gleim as a Representative to the Airport Land Use Commission, **Approved.**

B-9 Appointment of Richard Snodey as a District One Representative to the Economic Advisory

Committee, **Approved.**

- B-10 Reappointment of Janice Ensminger as a District One Representative to the Commission on the Status of Women, **Approved.**
- B-11 Consideration of a letter to the Secretary of the Interior concerning Carrizo Plains National Monument designation, **Withdrawn for separate action.**

Clerk-Recorder Items:

- B-12 Minutes of the April 3, 10, and 17, 2001 Board of Supervisors' meetings, **Approved.**
- B-13 Destruction of Board of Supervisors resolutions, ordinances, and files that have been microfilmed, **Approved.**
- B-14 Destruction of unaccepted claims for damages against the County and Assessment Appeal Applications, **Approved.**

General Services Items:

- B-15 Contract (Clerk's File) with Construction Services Unlimited to provide construction management and project inspection services for the construction of the new fire station at Heritage Ranch; 1st District, **Approved.**
- B-16 Lease agreement (Clerk's File) with Montoro Land Company to provide offsite parking spaces during the construction of the new County Government Center, **Approved.**
- B-17 An amendment allowing assignment of interest of the Lopez Lake recreation area concession services contract, from Michael Phillips to Philip O'Carroll; 4th District, **Approved.**
- B-18 An amendment to the fixed asset list for Budget Unit 2180- General Services, replacing a commercial dishwasher at the Veterans' Hall; and 2) a corresponding budget adjustment in the amount of \$5,460 from the services and supplies account, **Approved.**
- B-19 Appropriation transfer in the amount of \$6,000 from Public Facility Fees - Parks, into a maintenance project, the Cayucos - Master Plan for the Morro Strand; 2nd District, **Approved.**
- B-20 Appropriation transfer in the amount of \$8,000 from Public Facility Fees - Parks, into a maintenance project, the Avila - Master Plan for See Canyon Park; 3rd District, **Approved.**
- B-21 Budget adjustment in the amount of \$1,298 from unanticipated revenue to the Elfin Forest Boardwalk Project; 2nd District, **Approved.**
- B-22 Request for a continuance to act on the resolution to lease county owned real property in Avila Beach Community Park, **Continued to a later date.**
- B-23 Increase the scope of an existing professional services contract to include additional construction administration work and adjustments for the newly enacted prevailing wage laws for the runway extension project at the San Luis Obispo County Regional Airport; All Districts, **Approved.**
- B-24 Submittal of a bid opening report for the construction of the final phase of the San Luis Obispo County Regional Airport runway extension project and a request to approve a budget adjustment and change order in the amount of \$4,417,433; All Districts, **Withdrawn for separate action.**
- B-25 Submittal of a resolution of intention to surplus and sell county owned real property to an adjacent property owner in the unincorporated area of Los Osos; 2nd District, **Withdrawn for separate action.**

Health Agency Items:

- B-26 Agreements (Clerk's File) with Coast Unified School District, Lucia Mar School District and San Luis Coastal Unified School District for school site counseling provided by Drug and Alcohol Services, **Approved as amended.**
- B-27 Renewal agreement (Clerk's File) with the AIDS Support Network to provide support services for people with HIV and their families, **Approved.**
- B-28 Agreement (Clerk's File) with the State Department of Health Services for Ryan White

Comprehensive Resources Emergency Act funds for HIV related services, **Approved.**

- B-29 Contract (Clerk's File) with Gautam Bhakta, M.D., to perform physician services at the County Jail and Juvenile Services Center, **Approved.**
- B-30 **RESOLUTION NOS. 2001-230 AND 2001-231**, amending the position allocation list for Budget Unit 3075 - Drug and Alcohol Services, by adding one Personnel Technician and one Supervising Administrative Clerk II positions and deleting one Secretary I and one Supervising Administrative Clerk I positions, **Adopted.**
- B-31 Renewal agreements (Clerk's File) with the Economic Opportunity Commission to provide case management services through the Adolescent Family Life, Adolescent Sibling Prevention and Cal-Learn programs, **Approved**; 2) **RESOLUTION NO. 2001-232**, amending the position allocation list for Budget Unit 3000 - Public Health, by adding one and one-half limited term half-time Public Health Nurse positions, **Adopted**; and 3) a corresponding budget adjustment in the amount of \$83,000 from unanticipated revenue, **Approved.**
- B-32 The creation of a new maintenance project to recarpet and install modular furniture in the Grover Beach Health facility and corresponding budget adjustment in the amount of \$30,000 from savings in the service and supply account, **Approved.**

Medical Services Items:

- B-33 Contract with Patrick Spalding, M.D., to provide gynecological and perinatal professional services to General Hospital, associated Family Care Center Clinics and Health Department Clinics, **Approved.**
- B-34 Contract with Cynthia Colglazier, Pharm.D., to provide on-call and back-up pharmacist services at the General Hospital, **Approved.**

Planning Items:

- B-35 An amendment to an agreement (Clerk's File) with the Morro Group, Inc., to perform mitigation monitoring for the Worldcom Fiber Optic Cable Project; 2nd District, **Approved.**
- B-36 Agreements (Clerk's File) with the Bay Foundation of Morro Bay and the United States Army Corps of Engineers to facilitate preparation of a Morro Bay Estuary feasibility study; 2nd District, **Approved.**
- B-37 Proposed mitigated negative declaration for the County Service Area 7A Oak Shores Wastewater Disposal Area Expansion Project; 1st District, **Approved.**
- B-38 Prioritized project list for the California Resources Agency - Coastal Impact Assistance Program; 2nd, 3rd and 4th Districts, **Approved.**
- B-39 **RESOLUTION NO. 2001-233**, accepting an avigation easement from Charles Bradley and Djinn Ruffner, for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-40 **RESOLUTION NO. 2001-234**, amending the position allocation list for Budget Unit 2800 - Planning and Building, reflecting the job class name change for the Construction Permit Technician to Permit Technician, **Adopted.**

Public Works Items:

- B-41 Agreement (Clerk's File) with Quincy Engineering, Inc., to provide preliminary engineering and environmental services for River Road at the Salinas River Bridge replacement project in San Miguel; 1st District, **Approved.**
- B-42 "Up-front" funding arrangements in connection with the formation of Ground Squirrel Hollow Community Services District and Cambria Underground Utilities District; 1st and 2nd Districts, **Approved.**
- B-43 Authorize the Public Works Director to execute environmental permits for the Lopez Dam Seismic Remediation Project; 3rd and 4th Districts, **Approved.**
- B-44 Bid opening report for the paving of various county roads; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt, Inc. in the amount of \$1,938,771.**

- B-45 **RESOLUTION NO. 2001-235**, establishing the 2001-02 special tax rate and confirming the per parcel special tax amount to be placed on the 2001-02 tax roll for County Service Area 9-I (east of Los Osos Creek); 2nd District, **Adopted.**
- B-46 **RESOLUTION NO. 2001-236**, establishing the 2001-02 special tax rate and confirming the per parcel special tax amount in Nipomo Lighting, Zone E (Tract 1700, Los Pinos Estates); 4th District, **Adopted.**
- B-47 **RESOLUTION NO. 2001-237**, conveying certain real property to the Los Osos Community Services District; 2nd District, **Adopted.**
- B-48 **RESOLUTION NO. 2001-238**, accepting portions of Orchard Avenue, County Road No. 1024 in the community of Nipomo for the Orchard Avenue Widening Project; 4th District, **Adopted.**
- B-49 The following maps are submitted for approval:
- A. Tract 1695, a proposed subdivision resulting in 7 lots by Jaleah Brynn, located on Crestmont Drive, south of San Luis Obispo, reject the offers of dedication without prejudice to future acceptance, order the abandonment of the road dedication for the original alignment of Windmill Way and act on the resolution to approve a mitigation agreement; 4th District, **Withdrawn for separate action.**
- B. Tract 1933 - Unit 2, a proposed subdivision resulting in 79 residential lots by Cypress Ridge, located on Halcyon Road at El Campo Road, Nipomo Mesa, act on the resolution to approve an agreement for payment of road improvement fees; 4th District, **Withdrawn for separate action.**
- C. Tract 1747 - Phase 1, a proposed subdivision resulting in 109 lots by Jeffrey and Wilma Meier, Randall and Karen Hermreck and Andrew and Susan Hermreck, located on Thompson Avenue, Nipomo, reject the offers of dedication without prejudice to future acceptance, and act on the resolution to approve an open space agreement; 4th District, **Withdrawn for separate action.**

Social Services Items:

- B-50 Contract amendment with the Housing Authority of the City of San Luis Obispo increasing the contract by \$70,000 to continue Tenant Based Rental Assistance services through fiscal year 2000/01, **Approved.**
- B-51 Contract (Clerk's File) with 720 Studios to provide an information systems database, network and web consultation services, **Approved.**
- B-52 Contract (Clerk's File) with Lucia Mar Unified School District to provide adult basic education services for fiscal year 2001-2002, **Approved.**
- B-53 Contract with (Clerk's File) San Luis Obispo County YMCA to continue providing an after-school program for middle students in the Lucia Mar Unified School District, **Approved.**
- B-54 Reappointment of Barbara Porter, Mary Renner, Charlotte Ruffoni and Helen Sampson to the In-Home Supportive Services Advisory Committee, **Approved.**

Other Items:

- B-55 **RESOLUTION NO. 2001-239**, authorizing an application to the Office of Criminal Justice Planning for statutory rape vertical prosecution program grant funds, **Adopted.**
- B-56 Unannounced cash count and limited review of the cash handling procedures of Medical Services at the Atascadero, Grover Beach, Paso Robles, and San Luis Obispo offices, **Approved and the Department is directed to report back to the Board within four months on audit recommendations implementation status.**

**ADD (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)**

- B-57 General Hospital Loan Report #3, **Received and filed.**
- B-58 **RESOLUTION NO. 2001-240**, commending the Atascadero High School Varsity Golf Team for their CIF Championship, **Adopted.**
- 5 B-25 Submittal of a resolution of intention to surplus and sell county owned real property to an adjacent property owner in the unincorporated area of Los Osos; 2nd District, is presented.

Based on discussions during the Consent Agenda Supervisor Pinard requested this item be withdrawn for separate action; indicating she believes the taxpayers would get more for their money if the property were offered to the public and sold at fair market value.

**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, Chairperson Achadjian  
**NOES:** Supervisor Pinard  
**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2001-241, resolution of intention to surplus and sell county owned real property to an adjacent property owner in the unincorporated area of Los Osos, adopted.**

6 B-11 Consideration of a letter to the Secretary of the Interior concerning Carrizo Plains National Monument designation, is presented.

**Mr. Eric Greening:** urges the Board to not send the letter in its present form.

**Mr. Bill Denneen:** indicates the Carrizo Plains needs to be protected and thanks those who have protected them; feels the letter should not be sent.

**Mr. Richard Hawley:** believes a new letter should be written thanking Congresswoman Capps for all her work in making the Carrizo Plains a National Monument.

**Mr. Cal French:** urges the Board not to send the letter; addresses cattle grazing issues.

**Mr. Wayne Ryburn:** states he is disappointed to see this on the Consent Agenda; feels the letter should not be sent.

**Mr. Bob McDonnell:** urges the Board to send a positive letter; feels more public input has been put forward on this monument than any other monument in the United States; believes hunting regulations should be deferred to the State; grazing is standard practice and there is no reason to think it will be discontinued.

**Mr. Irv McMillan:** states the letter saddens him; understands there will be tradeoffs; indicates the Carrizo Plains are a unique and valued place that will be shared and protected for everyone's enjoyment.

**Ms. Coralie McMillan:** believes this letter is based on a few people who use the land for grazing.

**Ms. Pam Heatherington:** states she is also disappointed this item is on the Consent Agenda; indicates there is strong public support for the monument designation; urges the Board not to send the letter.

**Mr. Babak Naficy:** urges the Board to not adopt the letter; believes there was public participation before the management plan was adopted; urges the preservation of this national monument.

**Ms. Patricia Wilmore:** San Luis Obispo Chamber of Commerce, states the Chamber supports the National Monument, its boundaries and designations as cited and encourages the Board not to send the letter; addresses the quality of life in San Luis Obispo County and urges its protection.

**Mr. Pat Mackie:** feels this letter is a bad idea; states he looks forward to Carrizo Plains becoming a National Monument; urges the Board to send a letter of support along with suggestions of how to publicize it on a national basis.

**Ms. Tarren Collins:** addresses the efforts made by Congresswoman Capps and others to create the National Monument; states National Geographic will feature the Carrizo Plains next month; urges the Board to defend the boundaries; states many groups and organizations will unite to support the monument; urges the Board write a letter of support.

**Ms. Ilysia Shattuck:** states the Carrizo Plains are a beautiful national treasure and the ecosystem is rare; addresses the restoration efforts; indicates there could be consequences and affects on other national monuments if this letter is sent; states the Plains deserve protection and urges the Board to leave the boundaries alone.

**Mr. Doug Buckmaster:** questions why this is on the Consent Agenda and believes false data is being given.

**Mr. Robert Stafford:** speaks to Carrizo Plains recovery and inaccurate data being presented; addresses hunting and grazing issues.

**Mr. Bill Allen:** urges the Board to pull the letter and thank the people for the monument.

**Ms. Rhonda Vigil:** urges the protection of the area; feels the Board should be honored to have a National Monument in the County.

**Ms. Dorothy Jennings:** reads a proposed positive letter that should be approved and sent.

**Supervisor Ryan:** indicates the letter asks for boundary changes; addresses his concern regarding the whole area being in national monument status and the flexibility of public input; addresses grazing and fire issues and the changing of policies due to the national status; indicates he and Supervisor Ovitt have already sent a letter and he hopes the Board will do the same.

**Supervisor Bianchi:** addresses grazing on the property that has been taking place for years; questions if the change in boundaries would take an act from Congress and relationship among the Nature Conservancy, Department of Fish and Game, Bureau of Land Management, and the Advisory Board, with Mr. Ron Fellows, Field Manager of the Bureau of Land Management, responding.

**A motion by Supervisor Ryan to approve the submission of a letter outlining concerns for the Carrizo Plains National Monument and the use of the Antiquities Act to gain such designation, dies for lack of a second.**

**Thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Pinard to send a letter to Congresswoman Capps in support of the National Monument as it stands, fails on the following roll call vote:**

**AYES:** Supervisor Bianchi, Pinard  
**NOES:** Supervisor Ryan, Chairperson Achadjian  
**ABSENT:** Supervisor Ovitt

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

**Ms. Marybeth R. Schroeder:** addresses the need for the Carrizo Plains National Monument.

**Mr. Eric Greening:** addresses his concerns regarding PG&E's plan to cut down miles of oak trees; speaks to the advantages of vegetation; any change to the ecosystem needs to be done with adequate care; urges an EIR.

**Ms. Pam Heatherington:** reads a letter from Mr. Neil Havlik, PhD, California Oak Foundation, urging the passage of an ordinance requiring permits for commercial-level harvesting of native trees regardless of the purpose of such cutting.

**Mr. Duane Waddell:** thanks Supervisor Achadjian for sending a letter asking PG&E for a delay; addresses the Sudden Oak Syndrome and the oak mortality recovery program; urges the Board to send a letter asking that the project be delayed.

**Ms. Pamela Dean:** states she is a new resident of Oceano; indicates she is here to bring to the Board's attention that she has only lived in her home for about a month and is under the threat of eminent domain; states she feels misled and asks for the Board help in this matter.

**Mr. Bill Denneen:** states his concern for native vegetation; indicates the voluntary oak tree ordinance doesn't work; feels another ordinance needs to be adopted.

**Ms. Dolly Frederick:** addresses the high cost of health care for retired County employees and presents an article by Mr. Dean Rollins, General Manager for the San Luis Obispo County Employees Association (SLOCEA) regarding this issue; urges the Board to consider this issue during the budget hearings next week.

**Mr. Richard Greek:** Agricultural Commissioner, states the County is free of the Glassy Wing Sharp Shooter and Sudden Oak Death; if anyone has any questions they can call 781-1117.

**Mr. Jeff Brinley:** thanks County employees for the successful United Way campaign; presents a plaque to Chairperson Achadjian and Ms. Vicki Janssen for all their hard work.

**Mr. Doug Buckmaster:** addresses the need to protect the oak trees and believes its time for a tree retention ordinance.

**Mr. James Patterson:** displays a map of PG&E's vegetation management plan; presents the Board with copies of their management plan for a 1.25 mile removal of thousands of coast live oaks; presents pictures and a map showing the Corbett Canyon; supports the need for an ordinance and indicates the sensitive timeframe of this issue.

**Mr. Fred Frank:** addresses his fire protection and vegetation management experience; states he has reviewed the PG&E proposal and met with them to discuss the rationale behind the plan; indicates in his opinion the plan is without scientific foundation, marginal fire protection benefit and leaves a question on the effectiveness with respect to fire protection of the power lines; speaks to the tree removal phasing and the concern for setting a precedent for extensive tree removal throughout the County.

**Mr. Klaus Schumann:** speaks in support of oaks tree and a good tree ordinance; states in Paso Robles there will be an appeal coming to the Board regarding 500 oak trees being removed for development.

**Mr. Jim Johandes:** addresses the arrogance of PG&E; states neighbors have approached them and have offered alternatives and they have not responded; asks for the Board's help due to the timing; indicates PG&E will begin June 12, 2001.

**Mr. Jesse Hill:** addresses a priority list for the antennas program.

**Ms. Linda Hall:** urges the public to attend the Budget hearings beginning Monday, June 11, 2001; addresses her concern for monies being spent for animal damage control.

**Ms. Anne McMahon:** states she is here today to tell the Board of an event on June 18, 2001 called Preserving Family Owned Lands; indicates its an all day event and if anyone has any questions they can call 544-1767.

**Mr. David Lackman:** addresses the Oceano Community Services District eminent domain against Pamela Dean; feels this is wrong and the Board should be able to help.

**Ms. Tarren Collins:** states she supports a Countywide tree ordinance; speaks to the fact that ignorance causes environmental damage; states she would like the Board to write a letter to PG&E to ask that they reevaluate the scope of the project.

**Ms. Peggy McGonigle:** states her concern for the tree removal; urges the Board to protect what the County has.

**Mr. Neil Havlik:** believes what PG&E plans to do will not accomplish, in the long term, significant fire hazard reduction, and will lead to erosion problems; urges the Board to end this insanity.

**Supervisor Ryan:** states he spoke to PG&E officials regarding their plan; indicates the Fire Safety Council and CDF could not support PG&E; indicates PG&E says the Independent System Operator (ISO) is making them do this; addresses the meeting with PG&E regarding the phasing process and PG&E indicating they would not change their timeframes.

**Supervisor Pinard:** questions whether a temporary restraining order will buy time, with Mr. Jim Lindholm, County Counsel, responding.

**Supervisor Bianchi:** directs staff to write a letter, with the cooperation of Supervisor Ryan, that will request PG&E not go forward with their plans and that the letter be copied to the Public Utilities Commission and all of the appropriate media, as well as PG&E and the ISO and is to come back on the Consent Agenda next week, with the Board concurring. **No action taken.**

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B-24 Submittal of a bid opening report for the construction of the final phase of the San Luis Obispo County Regional Airport runway extension project and a request to approve a budget adjustment and change order in the amount of \$4,417,433; All Districts, is presented.

This item was amended to correct the coversheet by amending the budget adjustment amount is \$4,417,433 and the change order limit is increasing to 10% the maximum allowable per public contract code.

**Mr. Brett Whitaker:** Whitaker Construction Inc., describes why his company should be awarded this bid; indicates County staff believes there was not a good faith effort to meet the Disadvantage Business Enterprise (DBE) goals and Whitaker believes they met those goals.

**Mr. Duane Leib:** General Services Director, explains the Federal requirements of the DBE's.

**Ms. Carolyn Huber:** Airport Operations Manager, addresses the DBE process; states the goal is 4% and bidders need to meet the goal by showing a good faith effort to be considered; states they look at quantity, quality and intensity of their effort; indicates Whitaker Construction Inc. did not meet this goal.

**Board Members:** discuss various issues, comments and concerns regarding: subcontractors; the DBE process; FAA approval of the bid; the results of a meeting held yesterday by Ms. Huber and Mr. Whitaker; problems with other bids and who pointed out the discrepancies, with staff responding.

**Mr. Leib:** addresses the critical time schedule and urges that the bid be awarded to A. J. Diani Construction Company, Inc. today.

**A motion by Supervisor Bianchi to approve staff's recommendation, dies for lack of a second.**

**Supervisor Ryan:** states he understands the need to move forward however, he has some problems: believes the effort made by Whitaker was graded too low and wonders if the second low bidder finding the problems with the number one bidder became an issue.



**Mr. Leib:** states the FAA has the final say and they have already said they will not award to Whitaker.

**Supervisor Pinard:** indicates part of the problem she believes is subjectivity and pre judgment by staff.

**Mr. Leib:** states the FAA has to review the bid before the Board can make an award.

**Thereafter, a motion by Supervisor Bianchi, seconded by Chairperson Achadjian to approve the staff recommendation, fails on the following roll call vote:**

**AYES:** Supervisors Bianchi, Chairperson Achadjian  
**NOES:** Supervisors Pinard, Ryan  
**ABSENT:** Supervisor Ovitt

**Mr. Leib:** indicates if there is a delay this project will probably be put off for a year which means reapplying for Federal monies; states they have been able to have further discussions and just made a call to the FAA to see if they would consider Whitaker; indicates the bottom line is this project needs to be completed.

**Mr. Whitaker:** states they are willing to meet the goals by being more aggressive by utilizing the same trucker that they listed; agrees to give \$100,000 check to the County for any legal cost associated with any legal action; states Code of Federal Regulations gives the County discretion in awarding a bid.

**A motion of Supervisor Ryan, seconded by Supervisor Pinard to award the bid to Whitaker Construction Co. subject to approval of the FAA, is discussed.**

**Mr. James Lindholm:** County Counsel, states the motion does not include the funding which should be included.

**Mr. Leib:** states the funds are committed to the project.

**Mr. David Edge:** County Administrator, clarifies that the motion should authorize the allocation of the monies to the project.

**Supervisor Ryan:** amends his motion to add the approval of the funding allocation, with **Supervisor Pinard concurring.**

**Supervisor Bianchi:** questions if the FAA does not approve Whitaker does it automatically revert back to Diani, with staff responding, no.

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

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

**the Board awards the construction contract for P5343 for the construction of the final phase of the San Luis Obispo County Regional Airport runway extension project to Whitaker Construction Co. and approves a budget adjustment in the amount of \$4,417,433 from Unanticipated Revenues to P12A343 to San Luis Obispo County Regional Airport - Runway Extension Project, Final Phase, P5343.**

**On motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Ovitt being absent, motion carries and the Board agrees to continue the meeting past 5:00 o'clock p.m..**

- 9 E-1 Consideration of a request to consider General Plan amendments to the Salinas River Area Plan, **continued by Chairperson Achadjian to a future meeting date.**
- 10 F-1 Consideration of a status report on Methyl Tertiary Butyl Ether (MTBE), **continued by Chairperson Achadjian to a future meeting date.**
- 11 B-49A thru E The following maps: Tract 1695, a proposed subdivision resulting in 7 lots by Jaleah Brynn, located on Crestmont Drive, south of San Luis Obispo, reject the offers of dedication without prejudice to future acceptance, order the abandonment of the road dedication for the original alignment of Windmill Way and act on the resolution to approve a mitigation agreement; 4th District; **Tract 1933** - Unit 2, a proposed subdivision resulting in 79 residential lots by Cypress Ridge, located on Halcyon Road at El Campo Road, Nipomo Mesa, act on the resolution to approve an agreement for payment of road improvement fees; 4th District; and **Tract 1747** - Phase 1, a proposed subdivision resulting in 109 lots by Jeffrey and Wilma Meier, Randall and Karen Hermreck and Andrew and Susan Hermreck, located on Thompson Avenue, Nipomo, reject the offers of dedication without prejudice to future acceptance, and act on the resolution to approve an open space agreement; 4th District, are presented.

**Mr. Brad Brechwald:** states he is here to ask Tract 1933 not be pulled from the Agenda;

indicates this is Unit Two of a three unit tract that was approved in 1997.

**Ms. Linda Hall:** addresses the subdivision activity that is taking place in Nipomo; states her concerns for the aquifer.

**Mr. Jesse Hill:** Chairperson for the Nipomo Community Advisory Council (NCAC), reads a letter from Mr. Herb Kandel, Chair, for the Nipomo Creek Committee, requesting this project not be approved until after the County completes the flood control study of the downtown area of Nipomo, and returns to the Nipomo Community Advisory Council with the current project design.

**Chairperson Achadjian:** reads a letter from the NCAC stating their concerns about the project; and he hopes these concerns will be considered during development.

**Mr. Richard Marshall:** Public Works, indicates these are three maps for final approval; states the focus seems to be on the third map Tract 1747; indicates this map was tentatively approved in 1999 and all concerns that were raised by the NCAC were responded to in the environmental analysis that was prepared and approved by the Planning Commission; indicates he knows drainage was a main concern however, staff is satisfied that the developer has complied with what was required in the conditions set forth for the tentative approval.

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

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

**Tract 1695, a proposed subdivision resulting in 7 lots by Jaleah Brynn, located on Crestmont Drive, south of San Luis Obispo, reject the offers of dedication without prejudice to future acceptance, order the abandonment of the road dedication for the original alignment of Windmill Way, approved and, Resolution No. 2001-242, resolution approving agreement for mitigations for tract 1695 with Jaleah Naomi Brynn (also known as Jimmy Ruth Nighswonger), adopted.**

- 12 B-49B **Thereafter, on motion of Supervisor Ryan, seconded by Chairperson Achadjian and on the following roll call vote:**

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

**Tract 1933 - Unit 2, a proposed subdivision resulting in 79 residential lots by Cypress Ridge, located on Halcyon Road at El Campo Road, Nipomo Mesa, approved and, RESOLUTION NO. 2001-243, resolution approving agreement for payment of road improvement fee by Cypress Ridge L.P., A California Limited Partnership, for Tract 1933, Unit 2, adopted.**

- 13 B-49C **Thereafter, on motion of Supervisor Ryan, seconded by Chairperson Achadjian and on the following roll call vote:**

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

**Tract 1747 - Phase 1, a proposed subdivision resulting in 109 lots by Jeffrey and Wilma Meier, Randall and Karen Hermreck and Andrew and Susan Hermreck, located on Thompson Avenue, Nipomo, reject the offers of dedication without prejudice to future acceptance, approved and, RESOLUTION NO. 2001-244, resolution approving and accepting an openspace agreement granting an openspace easement to the County of San Luis Obispo Wilma M. Meier, et. al., adopted.**

- 14 C-1 This is the time set for hearing to consider a resolution approving an application for the Coastal Resource Grant Program; 2nd, 3rd, 4th and 5th Districts.

**Mr. John Hofschroer:** Planning, presents the staff report and recommendation.

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

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

**RESOLUTION NO. 2001-245, resolution of the San Luis Obispo County Board of Supervisors approving the applications for the Coastal Resource Grant Program under Section 35030/35031 of the Public Resources Code for the projects listed in attached**

**Exhibit A, adopted.**

- 15 G-1 This is the time set for consideration of a resolution amending the position allocation list for Budget Unit 6000 - Medical Services, by deleting and adding designated positions as part of department reorganization.

**Mr. Larry Hood:** Medical Services Director, presents the staff report and recommendation.

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

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

**RESOLUTION NO. 2001-246, resolution amending the Position Allocation List and Salary Resolution for Fiscal Year 2000-01, adopted.**

- 16 D-1 This is the time set for consideration of the State Coastal Commission's Periodic Review of the Local Coastal Program.

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**Ms. Pat Beck:** Planning, presents staff report; states she spoke with Charles Lester of the Coastal Commission and he indicated if they could receive the material from the County by Friday that would be acceptable; indicates on 8.1 page D-1-68, staff would like the Coastal Commission to define and develop criteria for "critical viewsheds" and on 8.5 staff would like to suggest that recommendations to pursue national scenic byway designation be changed to "needs more information"; states whatever package the Board finalizes today staff will be sending to the Coastal Commission.

**Supervisor Ryan:** suggests adding the following language to all proposals "programs, projects, amendments and implementation will begin with funding from requesting agency or when local funding is located and allocated".

**Supervisor Bianchi:** feels Section 8.6 needs more information.

**Mr. Babak Naficy:** commends County staff for their careful review of the Coastal Commission's recommendations and the spirit of their approach to this review; addresses problem areas; urges the Coastal Commission and staff to keep an open mind; recommends 1) treating the entire Coastal Zone as an ESHA; 2) postpone the North Coast Area Plan; 3) direct staff to start implementing the procedural changes that are in agreement with the Coastal Commission; and, 4) develop a policy of not approving lot line adjustments without a development plan.

**Ms. Joy Fitzhugh:** Farm Bureau, states she agrees with the three points brought up earlier regarding: the definition and development of critical viewsheds; more information is needed on the national scenic highway designation; and agrees with the new language suggested by Supervisor Ryan.

**Ms. Pam Heatherington:** questions the changes in Section 8.1; concurs with Babak Naficy regarding the whole coastal area being an ESHA; addresses Hearst Castle Visitor Center; urges staff to stick with the Coastal Commission's recommendations.

**Ms. Tarren Collins:** asks that the Board continue this item to Friday to allow people to be heard; addresses the permissive approach to permitting and the number of appeals held in this County; indicates the population has increased almost 20% since 1988; urges the Board to support the Coastal Commission's recommendations.

**Ms. Jo Ellen Butler:** states she has watched the coast be degraded by lack of rule enforcement; supports the Coastal Commission's recommendations and the Periodic Review of the Local Coastal Plan; believes the County has failed to move forward with the North Coast Area Plan Update; states she and the Friends of the Ranchlands also support the coastal area being designated as an ESHA.

**Mr. Roger Lyon:** Hearst Ranch, states they have submitted their comments in writing; hopes the Board will forward their comments to the Coastal Commission.

**Ms. Beck:** states if anyone would like to have their comments submitted to the Coastal Commission they can fax them to 781-1242.

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**Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Chairperson Achadjian, with Supervisor Ovitt being absent, motion carries and the**

**Board directs staff to use the Ag Commissioner's report dated April 20, 2001 as their comments to the Coastal Commission staff on the Agricultural chapter.**

**Matter is further discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Ovitt being absent, motion carries and the Board directs staff to send the packet of comments to the Coastal Commission including: 1) Supervisor Ryan's amended language which reads: "programs, projects, amendments and implementation will begin with funding from requesting agency or when local funding is located and allocated" 2) the following attachments: a) the matrix of agencies from the Coastal Commission; b) Supervisor Bianchi's attachment dated June 4, 2001; c) Ag Liaison attachment dated June 5, 2001, d) Hearst Corporation attachment dated May 17, 2001 and those faxes that come in from the public that weren't included today.**

17 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 Bankruptcy of PG&E*, 2) *Webber v. County of San Luis Obispo*, and 3) *In re Lum*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** 4) *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, 5) *Initiation of litigation (Gov. Code § 54956.9(c).)* No. of cases 2.

**ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)**

**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: 6) Negotiator's Name: *Dale T. Hanson, Santos Arrona, Sue Wilkinson*; Name of employee organization: *SLOCEA*.

**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: No report 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 to Monday, June 11, 2001 at 9:00a.m. to consider the Proposed Budget for Fiscal Year 2001-2002.

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, June 5, 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: 06/08/01