

Tuesday, June 19, 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: Supervisor Harry L. Ovitt

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

1 A-1 **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. 2001-247, resolution commending Fred Wilkie for service with the San Luis Obispo County Department of Planning and Building, adopted.

Chairperson Achadjian: reads the resolution and presents the same to Mr. Wilkie, along with a plaque for his service.

Mr. Wilkie: states he has a lot to be thankful for, his friends, family, coworkers and girlfriend; thanks the Board for the recognition.

Mr. Doug Morris: Planning, thanks Mr. Wilkie for his years of service to his coworkers and the public; speaks to his expansive knowledge of the Codes, which earned him the nickname "Code Master."

Mr. Bryce Tingle: Assistant Director of Planning and Building, thanks Mr. Wilkie for his service and for being a friend.

Mr. Vic Holanda: Director of Planning and Building, states he has known Mr. Wilkie for approximately 20 months and has observed an abiding sense of service for his work with the public and coworkers; states Mr. Wilkie is always the professional and not just when it suits him.

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

Mr. Rob Rossi: speaks to Item B-3 and wants the Board to continue their support of General Hospital; states folks living in the rural areas of the County need this hospital to stay open.

Mr. Eric Greening: speaks in support of Item B-24; addresses Item B-27 and questions the use of pesticides in sensitive areas; wants to see the ecosystem balanced and asks that staff not just look for a way to kill weeds.

Mr. Michael Kovacs: speaks to Item B-50 and questions why the County contracts with outside attorneys for "criminals" when they have County Counsel who should be able to handle this. **No action taken.**

3 B-1 Consent Agenda Item B-6 is amended to replace the resolution in the packet due to a thru technical correction. Item B-10 is withdrawn. Item B-25 is withdrawn for separate B-50 action. Item B-50 is added to the Consent Agenda.

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-50 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-50, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Introduction of a resolution to collect delinquent service charges on property tax bills for County Service Areas Nos. 10-A (Cayucos - Water Service), 16 (Shandon - Water Service), 18 (San Luis Obispo County Club Estates Sewer Service), and 23 (Santa Margarita - Water Service), to the 2001-2002 County property tax bills; 1st, 2nd, 4th and 5th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 24, 2001 at 9:00 a.m..**
- B-2 Introduction of a resolution to collect existing service charges on property tax bills for County Service Areas Nos. 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy, Nipomo), 7-A (Oak Shores), 9 (Los Osos), 18 (San Luis County Club Estates) and 21 (Cambria, Nipomo, Templeton and Atascadero); All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 24, 2001 at 9:00 a.m..**

Administrative Office Items:

- B-3 Agreement with the San Luis Obispo County Community Foundation to create a Preventive Health Endowment, **Approved.**
- B-4 Request to waive the policy on contracting for services and authorize the Purchasing Agent to contract with the County Office of Education for the development of emergency services training videos, **Approved.**
- B-5 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 78 to the City of Paso Robles (Vina Roberts); 1st District, **Approved.**
- B-6 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2001-248**, accepting the exchange of property tax and annual increment for Annexation No. 19 to the Nipomo Community Services District (Lucia Mar Unified School District); 4th District, **Adopted as amended.**

District Attorney Items:

- B-7 **RESOLUTION NO. 2001-249**, commending Janice Lucier upon her retirement after seventeen years of services with the District Attorney's Office, **Adopted.**
- B-8 **RESOLUTION NO. 2001-250**, amending the position allocation list for Budget Unit 2560 - District Attorney, by deleting two Account Clerk positions and one Senior Account Clerk position and adding three Economic Crime Technician I or II positions, **Adopted.**

General Services Items:

- B-9 Agreements with the Los Osos Community Services District to restrict/limit entitlement to sewer services on three vacant County owned parcels; 2nd District, **Approved.**
- B-10 Submittal of a resolution of necessity for the San Luis Obispo County Regional Airport Runway 29 extension project and a request to approve a budget adjustment in the amount

of \$360,000 for the purchase of land; 4th District, **Withdrawn.**

Health Agency Items:

- B-11 Application (Clerk's File) to the State Department of Mental Health Services for continued funding under the federal government's Projects for Assistance in Transition from Homelessness program for 2001-02, **Approved.**
- B-12 Contract (Clerk's File) with William Shepard, M.D., to provide medical histories and physical examinations for Mental Health patients, **Approved.**
- B-13 Contracts (Clerk's File) with Federico Banales, M.D., David Fennell, M.D., John Meyers, M.D., and Joseph Stevens, M.D., to provide psychiatric services for Mental Health clients, **Approved.**
- B-14 Contract (Clerk's File) with David Lichti to provide marriage and family therapist intern services for Mental Health clients, **Approved.**
- B-15 Contracts (Clerk's File) with Edy Gerety and Natalie Jarboe for psychology student intern services for Mental Health clients, **Approved.**
- B-16 Contracts (Clerk's File) with Casa Pacifica and Summitview Child Treatment Center to provide group home services for Mental Health clients, **Approved.**
- B-17 Contract (Clerk's File) with El Soreno Manor, Inc., dba Foothill Health and Rehabilitation Center and Sylmar Health and Rehabilitation Center, Inc., to provide skilled nursing facility services for Mental Health clients, **Approved.**
- B-18 Contract (Clerk's File) with Health Care Management dba Merced Manor to provide skilled nursing facility services for Mental Health clients, **Approved.**
- B-19 Three year contract (Clerk's File) with the State Department of Alcohol and Drug Programs for Negotiated Net Amount (NNA) and Drug Medi-Cal services from July 2001 through June 2004, **Approved.**

Planning Items:

- B-20 Agreement (Clerk's File) with Douglas Wood & Associates, Inc. to prepare an Environmental Impact Report for the Vineyard Community Church Development Plan (ED00-321/D990375D), **Approved.**
- B-21 Agreements (Clerk's File) with qualified environmental consultants to be included on the County's Environmental Studies Standby Roster for the preparation of environmental impact reports and other environmental documents, **Approved.**
- B-22 **RESOLUTION NO. 2001-251**, accepting an avigation easement with Richard Ferris and Sharliss Ferris, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**
- B-23 **RESOLUTION NO. 2001-252**, acknowledging receipt of and agreeing to California Coastal Commission's modified language pertaining to LCP Amendment #2-00, Part A: Wireless communication Facilities; and acknowledging receipt and certification of LCP Amendment #3-00: Non-Taxable Merchandise; 2nd, 3rd and 4th Districts, **Adopted.**
- B-24 **RESOLUTION NO. 2001-253**, authorizing a grant application to the Statewide Transportation Enhancement for Highway 58 on El Camino Real within the community of Santa Margarita; 5th District, **Adopted.**

Public Works Items:

- B-25 Request to authorize the acceptance of negotiated amount from Charter Communications, Inc., as full payment for miscellaneous amounts owned; All Districts, **withdrawn for**

separate action.

- B-26 Payment of County Service Area No. 1 connection fees in the amount of \$163,530 to the Nipomo Community Services District; 4th District, **Approved.**
- B-27 San Luis Obispo County Flood Control and Water Conservation District, Zone 9 Cooperative Maintenance Agreement with the City of San Luis Obispo; 2nd, 3rd, 4th and 5th District, **Approved.**
- B-28 Bid opening report for the slurry seal program of various county roads; 1st and 5th Districts, **Approved and the Chairperson is instructed to sign contract documents with Bond Blacktop, Inc. in the amount of \$204,096.**
- B-29 Bid opening report for the construction of curb ramps at various locations; 2nd, 3rd and 4th Districts, **Approved and the Chairperson is instructed to sign contract documents with Brinar Construction in the amount of \$62,375.**
- B-30 Bid opening report for the sealing of various bridge decks; 1st, 2nd, 3rd and 4th Districts, **Approved and the Chairperson is instructed to sign contract documents with Penhall Company in the amount of \$136,052.**
- B-31 **RESOLUTION NO. 2001-254**, approving a revolving fund appropriation for the London Lane Cooperative Road Improvement, located in Cambria; 2nd District, **Adopted.**
- B-32 **RESOLUTION NO. 2001-255**, ordering amended assessments for the San Miguel A.D. #A (Water District), San Miguel A.D. #B (Water District) and North Mesa A.D. (Road District); 1st and 4th District, **Adopted.**
- B-33 **RESOLUTION NO. 2001-256**, authorizing the execution of notice of completion for the construction of water system improvements in County Service Area No. 16, Shandon; 1st District, **Adopted.**
- B-34 **RESOLUTION NO. 2001-257**, authorizing the execution of notice of completion for the construction of a retaining wall on Old Creek Road, Cayucos; 2nd District, **Adopted.**
- B-35 The following maps:
- A. CO 89-023, a proposed subdivision resulting in 2 lots by Charles and Robin Scorell, located on Rocky Canyon Road, east of Atascadero, reject the offer of dedication without prejudice to future acceptance; 5th District, **Approved.**
- B. Tract 2308 - Phase 2, a proposed subdivision resulting in 25 lots by Los Amigos Development Corporation, located on Creston Road, south of Paso Robles, **Approved** and, **RESOLUTION NO. 2001-258**, to accept the relinquishment of access rights along Creston Road and reject the offer of dedication without prejudice to future acceptance; 1st District, **Adopted.**
- C. Tract 2359, proposed subdivision resulting in 7 lots by Anthony Sindoni/Steve and Stacey Tolley, located on 24th Street and Wilmar Avenue, Oceano, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Social Services Items:

- B-36 Amended contract with San Luis Obispo Child Development Center for child abuse prevention and intervention, and parenting education services, **Approved.**
- B-37 Contract (Clerk's File) with Family Care Network, Inc., to provide emergency shelter care for abandoned, abused and neglected children, **Approved.**
- B-38 Contract (Clerk's File) with Big Brothers Big Sisters of San Luis Obispo to provide one-to-one mentoring services for fiscal year 2001-2002, **Approved.**

- B-39 Contracts (Clerk's File) with the North County Women's Shelter and Resource Center and the Women's Shelter Program, Inc., of San Luis Obispo County to provide domestic violence services for fiscal year 2001-2002, **Approved.**
- B-40 Three contracts (Clerk's File) with the Economic Opportunity Commission of San Luis Obispo County, Inc., to provide child care services for CalWORKs participants, **Approved.**
- B-41 Five amendments (Clerk's File) to contracts with Cuesta College, Economic Opportunity Commission, Goodwill Industries and Lucia Mar Unified School District to provide additional funding in the amount of \$436,426 for the CalWORKs Incentive Grant Program, **Approved.**

Other Items:

- B-42 Request by Supervisor Ryan to allocate \$1,000 from District Five Community Project Funds to the Atascadero Wine Festival Committee to be used to publicize the Atascadero Wine Festival as a benefit fund raiser for the Charles Paddock Zoo, **Approved.**
- B-43 Request by Information Services to approve incentive pay for Brian Barnes for services provided during the absence of a division manager, **Approved.**
- B-44 1) a grant agreement with the State Department of Forestry and Fire Protection for the planning and implementation of a fuel reduction program in Cambria and other high fire hazard areas throughout the county; and 2) a corresponding budget adjustment in the amount of \$240,000 from unanticipated revenue, **Approved.**
- B-45 Request by the Clerk-Recorder to approve the destruction of unaccepted bids covering the time period of March 5, 1996 through May 23, 1996, **Approved.**
- B-46 **RESOLUTION NO. 2001-259**, reappointing James Lindholm, County Counsel, **Adopted.**
- B-47 **RESOLUTION NOS. 2001-260 and 2001-261**, establishing a severance benefit package for employees who will be laid off as the result of staffing reductions in Medical Services, **Adopted.**
- B-48 **RESOLUTION NO. 2001-262**, accepting notice and approving sale of tax-defaulted property in California Valley subject to the Tax Collector's Power to Sell, **Adopted.**
- B-49 **RESOLUTION NO. 2001-263**, amending the position allocation list for Budget Unit 6000 - Medical Services, by deleting and adding designated positions for Radiological Services as a part of the reorganization plan for Medical Services, **Adopted.**

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

- B-50 Three contracts (Clerk's File) with private attorneys for indigent criminal legal defense services, **Approved.**
- 4 B-25 Request to authorize the acceptance of negotiated amount from Charter Communications, Inc., as full payment for miscellaneous amounts owed; All Districts, is presented.

Based on discussion during the Consent Agenda Supervisor Pinard requested a separate vote on this item, indicating her concerns regarding complaints, costs for attorney services; concerns regarding information she has read on various web pages relating to this type of service; and, her concern that this is being accepted to keep from going to court.

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

the Board authorizes staff to accept \$25,000 as full payment of various accounts receivable amounts owed to the County by Charter Communications.

5 C-1 This is the time set for continued hearing (continued from June 13, 2001) to consider adoption of the 2001-02 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) a resolution adopting the 2001-02 position allocation list (Clerk's File); All Districts.

Ms. Gail Wilcox: Assistant County Administrative Officer, summarizes the staff report; indicates the Auditor has given the Board a handout that highlights the changes made by the Board last week; corrects the staff report, on item #7, page 3 should read Shandon not San Miguel and in the first paragraph below #10, the second sentence should be changed from 2001-02 to 2000-01; states adoption of these resolutions will finalize the tentative actions taken by the Board last week.

Supervisor Ryan: addresses the Hospital budget and the tentative action to approve a \$7.5 million budget; suggests the Board did not take into consideration or discussion the \$1.5 million loan the County had given them earlier this year, which is to be paid back; there are receivables from a lawsuit settlement and some other funding that was expected to pay the \$1.5 million back by the end of the fiscal year; suggests if the Board funds the \$7.5 million and they pick up those receivables, we are actually giving them \$9 million; indicates he wants to reduce the \$7.5 million to \$6 million and give the Hospital the receivables as the balance of their funding from the General Fund.

Mr. Larry Hood: Hospital Administrator, states he believes they will have approximately \$850,000 by the end of June and they do intend to pay that back; expects to have \$650,000 in September/October; they don't have any objections to Supervisor Ryan's suggested change to the budget.

Mr. Eric Greening: addresses his concern to the lack of funding for ecosystem protection; states with all the increases in the budget, it is very "stingy" with respect to libraries and wants to see this corrected.

Mr. Michael Kovacs: addresses this budget not showing results from last year and the failure of the County Administrative Officer to have this information included; doesn't want the Board to approve this budget until the required information has been included.

Mr. Tom Barrett: addresses the Hospital budget and the proposed change by Supervisor Ryan.

A motion by Supervisor Ryan to adopt the staff recommendation, with an amendment to the Hospital budget which would reduce it by \$1.5 million and give them the receivables of \$850,000 expected at the end of June along with the \$650,000 settlement expected in the next couple of months, dies for lack of a second.

A motion by Supervisor Bianchi, seconded by Chairperson Achadjian to adopt the staff recommendations to approve the final budget and 2001-02 position allocations, fails on the following roll call vote:

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

A motion by Supervisor Bianchi to adopt the resolution approving the 2001-02 County Budget, with the General Hospital reduced by \$650,000, dies for lack of a second.

Ms. Wilcox: suggests it is speculation as to what the Hospital will receive and suggests that the Board just forgive the Hospital the \$1.5 million and not require them to pay it

back.

A motion by Supervisor Bianchi to address the Hospital budget in a separate action and to approve the resolutions adopting the budget and position allocations, dies for lack of a second.

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

the Board closes the Public hearing, forgives General Hospital the \$1.5 million loan made to them in this fiscal year and reduces the General Fund contribution by \$1.5 for this budget; and, RESOLUTION NO. 2001-264, resolution adopting the County Budget and Budgets for Board Governed Districts for Fiscal Year 2001-2002, adopted as amended.

6 C-1 **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. 2001-265, resolution allocating positions for Fiscal Year 2001-2002, adopted.

7 C-2 This is the time set for hearing to consider a resolution setting appropriation limits for Fiscal Year 2001-02 for the County of San Luis Obispo and Board Governed Special Districts; All Districts.

Mr. Gere Sibbach: Auditor-Controller, presents the staff report and recommendation.

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, Pinard, Chairperson Achadjian
NOES: None
ABSENT: Supervisor Ovitt

RESOLUTION NO. 2001-266, establishing the Appropriation Limit for Fiscal Year 2001-2002 for the County of San Luis Obispo and for Flood Control Zones 1 and 1-A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10-A, 16 and 23, adopted.

8 C-3 This is the time set for continued hearing (continued from April 3, 2001) to consider an appeal by Robert James Garing of the Subdivision Review Board's decision to approve a lot line adjustment between 2 existing lots that will not result in any new lots, located on the south side of Hi Mountain Road, approximately 4.2 miles of Lopez Drive east of Lopez Lake; 4th District.

Mr. John McKenzie: Planning/Environmental Division, addresses the request for an additional continuance.

No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisor Ovitt being absent, motion carries and the Board continues said hearing to August 14, 2001 at 9:00 a.m..

9 C-4 This is the time set for hearing to consider a resolution approving an application for the State Off-Highway Vehicle grant entitled Oceano Dunes State Vehicle Recreation Area.

Sheriff Pat Hedges: presents the staff report; indicates the request is to apply for a grant to provide replacement and enhancement equipment for use by the Sheriff.

Supervisor Ryan: asks if there are restrictions on where equipment can be used if the money comes from a grant for Oceano, with Sheriff Hedges responding they do have the flexibility to use the equipment wherever it's needed in the County.

Mr. Gerard Forgnone: states he is speaking on behalf of people who are in support of keeping the Dunes open to all; addresses the volunteers who assist in this area and urges the Board to support the request by the Sheriff.

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

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

RESOLUTION NO. 2001-267, resolution approving the application for the State Off-Highway Vehicle Grant Entitled Oceano Dunes SVRA, adopted. Further, the Sheriff is authorized to submit the grant application to the Department of Parks and Recreation, Division of Off-Highway Motor Vehicle Recreation, for State Off-Highway Vehicle grant funds.

10 C-5 This is the time set for hearing to consider an ordinance amending the County Fee Schedule relating to film permit fees; All Districts.

Mr. Duane Leib: General Services Director, introduces the item; addresses the request to change the fees for film permits; discusses the noticing requirements for this and they have met those requirements.

Chairperson Achadjian: questions whether these fees are comparable to other counties, with Ms. Joanne Hilkes, General Services, responding she did conduct a study of other counties and these fees are within the general range charged and these fees are lower than in Santa Barbara County.

Supervisor Ryan: questions the procedure used to determine the fees (page C-5-3).

Mr. Leib: explains the process and using the "calculation of actual cost based on historical information" approach to determine what the fees should be; states that even with this increase they will still not be covering all the costs associated with these permits.

Mr. Michael Kovacs: speaks to this being another of the many increases imposed by staff and wants to know when it's going to stop; speaks to businesses that have left the area because of these types of fee increases.

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2945, ordinance amending County Fee Schedule, adopted.

11 D-1 This is the time set for consideration of a status report on Methyl Tertiary Butyl Ether (MTBE).

Dr. Greg Thomas: Health Agency Director, introduces the item.

Mr. Curt Batson: Environmental Health Director, presents the staff report; requests that their third recommendation be deleted; presents a status report on what staff has done to date: a workshop was held on April 17th and highlights the common issues from that workshop; they will hold another workshop after the draft ordinance is ready; speaks to the cost estimates they have prepared based on three options for gas stations; staff is requesting that the Board support the State timelines for banning MTBE based on supply and price; speaks to recent developments which include SB 989, adopted on May 11, 2001, which amends the requirements for Underground Storage Tanks (UST) by the State; the Federal Government has denied oxygenate waiver requests; speaks to MTBE sampling that was performed on the lakes in the County and the MTBE levels they found; indicates Lopez Lake is already using MTBE free gasoline; speaks to further actions staff will be taking.

Board Members: address various issues, comments and concerns regarding: the sampling at the lakes and wanting to see samples taken on a quarterly basis to get a clearer picture of the impacts; the options for gas stations and how this will affect stations that already changed their UST's; the recommendation to put MTBE free stations on their website and the concerns of what could occur if the list is not kept current; sampling that should already be taking place on the lakes by other agencies and concerns about duplicating efforts and/or not working with other agencies.

Mr. Doug Bird: Public Works, addresses the sampling his department currently does to address the requirements of the Clean Drinking Water Act; indicates they will work with Environmental Health on this issue.

Mr. Dan Heath: states he owns the marina at Nacimiento Lake; he found it interesting that Santa Margarita Lake had the highest levels of MTBE's; states he provides MTBE free gasoline and it's only costing them pennies per gallon to get this gas; suggests the Board should put pressure on the concessionaire at Santa Margarita Lake to provide MTBE free gasoline; further, suggests the need to make the public aware of the need to put gas in their boats that is MTBE free.

Mr. Jesse Arnold: representing the Green Party, states they want MTBE completely banned; wants the Board to take a position of opposing trade control.

Ms. Sandra Sarrouf: ECOSLO, states they want to see the lakes tested weekly and daily during the summer months, in order to protect the children who swim in these lakes.

Mr. Eric Greening: agrees with comments by the previous speakers; addresses discussions that are occurring at the Water Resources Advisory Board which includes their opposition to hosing down gas stations; questions coordination of effort with the cities on these issues.

Mr. Ross Pepper: speaks to information he sent the Board last week; feels there are things that can be done locally even with the issues being raised at the corporate level; suggests one of the biggest problems is two cycle vehicles on the lakes (wave runners, etc.) as they put a lot of gas into both the water and air; would like the Board to look into banning these vehicles.

Matter is discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Ovitt being absent, motion carries and the Board receives and files the underground storage tank ordinance status report as outlined in the staff report dated June 19, 2001; supports the State's current timeline for banning MTBE from Gasoline (12/31/02); and, directs staff to list the names and addresses of gasoline stations that provide MTBE free gasoline on the County's website and, develop and periodically distribute public service announcements regarding the website information.

12 E-1 This is the time set for consideration of a request to consider General Plan amendments to the Salinas River Area Plan.

Mr. Bob Roos: on behalf of the Templeton Area Advisory Group (TAAG), addresses

their request to Supervisor Ovitt to amend their Design Plan to address various issues that have been raised; discusses a proposed drive through that would have put the driveway 50 feet from a residence; concerns regarding lighting; sign size; limitation on the hours of businesses, etc.

Mr. Victor Holanda: Director of Planning and Building, addresses the item and what he believes the action before the Board is today.

Mr. Eric Greening: addresses the request and is glad to see people are looking at these types of issues.

Supervisor Ryan: states he just received a phone call from Supervisor Ovitt who indicated he has been working with TAAG on this and is requesting that the Board authorize this for processing.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, with Supervisor Ovitt being absent, motion carries and the Board authorizes processing of the amendments to the Templeton Design Plan as outlined in the letter dated April 12, 2001 from the Templeton Area Advisory Group.

13 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 4. 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, Sue Wilkinson, Larry Hood*, Name of Employee Organization: *SLOCEA - General Hospital*.

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

Thereafter, the Board goes into Open Public Session.

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

Ms. Pam Marshall Heatherington: ECOSLO, speaks to an email she recently received from PG&E regarding Phase II of their project to clear out the fire hazard area at Diablo Canyon; states Phase II is where they will cut down Oak trees and urges the Board keep up their vigilant watch so these trees are not cut down.

Chairperson Achadjian & Supervisor Ryan: address the meeting they had with management staff at PG&E; the Fire Safety Council's involvement and an upcoming site visit; addresses the involvement by CDF/County Fire; and, to date, PG&E has complied with everything that has been requested of them.

Ms. Ann Ream: SLO Arts Council, addresses the public art project at the SLO County Airport and updates the Board, indicating the art work has been installed and is entitled "Birds in Flight"; states Vernon Edwards Contractors installed this free of charge and

thanks them for their contribution.

Mr. Eric Greening: thanks the Board for raising the responsiveness level by PG&E; addresses his concern to the loss of any Oak trees; speaks to the need to maintain the ecosystem.

Mr. David Broadwater: presents a packet of information regarding sewage sludge land application; indicates other counties are banning this application and it will leave counties without an ordinance to ban vulnerable to being required to accept other counties' waste.

Mr. Gary Fowler: addresses the Senior Commission on Aging nutrition program and they have wiped out their \$120,000 debt and are now operating in the red; thanks the Board and public for their assistance with this; states they hold their meetings at the SLO Veteran's building and it was in need of repairs and replacement of worn out furniture and General Services took care of all this and he wants to thank them.

Mr. Joe Kelly: addresses the Williamson Act; one of the elected State Board of Equalization members, Mr. Dean Andal, has indicated that county assessors' are overtaxing properties under the Williamson Act; asks the Board to look into this for our County.

Ms. Linda Hall: speaks to the budget hearings held last week and appreciates the comments by Supervisor Pinard with respect to performance-based budgeting; agrees with Supervisor Pinard that departments need to be held accountable for providing the information the Board is requiring; speaks regarding the contract positions in Environmental Health for predator control hunters and the lack of accountability for these positions.

Ms. Pamela Dean: speaks to a problem she is having in Oceano, her discussions with the Oceano-Halcyon Advisory Group; states she is getting an education on local government; states she will report back to update the Board on her situation.

Ms. Peggy Wilson: states she is speaking at a private citizen but is a member of the Oceano-Halcyon Advisory Group; asks that the Board keep their advisory group intact when working on redistricting; states she is glad that Supervisor Pinard is present and doing all right and hopes that Supervisor Ovitt will be back soon.

Mr. Ben Parker: County Fire/CDF, addresses meetings with PG&E, what they were shown with respect to the type of work they will be doing and have done; indicates they are scheduled to meet with them again later this month to discuss the issue of the trees; states they have hired Dr. Scott Stevens, a forester, to evaluate the trees.

Mr. Robert Lewin: County Fire/CDF, states he is staff to the Fire Safety Council and highlights the membership makeup; indicates when the next meeting is scheduled and invites the public to attend.

Supervisor Ryan: asks Mr. Lindholm, County Counsel, to look into the information presented by Mr. Kelly. **No action taken.**

15 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board considered all of the items listed on the Closed Session except *Webber v. County* which is continued to July 10, 2001 and no report is required because no final action was taken.

16 F-1 This is the time set for consideration of: 1) the Transfer of Development Credit Program amendment timelines; 2) a presentation on the Geographic Information System (GIS); and 3) a change in policy regarding incomplete application materials.

Mr. Victor Holanda: addresses the staff report indicating that based on prior Board direction they are reporting back on the status of the Transfer of Development Credit (TDC) program; they have six items listed on their timeline and are asking the Board to approve them; staff believes it will take approximately one year to get this through the

process; responds to questions regarding what staff will do with the program in the interim.

Ms. Kami Griffin: Planning, explains the timeline to accomplish the six items on their list and will include a public review of the draft; they feel the issue paper on the on-site transfer and a Planned Development ordinance will be back first.

Supervisor Ryan: expresses his concern to the length of time for this timeline; concerns he has heard that there is a slowdown in the department with respect to processing TDC applications.

Mr. Holanda: responds that anyone coming into the department today will be handled under the current ordinance; is concerned about allegations regarding the department and asks for specifics so he can address any problems.

Chairperson Achadjian: addresses his concern regarding there being a rush to do TDC's under the current ordinance with the changes that are coming forward.

Ms. Griffin: responds she does not believe there will be a rush as there are only so many sites that have the option of using the TDC program.

Supervisor Ryan: states the Board's last discussion included terminating the TDC program and if that had occurred there would not be a rush; feels with the potential for change to occur, feels there could be a rush; wants to see the program suspended to stop any sending site applications until this change does come back.

Supervisor Bianchi: expresses her concern to suspending the program.

Supervisor Pinard: states when this program started she was a supporter of TDC's but now sees more complications than solutions to this program; feels there are other programs that need the staff's time; indicates she is unsure whether this issue should be taken any further as she doesn't believe it's gone where they wanted it to go.

Supervisor Bianchi: indicates the item today is not whether or not to continue the program but the timeline based on prior direction from the Board; questions whether this can be addressed today.

Mr. Tim McNulty: Deputy County Counsel, states the Board can give staff direction to bring the issue of suspending the program back for a hearing at a future date.

Supervisor Ryan: indicates he believes the Board can give specific direction on what they want the staff to bring back; indicates this has never been a complete program since its inception; wants to see it suspended until the new ordinance is in place.

Mr. Holanda: addresses the other issues in the staff report; states that effective July 1, 2001 his department will no longer accept applications that are not complete; addresses the backlog they currently have due to incomplete applications; states they have discussed this with applicants and agents and have their agreement to this change; addresses a presentation they have for the Board today to update them on the GIS (Geographic Information System) and how it is being utilized in the department.

Mr. John Kelly: Planning, presents the staff report and the data development for GIS; presents a brief history of this program; states only Planning and the Agricultural Commissioner's Office are actively using this system; indicates they have spent \$200,000 over the past seven years to develop the program and gives a list of projects currently underway; their challenge is to make this available to everyone and to move it to their website.

Ms. Chandra Slaven: Planning, presents examples of how GIS can effectively work for Plan Updates, Agriculture & Open Space Element, etc.; addresses a pilot project they are working on.

Mr. Dan Lambert: Planning, shows the Board GIS data sets that are currently in place.

Mr. Holanda: states the intent of this is to show the Board what they are doing to expand this information to the public.

Supervisor Bianchi: questions how this fits with the "PLACES 3" program that was approved by SLOCOG.

Mr. Kelly: responds that he believes that program is primarily for transportation data, but they have been asked to provide what they have to SLOCOG.

Supervisor Pinard: questions what Planning will get from this if everything is turned over to SLOCOG; indicates it is taxpayer money that is paying for "PLACES 3."

Mr. Holanda: states his department is working with SLOCOG and they will be sharing any information that is not a duplication.

Mr. Robert Lewin: County Fire/CDF, speaks to their work on the GIS and helping to develop road layers for CDF and the Sheriff that will show emergency roads around the County.

Ms. Peggy Wilson: states the GIS is a very impressive system and hopes the viewsheds will be included to help with their protection; supports the department not accepting applications that aren't complete; and, expresses her concerns regarding the TDC program.

Ms. Pamela Dean: states she is in the process of completing her application to Planning and has a problem as she needs to include a will-serve letter from Oceano Community Services District (OCSD) and they will not give her the letter without a permit number from Planning.

Mr. Eric Greening: speaks to the GIS system; applications not being accepted unless they are complete; and, cautions the Board to look at other plans before they suspend the TDC program as there may be impacts to these plans.

Ms. Linda Hall: states that the Agriculture TDC program is very confusing to all and needs clarification.

A motion by Supervisor Bianchi to direct staff to move forward with the timeline outlined by the six items listed in the staff report dated June 19, 2001, for the TDC program, dies for lack of a second.

Supervisor Ryan: thanks staff for the update on GIS and is glad to see that it is still moving forward; addresses his previous discussion to suspend the TDC program because he does not believe it's a complete plan; there is no match up of receiving units to sending sites; does not see anything in this timeline that shows we will be increasing the ability for those receiving units to come forward; wants a suspension on taking any more sending units; wants staff to come back with a plan for suspending the processing of any further TDC sending units and wants the whole program to sunset in five years.

A motion by Supervisor Ryan, seconded by Supervisor Pinard to direct staff to come back with an amendment to the TDC Ordinance to eliminate any further processing of TDC sending units and to sunset the existing sending units in five years, is discussed.

Ms. Griffin: indicates the process should be to authorize processing of the amendment before coming back with the actual ordinance.

Mr. McNulty: suggests the Board should amend their motion to direct staff to bring back an authorization for processing of this amendment request.

The motion maker and second agree to amend their motion and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Pinard, with Supervisor Bianchi

casting a dissenting vote and Supervisor Ovitt being absent, motion carries and the Board directs staff to bring back a request for authorization to process an amendment to the TDC Ordinance that would eliminate any further processing of TDC sending units and sunset the existing sending units in five years.

- 17 G-1 Consideration of a request to approve a policy regarding private and quasi-public easements on public park and recreation lands.

Mr. Duane Leib: General Services Director, introduces the item and indicates staff has taken this proposed policy back to all the advisory groups in the County for their review.

Mr. Pete Jenny: Parks Manager, presents the staff report; addresses requests for easements across park lands; outlines the concerns raised by the various advisory groups and development of the policy based on their concerns.

Chairperson Achadjian: questions the definition for “quasi-public” land.

Mr. Jenny: indicates the concerns raised regarding this language and that it has been removed from the policy.

Supervisor Ryan: comments on the language and makes several suggestions indicating he wants language added regarding the public benefit; suggests adding the words “public benefit” in the second to the last line of #B after the word “significant” and delete the wording “County park or recreation lands”; adding the words “significant public benefit” in the second line of #C between the words “with” and “a park land . . . ”; wants to add wording about mitigation in #D; add the words “less than significant public benefit” in the second to the last line of #E between the words “providing” and “only a . . . ”; and, in VI. *Appeals*, wants to change the time frame from 10 days to 30 days.

Supervisor Bianchi: suggests that the word “project” in the second sentence, fifth line should be “park,” with Mr. Jenny agreeing.

Mr. Jenny: completes his staff report and states they are looking for direction and suggestions to the language of this policy.

Supervisor Pinard: addresses the Avila area and the concerns that have been raised regarding this policy.

Mr. Bob Roos: former Parks Commissioner, addresses the limits of park lands and easements forever change this land and unfettered use needs to be the first priority of park lands.

Mr. Eric Greening: feels the Park Manager is trying to do his job, which is to protect park lands; addresses his concern regarding fragmentation of parks; addresses language in the Agriculture & Open Space Element regarding setback requirements for parks.

Ms. Pandora Nash-Karner: Chairperson for the Parks and Recreation Commission, speaks to the public benefit of parks; indicates all five districts have park needs and also the need to protect them; states the County is currently “under-parked” and urges the Board to support this policy.

Supervisor Ryan: states some of these changes need to occur before he can support the policy.

Supervisor Bianchi: suggests having the changes put in writing and bringing it back to the Board for action.

Chairperson Achadjian: directs staff to incorporate the changes suggested today and to return to the Board on August 7, 2001, with the Board members concurring. **No action taken.**

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, June 19, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: June 25, 2001

vms