

Tuesday, March 5, 2002

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Shirley Bianchi

ABSENT: Supervisor Peg Pinard

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM AGN

1 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 PG&E*, and 2. *Santa Margarita Area Residents Together v. County of San Luis Obispo*. **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 5. *Curry v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 3. *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. 4. *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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

Thereafter, the Board goes into Open Public Session.

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

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

RESOLUTION NO. 2002-94, resolution declaring the week of March 4th 2002 to be "Anza Trail Week" in San Luis Obispo, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. Meredith Kaplan.

Ms. Kaplan: states the resolution is accurate and a wonderful tribute to the trail; recognizes Mr. Eric Greening and Ms. Dorothy Jennings for their work and contribution to the trail; addresses the vision for the trail.

3 A-2 **Thereafter, on motion of Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

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

RESOLUTION NO.2002-95, resolution proclaiming March 2002 as "Grand Jury Awareness Month" in San Luis Obispo County, adopted.

Chairperson Bianchi: reads the resolution and presents the same to Mr. Don Blythe.

Mr. Blythe: Grand Jury Member, thanks the Board for their effort and time spent helping the Grand Jury; indicates they are looking for volunteers; states it is a very rewarding experience.

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

Mr. Babak Naficy: addresses Item B-8, indicating he would like the Board to withdraw this item; the staff report does not adequately describe the issues surrounding this item; feels it would be premature to approve this because there is a pending lawsuit. **No action taken.**

- B-1 Consent Item B-4 is amended by deleting any reference to Oakglen Avenue. Item B-20 is
thru amended by changing the District from the 4th District to the 2nd. Item B-23 is withdrawn.
B-26 Items B-25 and B-26 are added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-26 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-26, 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 proposed ordinance amending the County Code for the enforcement of the California Vehicle Code relating to Aden Road and Osage Street in the community of Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-2 Introduction of a proposed ordinance amending the County Code for the establishment of through highways on Arabian Way and Woodland Hills Road in South County; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-3 Introduction of a proposed ordinance amending the County Code for the establishment of stop signs on Park Avenue at Fresno Avenue, Cayucos; Vineyard Drive at Adelaide Road and Vineyard Canyon Road at Indian Valley Road, North County; 1st and 2nd Districts, **Approved and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-4 Introduction of a proposed ordinance amending the County Code for the establishment of speed limits on Oakglen Avenue, Mesa Road, Osage Road, and Camino Caballo in the community of Nipomo; and Main Street, Ramada Drive and Theatre Drive in the community of Templeton; 1st and 4th Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-5 Introduction of a proposed ordinance amending the County Code for the establishment of no parking zones on Park Avenue, Circle Drive, Saint Mary Avenue, Fresno Avenue, and Bakersfield Avenue, Cayucos; Theatre Drive, Templeton; Vachell Lane near San Luis Obispo; Los Osos Valley Road near Los Osos Creek; and Front Street, Avila Beach; 1st, 2nd and 3rd Districts, **Approved and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-6 Introduction of a proposed ordinance amending the County Code for the establishment of highways closed to commercial vehicles on Belridge Street, Oceano; and on Ten Oaks Way, Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for March 12, 2002, at 9:00 A.M..**
- B-7 Introduction of a proposed ordinance amending County Service Area No. 1 sewer connection fees; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for April 2, 2002, at 9:00 A.M..**
- B-8 **RESOLUTION NO. 2002-96**, of intention to vacate certain purported public roads in Santa Ysabel Ranch, south of the City of Paso Robles; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for April 2, 2002, at 9:00 A.M..**

Auditor-Controller Items:

- B-9 Unannounced cash count and limited review of the Public Works Department's cash handling procedures, **Received and Filed.**
- B-10 Unannounced cash count of Information Services, **Received and Filed.**

General Services Items:

- B-11 Various equipment and miscellaneous items surplus, **Approved.**
- B-12 Agreements (Clerk's File) with California Central Coast, Inc., dba, Budget Rent A Car, Dudley Development, dba Thrifty Car Rental and Avis Rent A Car Systems, Inc., to provide continued airport automobile rental services at the San Luis Obispo County Regional Airport, **Approved.**

Medical Services Items:

- B-13 Contract with California Polytechnic State University Foundation to provide research data collection and interpretation as part of a currently funded Proposition 10 grant at General Hospital, **Approved.**
- B-14 Contract with Maria Estrada, R.N., to provide nursing services at General Hospital, **Approved.**

Planning Items:

- B-15 Authorize the use of alternative publication procedures for the Spring 2002 General Plan Amendment Cycle, **Approved.**
- B-16 Agreement (Clerk's File) with Morro Group, Inc., to prepare an expanded initial study for the San Miguelito Partners Local Coastal Plan amendment project; 3rd District, **Approved.**
- B-17 **RESOLUTION NO. 2002-97**, acknowledging receipt and agreeing to the California Coastal Commission's modified language pertaining to Local Coastal Plan - North Coast Area Plan (Cambria commercial design plan), **Adopted.**

Public Works Items:

- B-18 **RESOLUTION NO. 2002-98**, accepting conveyance from Angela Sesena and Victor Gonzales for the widening of Orchard Avenue, Nipomo; 4th District, **Adopted.**
- B-19 **RESOLUTION NO. 2002-99**, accepting road improvements on South Mesa Road, Ida Place, Liveoak Ridge Road, Via Seco, Villa Nona, Calle Tio, in Nipomo; and Calle Arroyo and Calle Carmelita, in Shandon; 1st and 4th Districts, **Adopted.**
- B-20 **RESOLUTION NOS. 2002-100 AND 2002-101**, for the Gracia Avenue Improvement Assessment District determining a surplus and ordering disposition thereof, and authorizing a revolving fund appropriation in the amount of \$2,976; 4th District, **Adopted as amended.**
- B-21 The following maps:
- A. CO 98-0132, a proposed subdivision resulting in 2 lots by William and Gladys Lotter, Oak Park Road, northeast of Arroyo Grande; 3rd District, **Approved.**
 - B. Tract 1939, a proposed subdivision resulting in 14 lots by Richard and Terry Hampton, Zenon Way, Nipomo Mesa, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-102**, approving an open space easement agreement; 4th District, **Adopted.**
 - C. CO 99-0293, a proposed subdivision resulting in 3 lots by Jack and Olga Bell, Jack and Sybill Westerman, and John and Denise Dollinger, Story Street, Nipomo; 4th District, **Approved.**

Other Items:

- B-22 **RESOLUTION NO. 2002-103**, authorizing participation by the County of San Luis Obispo in the "County Exhibits Program" at the California State Fair to be held August 16 through September 2, 2002 in Sacramento, **Adopted.**
- B-23 Request by Social Services to approve an amended contract with the Family Care Network, Inc., increasing the number of emergency shelter homes, **Withdrawn.**
- B-24 Minutes of the January 8, 15, and 22, 2001 Board of Supervisors' meetings, **Approved.**

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

- B-25 **RESOLUTION NO. 2002-104**, declaring an emergency for County Service Area 16 Shandon

water system and authorizing the Director of Public Works to negotiate and contract with a drilling contractor and waive County selection procedures for construction services, **Adopted.**

B-26 **RESOLUTION NO. 2002-105 AND 2002-106**, endorsing grant applications for Urban Streams Restoration Program for the San Luis Obispo County Flood Control and Water Conservation district Zone 9, **Adopted.**

6 D-1 This is the time set for a request to approve a budget adjustment to transfer \$1.3 million from General Fund contingencies for General Hospital and the Family Care Centers.

Mr. Gere Sibbach: Auditor-Controller, states the Board directed staff to return monthly with a report estimating the amount needed to supplement the Medical Services' budget; indicates this month the estimated amount is approximately \$300,000; states he would like to add to that \$1 million to be used only for payments to the State, required under the Disproportionate Share Hospital Program (DSH - S855) and the \$1 million will be returned to the General Fund when the resulting DSH reimbursement is received from the State of California.

Supervisor Ryan: asks if the \$1 million is going to be needed this month, with Mr. Sibbach responding.

Supervisor Ovitt: questions the rate of return on the DSH - SB855 monies, with Mr. Hank Skau, Chief Financial Officer for Medical Services, responding.

Supervisor Ryan: states he was not going to support any funding going to the General Hospital until proceedings for closure were in place, however because there are only four Board members present today and this item needs a 4/5th vote, he feels the Board has an obligation to the employees and he will vote in favor of \$300,000.

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

AYES: Supervisors Ryan, Ovitt, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Pinard

the Board authorizes a transfer of \$300,000 from General Fund Contingencies to BU 3280, Medical Services Assistance.

7 E-1 This is the time set for a status report on the proposed sphere of influence update for the City of Pismo Beach.

Mr. Warren Hoag: Planning, presents the status report on the proposed Sphere of Influence, (SOI) for the City of Pismo Beach; addresses the agencies involved; briefly covers the background for this project; indicates the purpose is to analyze the City's capability to provide existing services over the next 20 years; states LAFCo has prepared three documents for the update on the City of Pismo Beach's Sphere of Influence: 1) the Public Review Draft SOI Update; 2) the Public Draft Municipal Service Review; and, 3) an Expanded Initial Study/Mitigated Negative Declaration; addresses the two properties to be added to the SOI: 1) the coastal portion of the Thille ownership; and 2) the King South Ranch; presents the City of Pismo Beach-Sphere Update/Service Review schedule and status on page E-1-7 of the staff report; indicates the draft Memorandum of Agreement between the City and the County will be before the Board on April 2, 2002.

Board Members: discuss various issues, comments and concerns regarding: the good working relationship between agencies; the positive support from the public; the size and status of the Manchins property, with staff responding. **No action taken.**

8 E-2 This is the time set for a request to authorize the processing of a General Plan amendment application (G01009M - Terry Romero) to amend the San Luis Obispo Area Plan of the Land Use Element by changing the land use category from Agriculture to Industrial, located at 4850 Broad Street, south of the City of San Luis Obispo and west of the San Luis Obispo County Airport; 3rd District.

Ms. Kami Griffin: Planning, indicates a request for authorization is the first step in a General Plan amendment; introduces the item.

Ms. Lynda Auchinachie: Planning, presents the staff report; states this property is currently designated Agriculture; indicates surrounding properties are designated Commercial Service

and Industrial; the San Luis Obispo County Airport is directly across Broad St.; the applicant is requesting that the land use category be changed to Industrial to reflect the land use pattern in the area.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board authorizes G01009M for processing.

9 F-1 This is the time set for a presentation regarding local efforts to detect and prevent Sudden Oak Death in San Luis Obispo County.

Mr. Bob Lilley: Assistant Agricultural Commissioner, indicates this County is free from Sudden Oak Death (SOD); on February 21, 2002 the Farm Advisor/UC Cooperative Extension and the Ag Department held a workshop on SOD; indicates they are here today to present a status report.

Mr. Bill Tietje: Cooperative Extension, addresses the areas at risk; indicates there are ten counties in California that are infested; infestation usually occurs in the cooler, wetter areas; addresses local impacts such as: 1) wildfire; 2) economic; 3) ecological; and, 4) aesthetic; indicates SOD could be triggered by the environment; states proactive efforts and good stewardship of local oaks will help prevent infestation.

Ms. Janice Campbell: Ag Commissioner's Office, speaks to prevention, the importance of research and education and the importance of getting the word out; explains what the disease is and the threat to our oaks; addresses the role of lead agencies and who they are; discusses what regulations would be in place if SOD is found in the County; explains the Federal Rule, California Quarantine, and Foreign restrictions; indicates right now there is no funding for non-infested areas, however there may be funding through the Federal Farm Bill; states the public can help by taking precautions to not transport host plants; indicates the public can learn about SOD and which counties are infested; states they are coordinating their efforts with several other agencies and groups involved with the local SOD prevention; thanks the Board for the opportunity to increase public awareness relating to SOD. **No action taken.**

10 CS The Board announces it will be going back 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 PG&E*, and 2. *Santa Margarita Area Residents Together v. County of San Luis Obispo*. **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 5. *Curry v. County of San Luis Obispo*.

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

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

11 PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

Ms. Sharon Thomas: Cambria Community Services District, asks the Board to support an appeal to the Regional Water Quality Control Board relating to a permit given to Chevron which allows them to discharge back into the creek; addresses the impact of this discharge; invites the public to a meeting on March 11, 2002 at the Cambria Vets Hall to discuss this issue.

Mr. Richard Greek: Agriculture Commissioner, states the week of March 3rd through the 7th is "Weights and Measures Week"; addresses events of the week and what his staff is doing to meet consumer needs.

Mr. Richie Ray Walker: addresses his experience with the appeals court; indicates he was denied access to Court because of a lack of funds; feels Judges should be accountable; hands the Board a copy of the Court of Appeals Memorandum.

Mr. Terril Graham: speaks (while presenting strips of paper with written comments on it); presents information relating to a filing he has submitted to the Supreme Court of the State of California and addresses the same.

Mr. David Broadwater: urges the Board to review all alternatives to sewage sludge land application.

Ms. Kathleen Richen: speaks to the needs of grandparents raising grandchildren.

Mr. Michael Passarelli: Food Bank Coalition, announces the new location of the South County Food Bank Coalition Warehouse; invites the Board and the public to the Grand Opening on March 14, 2002 at 10:00 a.m. and presents the Board with a map; thanks the Board for their continued support. **No action taken.**

- 12 G-1 Consideration of the construction of a gate on Upper Lopez Canyon Road; 4th District, is presented.

Supervisor Achadjian: requests the Board continue this item.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Supervisor Pinard being absent and Supervisor Ryan casting a dissenting vote, motion carries and the Board continues this Item.

- 13 C-1 This is the time set for continued hearing (continued from 2-26-02) to consider the appeal of the Subdivision Review Board approval of the Santa Margarita Ranch Lot Line Adjustment and Development Plan (COAL 00-0292/S000 136L and D000195D) to adjust the lot lines between thirty-six existing lot averaging approximately 15 acres each (550 acres total); the adjusted parcels would range from approximately 2.9 acres to 10.5 acres each, with one lot of 360 acres; 5th District..

Supervisor Ryan: states they have received a letter from the appellant withdrawing their appeal; indicates the withdrawal was made pursuant to the stipulated Settlement Agreement. **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, March 5, 2002, 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: 03-06-2002
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