

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

Chairperson Bianchi reads the many accomplishments of the late Mr. Bill Roalman and requests a moment of silence in his honor.

1 A-1 This is the time set for presentation of Resolution No. 2002-118, adopted on 03/19/2002, proclaiming April 1, 2002 as “Cesar Chavez Day of Service and Learning in San Luis Obispo County.

Ms. Ruiz: commends the Board for recognizing the life of Cesar Chavez; recognizes members of the “Living in America Group”; indicates they hope to continue moving forward with the work that Cesar Chavez started; states on behalf of the Latino’s in the County, they applaud the Board.

Supervisor Achadjian: asks Mr. Ernie Del Rio, County Parks, to explain the dedication that took place in the community of Nipomo.

Mr. Del Rio: indicates last Saturday they had a community day of service and learning at the Cesar Chavez Native Garden at the Nipomo Park to celebrate the contributions of Cesar Chavez.

2 A-2A **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

RESOLUTION NO. 2002-127, resolution proclaiming April 2002 as “Month of the Young Child” and April 13, 2002 as “Day of the Young Child” “Children’s opportunities-our responsibilities”, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Paula Tripp, Head Start Program.

The children from the Head Start program present artwork to the Board.

Ms. Tripp: describes the Head Start childcare program; states they are very grateful for all the agencies involved.

Ms. Aida Navarro and Ms. Kim Jacobs: invite the Board to attend “Children’s Day in the Plaza” on April 13, 2002 from 10:00 a.m. to 3:00 p.m. and thank the Board for the proclamation.

Ms. Melinda Webster: San Luis Obispo County Childcare Planning Counsel, presents “Month of the Young Child” ribbons to the Board as well as a list of activities that are happening in the County for the month.

Ms. Julia Miller: Children and Families Commission, thanks the Board for their support.

3 A-2B **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

RESOLUTION NO. 2002-128, resolution honoring Sid Hudson for his dedication to

service and high level professionalism to the San Luis Obispo County Fire Department, Company 40, adopted.

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

Mr. Hudson: thanks the Board for this honor; addresses the valuable training he received over the years; indicates he enjoyed the job; thanks his wife for her support.

Chief Dan Turner: County Fire Chief/CDF, states volunteers are among a vanishing breed; indicates the volunteer program has a cost savings of approximately \$8.5 million a year; thanks Mr. Hudson for his dedication.

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

Ms. Julie Rodewald: County Clerk-Recorder, addresses Item B-9: presents a recap of the March Primary Election; states the AccuVote system continues to perform well indicating the final results were in by 10:15 p.m.; speaks to the Election night website; states the AccuTouch system was introduced and about 200 people voted this way; she hopes to expand this program in the future; the election did not go without challenges due to new laws and the late flu season; thanks all precinct workers; states the turnout was disappointing and hopes it will be higher in November.

Mr. George Layman: addresses Item B-20; comments on the cost of this project and who's paying; feels the County should pitch in with the cost; believes the State should monitor the traffic on Highway 1 in South County. **No action taken.**

5 B-1 Consent Agenda Item B-28 is amended by correcting the term date listed on the staff
thru report for Walter Cavanagh to read June 30, 2004.
B-29

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

Consent Agenda Items B-1 through B-29 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-29, 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 **RESOLUTION NO. 2002-129**, intention to vacate a portion of Front Street in the community of Avila Beach; 3rd District, **Adopted and the Clerk is instructed to give notice of hearing date set for May 7, 2002, at 9:00a.m..**

Auditor-Controller Items:

B-2 Unannounced cash count and limited review of cash handling procedures of the Department of Social Services at the Nipomo, Grover Beach, San Luis Obispo, Atascadero, and Paso Robles offices, **Received and Filed.**

B-3 Transfer of unclaimed property tax refunds totaling \$33,408 to the General Fund, **Approved.**

Board of Supervisors Items:

B-4 Appointment of Thomas O'Malley to as the District Five representative to the Interim Hospital Authority Board, **Approved.**

B-5 License agreement and indemnification with Santa Margarita Ranch LLC to allow the County to use the Santa Margarita Ranch owned property for Greenwaste Chipping Day for Santa Margarita, **Approved.**

B-6 Consideration of the creation of a County of San Luis Obispo Victims Memorial Sign

Program, **Approved.**

Clerk-Recorder Items:

- B-7 Minutes of the February 5, 19, and 26, 2002 Board of Supervisors' meetings, **Approved.**
- B-8 Appointments in lieu of an election to County Central Committees, **Approved.**
- B-9 Request to declare the results of the March 5, 2002 Consolidated Primary Election, **Approved.**

General Services Items:

- B-10 Bid opening report for the relocation and remodeling of the District Attorney's Economic Crime Unit in the Government Center, **Approved and the Chairperson is instructed to sign contract documents with Santa Margarita Construction Corporation in the amount of \$125,672.**
- B-11 **RESOLUTION NO. 2002-130**, intent to transfer County owned real property in Avila Beach (5,200 sq ft of Avila Beach Community Park) to the Avila Beach Community Services District for the development of a marine research institute, **Adopted.**
- B-12 **RESOLUTION NO. 2002-131**, accepting a multi-use trail easement located in the unincorporated area of Nipomo, **Adopted.**
- B-13 **RESOLUTION NO. 2002-132**, authorizing the purchase of 58 acres of open space in San Miguel and approve a corresponding budget adjustment in the amount of \$43,000 (\$21,500 Parks contingencies, \$21,500 Habitat Conservation Grant), **Adopted.**
- B-14 **RESOLUTION NO. 2002-133**, accepting a quitclaim deed for transfer of interest in real property located in the unincorporated area of Avila Beach from Port San Luis Harbor District, **Adopted.**

Planning Items:

- B-15 Contract (Clerk's File) with Barclay Mapworks, Inc., to provide Countywide GIS digital cadastral parcel map data, **Approved.**
- B-16 **RESOLUTION NO. 2002-134**, approving an agreement with Michael Dawson, exempting an affordable residential project located in the community of Creston from the Growth Management Ordinance; 5th District, **Adopted.**
- B-17 **RESOLUTION NO. 2002-135**, approving an agreement with Richard Baddley, exempting an affordable residential project located east of the Jardine Tract near Paso Robles, from the Growth Management Ordinance; 5th District, **Adopted.**
- B-18 **RESOLUTION NO. 2002-136**, accepting an avigation easement from Richard Baddley for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-19 **RESOLUTION NO. 2002-137**, accepting an avigation easement from D.A. Fetyko, Inc. for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**

Public Works Items:

- B-20 Agreement (Clerk's File) with Dokken Engineering to provide preliminary engineering and environmental services for the realignment of the Halcyon Road and State Highway 1 intersection; 4th District, **Approved.**
- B-21 Status report on the emergency well project for County Service Area No. 16, Shandon Water System; 1st District, **Received and Filed.**
- B-22 **RESOLUTION NO. 2002-138**, authorizing execution of notice of completion for the water systems improvements on El Camino Real and Helena Avenue in County Service

Area No. 23, Santa Margarita; 5th District, **Adopted.**

B-23 **RESOLUTION NO. 2002-139**, authorizing execution of notice of completion for the widening of a portion of Moonstone Beach Drive, Cambria; 2nd District, **Adopted.**

B-24 The following final map:

A. Tract 1931, a proposed subdivision resulting in 12 lots, by Caroline Sejera, located on Thompson Road, Nipomo, reject the offer fo dedication without prejudice to future acceptance, **Approved and, RESOLUTION NO. 2002-140**, accepting the relinquishment of access rights along Thompson Road; 4th District, **Adopted.**

Other Items:

B-25 Contract extension with the State Victim Compensation and Government Claims Board to continue to provide direct payment of funeral/burial expenses and relocation expenses for victims of crimes, **Approved.**

B-26 Agreement (Clerk's File) with the United States Marshal's Service to cover costs associated with housing prisoners for federal law enforcement agencies, **Approved.**

B-27 Contract allowing the Local Agency Formation Commission to participate in the County Pension Trust, **Approved.**

B-28 Appointment of Walter Cavanagh and Lanny Erickson and reappoint Linda Hogoboom, Graydon Funke, John Gannon and Priscilla Mikesell Westby to the Drug and Alcohol Advisory Board, **Approved as amended.**

B-29 **RESOLUTION NO. 2002-141**, approving the Children's Services Network plan for promoting the safe and stable families, **Adopted.**

6 F-1 This is the time set for discussion regarding transfer of additional funds for General Hospital and the Family Care Centers.

Mr. Gere Sibbach: Auditor-Controller, states he is here today to ask the Board to authorize transfers of \$1,050,000 to cover payroll through the first payroll in May and in addition \$1,000,000 for payment of the County's obligation to the State for the Disproportionate Share Hospital program.

Supervisor Ovitt: questions if they have received Disproportionate Share Hospital Program -SB855 monies from last year; addresses administrative costs, with Mr. Sibbach responding.

Ms. Pam Heatherington: President Interim Hospital Authority Board (IHAB), thanks Supervisor Ryan for his appointment to the IHAB Board; addresses the increase in services going on at the Hospital; states the budget should come in at about 9.8 million; urges the Board to grant the request for the transfer of funds.

Mr. Eric Greening: states he concurs with Ms. Heatherington; feels there needs to be a full discussion at budget time about the next phase of a turnaround that is already starting to happen.

Supervisor Ryan: indicates Administration is working on a report regarding the Hospital and questions when that report will come before the Board.

Ms. Gail Wilcox: Administrative Office, indicates that discussion is scheduled for April 16, 2002 and should the Board decide to move forward with the Beilenson hearing, a few hours are scheduled for May 21, 2002.

Supervisor Ryan: questions the budget for this year and next year, with staff responding.

Matter is fully discussed 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 \$400,000 from General Fund Contingencies to BU 3280, Medical Services Assistance.

7 C-1 This is the time set for hearing to consider a resolution to vacate certain purported public roads in Santa Ysabel Ranch, south of the City of Paso Robles; 1st District.

Mr. Tim Smith: County Right-of-Way Agent, presents the staff report and recommendation.

Mr. Dan Lloyd: Weyrich Development, urges the Board's adoption of the resolution to vacate and he is available to answer any questions the Board may have.

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

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

RESOLUTION NO. 2002-142, resolution vacating certain purported public roads in Santa Ysabel Ranch, south of the City of Paso Robles, Supervisorial District No. 1, adopted.

8 C-2 This is the time set for hearing to consider an ordinance amending County Service Area No. 1 sewer connection fees; 4th District.

Mr. Will Clemens: Public Works, presents the staff report; explains the increase in the fees.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2967, an ordinance amending connection fees for San Luis Obispo County Service Area No. 1 sewer/waste disposal, adopted.

9 C-3 This is the time set for hearing to consider an appeal by Doris Dixon of the Subdivision Review Board's decision to deny her request to subdivide a 205.79 acre parcel into four parcels ranging in size from approximately 49 to 56 acres each, located southeast of the City of San Luis Obispo; 4th District.

Ms. Lynda Auchinachie: Planning, presents the staff report; indicates the Applicant has appealed the Subdivision Review Board's decision to deny the proposed tentative Parcel Map 01-0262; presents photographs of the site; addresses the issues of the appeal and staff's response.

Supervisor Ryan: questions when an agriculture viability report is required, what criteria needs to be addressed in that report and how is the report evaluated, with Mr. Robert Hopkins, Agricultural Commissioner's Office responding.

Mr. Norm Flowers: Agent representing the Applicant, states this has been a family ranch for over one hundred years; indicates there is a Land Conservation Contract for the property between the owner and the County that was executed in 1970 and specifies a minimum parcel size of 40 acres; feels staff is trying to apply rules that are not applicable; believes the Board is obligated to uphold the contract of 1970; addresses the findings for

denial and the Map Act provisions; speaks to the viability of the land; indicates separate parcels would provide for the opportunity to fully develop the agricultural potential; urges the Board's approval so that a final parcel map can be recorded.

Ms. Doris Dixon Ahrens: Applicant, states the land will be given to her three children so they can independently continue the agricultural use of the land; indicates there are no plans and will be no plans to change the agricultural use of the land; feels the Subdivision Review Board's actions have applied rules that do not pertain to the contract between the County and herself; indicates she would be willing to accept restrictions on the division and limit it to only one dwelling per parcel and dedicate an open space area on the northeastern section of the property; urges the Board's approval of her application.

Mr. Ernest Righetti: states he doesn't understand the need to split the land; addresses his concern for increased traffic; indicates he has four sons and has always run his property as a partnership; states he is against the proposal by Ms. Dixon.

Mr. David Righetti: feels this proposal doesn't meet the criteria to split the property; states the Applicant was asked to submit a Viability Report and it was not done; addresses his concern for this being precedent setting; feels this split would be out of character with the area; urges the Board to uphold the denial of the subdivision.

Mr. Flowers: states the Righetti land has been changed from grazing land to a substantial orchard operation and there is no reason why the parcel to the east cannot do the same thing; indicates the split would provide an economic opportunity; addresses the Assessor's map and points out there are divisions that have been made in the area and are not totally residential; states the contract of 1970 should carry the "strong weight" of what was intended.

Board Members: discuss various issues, comments and concerns regarding: the viability report; the intention of the property owner as to how the land will be used; questions whether members of the public, who have contracts, are notified when rules change, with staff responding.

A motion by Supervisor Achadjian, seconded by Supervisor Bianchi to adopt staff's recommendation, is discussed.

Supervisor Ryan: reads from the original contract; states since this contract was signed, the Rules of Procedure and the Agricultural policies have changed and for that reason he will be in support of the motion.

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

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

the Board denies the appeal and RESOLUTION NO. 2002-143, resolution affirming the decision of the Subdivision Review Board and disapproving the application of Doris Dixon for a Tentative Parcel Map for Parcel Map C001-0262, adopted.

10 C-4 This is the time set for hearing to consider proposed amendments to the General Plan - Land Use Element/Coastal Zone Land Use Element: **A.G990018S** - Union Asphalt, Inc. - a request to amend the Rocky Canyon Specific Plan to allow for an increase in annual production at the quarry from 335,000 cubic yards to 535,000 cubic yards, modify operating hours, modify phasing timing, and make minor updates, in the Agriculture Land Use Category, located in the county at 10415 Rocky Canyon Road, Atascadero, in the El Pomar/Estrella Planning Area; 5th District; and, **B.G990031M** - Green Canyon/Helenius a request for a Land Use Element amendment to amend the South County Area Plan by: 1) changing approximately 21 acres of a 84 acre site from Agriculture to Residential Rural; 2) inclusion of agricultural buffers including a multi-purpose trail easement; 3) changing the Ag and Open Space Element designation from Agriculture to Small Lot Rural; and 4) disestablishing the Ag preserve; the subject properties are located on the southern end of

Woodhaven Way, approximately 2,000 feet south of Eucalyptus Road, on the Nipomo Mesa west of the community of Nipomo; 4th District.

Mr. Warren Hoag: Planning, states there are three parts to this item: 1) a hearing for G990018S - Union Asphalt, Inc.; 2) a hearing for G990031M - Green Canyon/Helenius; and, 3) adoption of the resolution and ordinance approving all amendments in the Spring General Plan Amendment Cycle 2002.

G990018S is presented.

Mr. Eric Weir: Planning, presents the staff report; describes the location of the quarry; indicates this is a request to increase annual production at the quarry from 335,000 cubic yards to 535,000 cubic yards; to modify operating hours; modify phasing timing; and, make minor updates in the Agriculture Land Use Category; addresses the air quality impacts; indicates Union Asphalt has been a good neighbor and staff is recommending approval.

Mr. Bob Kober: Union Asphalt, states this allocation is tied to the projected demand for rock; addresses the concern regarding truck traffic through the City of Atascadero and indicates they have an agreement with the City relating to the route and some road improvements; states he's available for any questions the Board may have.

Mr. Eric Greening: addresses the air quality impacts not only relating to this project but the bi-products of this project; page C-4-15 of the staff report lists the wet season truck traffic as insignificant; feels a piece of the puzzle is missing; hands the Board a funding request by Atascadero regarding the SR 41/US 101 interchange reconstruction; states until this project is completed he believes the impacts to this interchange are significant.

Mr. Terry Graham: feels Atascadero was left out of the public process; doesn't see how there can be a "clearinghouse" EIR based on a project that will have significant impacts to Atascadero; addresses the Air Pollution Control District's issues associated with this project.

Board Members: discuss various issues, comments and concerns regarding: the truck traffic and possible mitigations and the involvement of the City of Atascadero, with staff responding.

Matter is fully discussed 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 tentatively approves G990018S - Union Asphalt as recommended by the Planning Commission.

G990031M is presented.

Mr. John McKenzie: Planning, hands the Board a memorandum regarding a minor correction on page C-4-217 & C-4-218 a small section of text in the Growth Inducing/Cumulative section was inadvertently left out; presents the staff report; presents photographs of the subject property and describes the location; describes surrounding land uses; addresses the proposed standards; indicates based on the proposed findings and standards staff recommends approval.

Supervisor Achadjian: asks if the Agriculture Commissioner stated this land was not viable for agriculture, with staff responding yes.

Mr. Hoag: points out the difference between what the Planning Commission approved on page C-4-180 versus what staff recommended to the Planning Commission on page C-4-196; indicates the difference is the Planning Commission added a new B1. Minimum Parcel Size.

Mr. Chris Helenius: states the only objection he has is the Planning Commission added a limitation to the lot size; feels this General Plan Amendment should be approved without limitation.

Mr. Eric Greening: states there is no option but to deny this because of the Ag and Open Space Element Policy #24.

Mr. Michael Winn: states he supports the idea of having two lots on top; believes it is consistent with the surrounding area; hopes the phrase “limits the equestrian activity” does not limit the owners of the two upper lots from owning horses.

Mr. Terry Graham: addresses the Grand Jury report relating to the use of Negative Declarations; states the County as a whole has exceeded their growth rate: speaks to the Atascadero General Plan; indicates he would like the Board to revisit the process of issuing Negative Declarations.

Board Members: discuss various issues, comments and concerns regarding: Policy 24 that Mr. Greening referred to and the limitation of lot size, with Mr. Hoag responding.

A motion by Supervisor Achadjian seconded by Supervisor Ovitt to amend the minimum parcel size to four 5-acre parcels; under No. 4 Rural Character add “no clustering”; under No. 6 Multi-Use Trail states he would like it to be more specific by stating “equestrian and hiking” trails, is discussed.

Supervisor Ovitt: questions the minimum parcel size.

Supervisor Ryan: suggests eliminating No. 1 completely and it would come under the language of Rural Residential zoning.

Mr. Hoag: indicates if B1. Minimum Parcel Size was eliminated then the minimum parcel size would be five acres and when they come in for a parcel map they would have to meet the tests of the Land Use Ordinance; questions if this is the Board’s intention, with Supervisor Achadjian responding, yes.

Mr. Hoag: states regarding No. 4 Rural Character, staff would suggest creating a new letter (c.) Cluster subdivisions are not allowed; No. 6 Multi-Use Trail, staff suggests striking “Multi-Use Trail” in the second line and replacing it with “Equestrian and Hiking Trail”; questions if these changes are the Board’s intention, with Supervisor Achadjian responding, yes.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries and the Board amends the Proposed Planning Area Standards as follows: 1) eliminate B. 1. Minimum Parcel Size; 2) under 4. Rural Character add a new (c) Cluster subdivisions are not allowed; 3) under 6. Multi-Use Trail strike “Multi-Use Trail” on the second line and replace it with “Equestrian and Hiking Trail” and tentatively approves G990031M - Green Canyon/Helenius, as recommended by the Planning Commission and as amended by this Board.

Mr. Hoag: indicates Section C on page C-4-256 of the staff report relates to the final adoption of the Spring Cycle General Plan Amendment; this includes all tentative actions approved by the Board on February 5, 2002, March 19, 2002 and April 2, 2002; indicates the amendments made on G990031M - Green Canyon/Helenius would have to be made on page C-4-277; staff recommends the adoption of the ordinance and resolution.

Mr. Tim McNulty: Deputy County Counsel, states the resolution on page C-4-260 refers to the environmental documents that the Board will be using to make the adjustments that the tentative votes have suggested; indicates the Board should adopt the Rocky Canyon Plan Statement of Overriding Consideration that the staff has prepared; also the Board should accept the indemnifications from the Craig Family and Lucia Mar School District.

Clerk: questions if the resolution regarding altering the boundaries of Oso Flaco Valley will be part of the motion.

Mr. Hoag: indicates to the Board as part of their action, they would need to adopt the resolution that disestablishes the portion of the Agricultural Preserve that is on the Helenius property and is being changed to Residential Rural.

Mr. Feilmeier: states he would like to enter into the record two video tapes of the Planning Commission meeting.

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

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

RESOLUTION NO. 2002-144, resolution altering the boundaries of Oso Flaco Valley Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

11 C-4 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, and on the following roll call vote:**

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

the Board approves the Statement of Overriding Consideration for the Rocky Canyon Quarry; accepts the indemnifications from the Craig Family and Santa Lucia School District and RESOLUTION NO. 2002-145, resolution to amend the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan, to adopt ordinances [sic] entitled “an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code and the San Luis Obispo Coastal Zone Land Use Ordinance, Title 23 of the County Code” and to approve environmental documents, adopted.

12 C-4 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2968, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code, adopted.

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 PG&E. ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.) 4) Buena Vista Mines v. County of San Luis Obispo, and 5) Tosco v. County of San Luis Obispo.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 2) Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 3) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.*

ADDED (All requirements of the Brown Act were met as these were 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 Wilkison*, Name of employee organization: *Deputy Sheriff's Association*; 7) Negotiator's Name: *Dale T. Hanson, Santos Arrona, Sue Wilkison*, Name of employee organization: *Management and Confidential*; 8) Negotiator's Name: *Dale T. Hanson, Santos Arrona*, Name of employee organization: *All employees*.

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.

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

Mr. Terry Graham: indicates he attended an Energy Commission meeting in Sacramento along with a visit to the Native American Heritage Commission; states in his search he found there is no EIR on record in Sacramento for Avila Beach.

Mr. Michael Passarelli: Charter Communication Supervisor for SLO Public Access, addresses the continued interest in new shows; invites the Board and the public to come and check out the SLO Access Group; states he wants to clear up misinformation that was given out: 1) indicates there has never been a charge for those who live in San Luis Obispo to get camera equipment; and 2) there are no fees to belong to SLO Public Access.

Ms. Sylvia Hanna: indicates Charter Communication has closed down the pay station in Cambria; feels this pay station is a customer service obligation and urges Charter to reinstate it.

Dr. Mary Parker: People's Kitchen Board, introduces Dory Larson and Suzie Steiner, fellow Board members; speaks to the economic shortfall of the Prado Day Center; addresses their need for security when serving the public; transportation vouchers for clients; and, a facility from 11:30 a.m. -1:30 p.m.; states they would like to continue to serve at the Prado Day Center, having their needs met so that they can accomplish their mission.

Ms. Heather Harvell: addresses her mistreatment at the Family Care Center; feels the Board needs to take a good look at who they hire at these facilities; urges the Board to hire people who are understanding and compassionate. **No action taken.**

15 D-1 This is the time set for a request to select activities for funding under the 2002 Community Development Block Grant (CDBG), Home Improvement Partnership Act (HOME), and Emergency Shelter Grant (ESG) programs and approve the overall Urban County of San Luis Obispo Program Year 2002 Action Plan of the San Luis Obispo Urban Consolidated Plan; and proposed amendments to the 1998, 1999 and 2000 CDBG programs; All Districts.

Mr. Tony Navarro: Planning, presents the staff report; addresses the revised exhibits A and B; explains the distribution of funds.

Ms. Marey Bielawski: Executive Director of the Boys and Girls Club of South SLO County, addresses the Boys and Girls Club's Mission; indicates in 2001 they served as a safe haven for over 250 young people; thanks the Board for their support; states this real estate acquisition will secure the future of the Boys and Girls Club; addresses the contribution of the Oceano Women's Club.

Mr. Michael Passarelli: Food Bank Coalition, thanks the Board for their support; states the Grand Opening for the new food bank in Paso Robles is scheduled for May 23, 2002.

Ms. Karen Carson: Nipomo Recreation Center, thanks the Board for considering them for CDBG funds; states the support of this Board is essential to serving the children of Nipomo.

Mr. Scott Smith: People's Self Help Housing, commends staff and supports their recommendation.

Ms. Eileen Allan: San Luis Obispo Supportive Housing Consortium, thanks the Board for funding the tenant-based rental assistance last year; speaks to the number of families that have been helped this year; hopes this program will continue to be funded.

Mr. Ancel Romero: states he supports the staff recommendation; indicates Judson Terrace thanks the Board for past contributions; privately they have raised over \$200,000 to contribute to Judson Terrace Lodge which will be the first frail elderly facility in the County.

Mr. David Ryal: Cuesta College Small Business Development Center, thanks the Board for their past support; states they help people create jobs for themselves and also other people; thanks staff for their professionalism.

Ms. Biz Steinberg: Executive Director of the Economic Opportunity Commission (EOC), thanks the Board and staff; states all efforts for affordable housing are critical to the quality of life to those served at EOC.

Ms. Barbara Carey: indicates she supports the staff recommendation.

Ms. Ruth Brackett: states she appreciates the work of Mr. Navarro; addresses the importance of the Boys and Girls Club project and the Oceano Community Center; thanks the Board for their past support in getting both these projects on their way.

A motion by Supervisor Ryan, seconded by Supervisor Achadjian to adopt staff's recommendation is discussed.

Supervisor Ovitt: indicates he would like to see measurable results come back on what these funds have accomplished, with staff responding.

Supervisor Ryan: compliments staff on a job well done.

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

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

RESOLUTION NO. 2002-146, resolution approving and authorizing submittal of the San Luis Obispo Urban County Program Year 2002 Action Plan of the San Luis Obispo Urban County Consolidated Plan, and amendments of the 1998, 1999 and 2000 Action Plans to the United States Department of Housing and Urban Development; the execution of any standard agreements if approved for funding under the Community Development Block Grant(CDBG), Home Investment Partnership Act (HOME), and Emergency Shelter Grants (ESG) Programs and any amendments thereto; and any related documents necessary to participate in the CDBG, HOME and ESG Programs, adopted.

E-1 This is the time set for submittal of a resolution accepting road improvements on Lindon Lane, Nipomo; 4th District.

Mr. Marshall Ochylski: states he represents the property owners and requests a continuance because his clients are out of town.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt, with Supervisor Pinard being absent, motion carries

and the Board continues this item to May 21, 2002.

- E-2 This is the time set for submittal of an update on the Lopez Dam Seismic Remediation Project and approval of: 1) a contract amendment with Raines, Melton and Carella for program management services; and 2) a project change order in the amount of \$300,000 for de-watering of groundwater; 3rd and 4th Districts.

Mr. Paavo Ogren: Public Works, presents slides of the site; updates the Board on the progress and the challenges of the project; states it is necessary to have the Board approve a contract amendment with RMC to extend Program Management Services through April 2003 at a cost of \$150,000 and approve a construction change order for De-watering of Groundwater; presents the Board a bag of rocks that will be used to strengthen the stone columns; explains the magnitude of the excavation; the modification of the grouting technique; and, rerouting of the discharge pipeline; addresses the project schedule and permitting process; speaks to the finances relating to this project.

Chairperson Bianchi: questions why it wasn't possible to determine earlier the extent of the de-watering, with Mr. Ogren responding.

Mr. Eric Greening: questions how much of the anticipated cost is energy cost relating to the pumping and how this might change if the price of energy changes, with Mr. John Clark, Construction Manager, responding.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board approves a contract amendment, with Raines, Melton, and Carella (RMC), of Lafayette, California to extend Program Management Services through April 2003 at a cost of \$150,000 and approves a construction change order for De-watering of Groundwater, in the amount of \$300,000 in accordance with the Lopez Project Change Order Policy.

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, April 2, 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: 04/05/2002

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