

Tuesday, August 6, 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, Peg Pinard, K.H. ‘Katcho’ Achadjian, Michael P. Ryan and Chairperson Shirley Bianchi

**ABSENT:** None

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

**SUM            AGN**

1            A-1    **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board approves the presentation of employee service recognition awards.**

**20 Year Employee Recognition Awards.**

**Mr. Santos Arrona:** Personnel, introduces Michael Matus – General Services, Ora Sue Fellows - Probation, George Gibson - Public Works, David O’Halloran - Public Works, Max Keller - Public Works, Craig Updegrove - Behavioral Health, Grace Conklin - Social Services and Michael Woodson - Social Services and presents 20 year service pins to those employees that are present.

**25 Year Employee Recognition Awards.**

**Mr. Gere Sibbach:** Auditor-Controller, introduces Dianna Curtis and outlines her history with the department and the duties she has undertaken, with Mr. Arrona presenting Ms. Curtis with a service clock.

**Mr. Rich Granger:** Personnel, introduces Tony Krause and gives a brief history of the changes that have occurred in Personnel over the past 25 years and Mr. Krause’s duties, with Mr. Arrona presenting Mr. Krause with a service clock.

**Mr. Krause:** thanks Mr. Granger for his motivating supervisory style; comments on his work in the department and he has enjoyed his years with the County.

**Mr. Arrona:** introduces Mr. Gerald Shea, District Attorney (not present) and highlights his duties over the years, including being elected, by the voters, to serve as the District Attorney.

**Mr. Richard Greek:** Agricultural Commissioner, introduces Judith Noble and highlights her years with the Department and her duties including the budget; speaks to the number of times she has gone “above and beyond” the call of duty, with Mr. Arrona presenting Ms. Noble with a service clock.

**Mr. Arrona:** introduces Ms. Nancy Boydston (not present) and comments on her duties with Medical Services which includes working with other departments and SART.

**30 Year Employee Recognition Awards.**

**Chairperson Bianchi:** introduces Ms. Mary Rios, Health Department (not present); outlines her years of service to the County which has included working for the District Attorney, Auditor-Controller, Alcohol Services, Probation and currently with California Children’s Services.

**Dr. Greg Thomas:** Public Health Director, recognizes Ms. Rios for her work with the Children’s Services Program, especially as it relates to assisting the Spanish-speaking customers.

**Chairperson Bianchi:** introduces Ms. Elizabeth Krieger, highlighting her years of service at the library, her community involvement and also being included in the 2001 NOW calendar.

**Mr. Brian Reynolds:** Library Director, indicates that of all the services they provide their most important service is to our youth; states Ms. Krieger has performed outstanding work with the youth of the community.

Mr. Arrona presents Ms. Krieger with her service award.

**Ms. Krieger:** states she works with the nicest staff; comments on the work at the library; speaks regarding special people who have influenced her life; and, thanks the County for providing Covey training.

2 B-1 This is the time set for members of the public wishing to address the Board on items set  
thru on the Consent Agenda.  
B-27

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

Consent Agenda Item B-22 is amended to add a page, after B-22-2, to the staff report.

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

**AYES: Supervisors Achadjian, Ryan, Ovitt, Pinard, Chairperson Bianchi**

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-27 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-27, 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 relating to the establishment of stop signs on Ardath Drive at Burton Drive, Cambria; and on Estrella Road at Ranchita Canyon Road, located in the North County; 1st and 2nd Districts, **Approved and the Clerk is instructed to give notice of the hearing date set for August 13, 2002 at 9:00 a.m..**

Auditor-Controller Items:

B-2 Submittal of an unannounced cash count report of the County Assessor conducted on June 6, 2002, **Received and Filed.**

B-3 Submittal of an audit report on an unannounced cash count and limited review of the Probation Department conducted on June 10 and 12, 2002, **Received and Filed.**

B-4 Submittal of an unannounced cash count of the Law Library conducted on May 30, 2002, **Received and Filed.**

General Services Items:

B-5 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**

B-6 1) New maintenance project to perform general maintenance at the Community Building in San Miguel; and 2) a corresponding budget adjustment in the amount of \$202,800 from Community Development Block Grant funds, **Approved.**

- B-7 Amended contract with Padre Associates, Inc., to provide environmental monitoring services for the New County Government Center, **Approved.**
- B-8 Disadvantaged Business Enterprise Program 2003 goals for the Department of General Services, **Approved.**
- B-9 **RESOLUTION NO. 2002-308**, authorizing execution of a notice of completion for the demolition and excavation of the New County Government Center, **Adopted.**

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Planning and Building Items:

- B-10 **RESOLUTION NO. 2002-309**, accepting an avigation easement from David and Patricia Whitcomb for property located near the Paso Robles Airport; 1st District, **Adopted.**
- B-11 **RESOLUTION NO. 2002-310**, approving an agreement with Christine Davenport exempting an affordable housing project located in the California Valley from the Growth Management Ordinance; 5th District, **Adopted.**

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Public Works Items:

- B-12 Contract amendment with Quincy Engineering, Inc., to extend contract duration and cover additional work required under federal funding for the Price Canyon Road widening; 3rd and 4th Districts, **Approved.**
- B-13 Amended agreement with the Council of Governments to provide additional funding for several transportation improvements currently in development; All Districts, **Approved.**
- B-14 1) Amended agreement with Questa Engineering Corporation increasing the contract in the amount of \$110,000 for additional design services, 2) a corresponding budget adjustment in the amount of \$135,000 from designated reserve for completion of preliminary design and continuation of design development services for the Cambria Flood Control project; 2nd District, **Approved.**
- B-15 Retroactive step increase for Brian McLean, **Approved.**
- B-16 Submittal of a bid opening report for the widening of a portion of Los Berros Road from Valley Road to east of Century Lane and overlay from Valley Road to north of El Campo Road near the City of Arroyo Grande; 3rd District, **Approved and the Chairperson is instructed to sign contract documents with Granite Construction in the amount of \$226,192.**
- B-17 Submittal of a bid opening report for the widening and overlay of Neal Spring Road from El Pomar Drive to River Road, east of Templeton; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Granite Construction in the amount of \$249,908.**
- B-18 **RESOLUTION NO. 2002-311**, accepting conveyance from R and J Commercial Lots, a general partnership, for Olde Towne Enhancement Project located in the community of Nipomo; 4th District, **Adopted.**
- B-19 **RESOLUTION NO. 2002-312**, extending the termination date of a franchise agreement with Charter Communications; All Districts, **Adopted.**
- B-20 The following final maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
- A. Tract 2266, a proposed subdivision resulting in 17 lots, by Newdoll Construction, Martha Lane, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**
  - B. Tract 2394, a proposed subdivision resulting in 11 lots, by Green Valley Enterprises LLC, Christmas Tree Place, Oceano, reject the offer of dedication

without prejudice to future acceptance; 4th District, **Approved.**

- C. CO 98-0194, a proposed subdivision resulting in 2 lots by David and Patricia Smith, Moss Lane, east of Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
- D. Tract 2325, a proposed subdivision resulting in 32 residential lots and 4 open space lots, by Highland Blacklake Partners, Willow Road, Nipomo, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-313**, to approve an open space easement agreement; 4th District, **Adopted.**

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Social Services Items:

- B-21 Contract (Clerk's File) with the North County Women's Shelter and Resource Center to provide domestic violence and dating violence prevention services, **Approved.**
- B-22 Contracts (Clerk's File) with six agencies that were awarded Children's Trust Fund grants by the Commission on Children and Youth, **Approved as amended.**

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Other Items:

- B-23 Request to reschedule the public hearing to consider service delivery changes at General Hospital and the Family Care Center from September 10, 2002 to September 24, 2002 at 2:00 p.m., **Approved.**
- B-24 Contract with Karl Weaver, M.D., to provide psychiatric services for Mental Health clients, **Approved.**
- B-25 Minutes of the June 4, 10, 11, 12, 17 and 18, 2002 Board of Supervisors' meetings, **Approved.**
- B-26 Request by Medical Services to approve a retroactive step increase for Karen Ferraro, **Approved.**
- B-27 Contract with the Gartner Consulting Group to provide consulting services for contract development and negotiations to procure a records management system, **Approved and the Sheriff is authorized to sign.**

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- C-1 This is the time set for hearing to consider an appeal by Joe Dorsey of the Agricultural Commissioner's decision that a proposed agricultural pond does not qualify for an alternative review (Level 3) project permit from the Upper Salinas Las Tablas Resource Conservation District and that the pond requires a grading permit and drainage plan review, located on 2nd Street in the community of Templeton; 1st District.

**Ms. Pat Beck:** Planning, introduces the item.

**Mr. Robert Hopkins:** Agricultural Commissioner's Office, presents the staff report; Mr. Harley Voss from Code Enforcement checked into the status of the constructed ponds and issued a stop work order in February; Mr. Voss discussed options, with Mr. Dorsey, with respect to the alternative review process through the Resource Conservation District (RCD) for approval of the pond as provided through the grading ordinance; Mr. Dorsey submitted an application to the RCD and in April a report was sent, by the RCD, indicating non-qualification for this process; during preparation for this hearing, staff learned this pond is located in a Flood Hazard Combining Designation (Flood Zone) and the pond will require approval of a drainage plan by Public Works.

**Supervisor Ovitt:** questions what the minimum acre feet for a pond are that would not require the need for a permit, with staff responding.

**Mr. Joe Dorsey:** Appellant/Applicant, states this pond is for agriculture and had been filling with rain water until he was issued the stop order; presents information and

documents with Code Sections, letters from the Agricultural Commissioner and the RCD, photographs of the vineyard and pond; states he built the quality pond with the best materials; addresses his concern regarding the need to find an alternative water source if he can't use the pond; presents an aerial photograph of the site.

**Supervisor Ovitt:** questions what a drainage plan is going to accomplish.

**Mr. Tim Tomlinson:** Public Works, responds and further indicates that if this had just been a hole in the ground this probably wouldn't have been an issue but did raise concerns due to the grading that occurred; further, indicates they need to evaluate this prior to completion.

**Ms. Beck:** outlines the options before the Board with respect to this appeal.

**Chairperson Bianchi:** addresses Findings 7 through 9 and indicates these support her belief that the appeal should be denied.

**Supervisor Ovitt:** speaks in support of the appeal and allowing the applicant to process this through the RCD.

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

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

**the Board tentatively upholds the appeal, with the finding that this is an agriculturally viable project, and allow the applicant/appellant to complete the application process through the RCD and said hearing is continued to this afternoon's calendar for final action.**

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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 Bankruptcy ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (2) *USA v. Buena Vista Mines.*

**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.

**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: the Board took a final action on one item. The Board unanimously agreed to settle the case of *USA v. Buena Vista Mines* by approving the Entry of Consent Decree in the case. Briefly, the EPA had sued the Mines and Mr. Harold Biaggini, alleging violation of CERCLA, which is the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Mr. Biaggini had filed a cross-complaint against the County alleging the County to be partially responsible for the alleged pollution at the Buena Vista/Klau Mines. Under the Settlement, the Mines and Mr. Biaggini will be paying the Federal Government \$500,000 toward the cost of cleanup and the contribution by the County's insurance carrier is \$100,000; copies of the Decree will be available in County Counsel's Office and no further action was taken and the Board goes into Open Public Session.

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

**Mr. Brad Brown:** addresses his concerns regarding the cable franchise renewal for Charter and feels if it is not in writing it will impact programming such as Public Access TV; comments on the financial status of Charter; presents copies of his comments for the record. **No action taken.**

6 C-1 Consideration of an appeal by Joe Dorsey is brought back on for hearing.

**Mr. Robert Hopkins:** Agricultural Commissioner's Office, presents copies of the resolution which reflect the tentative action taken by the Board this morning to uphold the appeal.

**Supervisor Ovitt:** addresses his concern to Finding #8 and wants the language that requires the drainage plan approval removed and questions the language in the Code that speaks to this.

**Mr. Tim Tomlinson:** Public Works, responds that the Code addresses structures and uses and this pond would fall under a use.

**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, Pinard, Achadjian**

**NOES: Supervisor Chairperson Bianchi**

**ABSENT: None**

**the Board upholds the appeal, amends Finding #8 to read: "The as-built pond is located in a Flood Hazard combining designation area." and, RESOLUTION NO. 2002-314, resolution reversing the decision of the Agricultural Commissioner on behalf of the Director of Planning and Building and upholding the request by Joe Dorsey for Agricultural Grading using the Grading Alternative Review (Level 3) Project Permit, adopted as amended.**

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, August 6, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: August 7, 2002  
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