

Tuesday, August 13, 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 Add Request by County Counsel to add an item to the Closed Session, is presented.

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

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

the Board determines that the need to add an item to the Agenda arose subsequent to the 72-hour noticing requirements of the Brown Act and adds the following item to the Closed Session under Pending Litigation - #8 Santa Maria Water Conservation District v. City of Santa Maria.

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

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

RESOLUTION NO. 2002-315, resolution proclaiming the 3rd Annual Alzheimer's Association "Memory Walk at Charles Paddock Zoo" on Saturday, September 7th, 2002 in San Luis Obispo County, adopted.

Supervisor Ryan: reads the resolution and presents the same to Ms. Diane Timmerman.

Ms. Timmerman: thanks the Board for the recognition; states this issue has again come to the forefront with Charleston Heston's announcement of having this disease; speaks to the number of services and groups that are available, for free, to the public; shows the Board the tee shirts for the walk that were designed by Fran Parsons and her caregiver at Sydney Creek.

Ms. Christina Chavez: representing Charles Paddock Zoo, speaks to the new events/programs at the Zoo.

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

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

RESOLUTION NO. 2002-316, resolution commending the San Luis Obispo County Children's Services Network celebrating 10 years of service to the Citizens of San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Jill Bolster-White.

Ms. Bolster-White: Chairperson for the Children's Network, thanks the Board for the recognition on behalf of the Network; presents the Board members with a packet of information.

Mr. Julian Crocker: Superintendent of County Schools, comments on the Network and their vision for children which includes providing a safe and healthy environment.

Mr. Don Dennison: Superintendent for Lucia Mar School District, outlines recent accomplishments by the Network.

Ms. Necia Tinsley: states her daughter has received most of the services the Network offers; speaks to her involvement with the Network as a parent.

Ms. Megan Gaiser: states she has an eight year old son with special needs and outlines the services he has received; indicates he has been in a facility for the past fourteen months and is coming home soon and is so much better because of these services.

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

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

RESOLUTION NO. 2002-317, resolution recognizing San Luis Obispo County Sheriff's Department Underwater Search and Recovery Dive Team, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Sheriff Pat Hedges.

Sheriff Hedges: thanks the Board for the recognition; states the team is made up of volunteers with an average age of 40 and from all walks of life.

5 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-28

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

Consent Agenda Item B-28 is added.

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

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

Consent Agenda Items B-1 through B-28 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-28, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

B-1 Agreements (Clerk's File) with the Food Bank and San Luis Obispo Arts Council that were approved for funding during the 2002-2003 budget hearings, **Approved.**

B-2 Request by the Transportation Choice Program Partners to approve a letter to County employers supporting the Second Annual Transportation Faire, **Approved.**

Behavioral Health Items:

- B-3 Contract (Clerk's File) with Sanford Friedlander, M.A., M.F.T. to provide crisis intervention, community service and managed care/assessment for Mental Health clients, **Approved.**
- B-4 Agreement (Clerk's File) with Mental Health Systems, Inc., to provide drug and alcohol treatment services to clients referred from the Proposition 36 program, **Approved.**
- B-5 Request to authorize the Drug and Alcohol Services Director apply for a Substance Abuse and Mental Health Services Administration grant (Targeted Capacity Expansion), **Approved.**
- B-6 Request to apply for a Substance Abuse and Mental Health Services Administration grant to provide treatment services for family drug court, **Approved.**
- B-7 **RESOLUTION NO. 2002-318**, authorizing Drug and Alcohol Services to access state and local summary criminal history information for employment purposes, **Adopted.**

Board of Supervisors Items:

- B-8 **RESOLUTION NO. 2002-319**, honoring the Lucia Mar Unified School District and the San Luis Obispo south county community on the dedication of the "New" Nipomo High School, **Adopted.**
- B-9 **RESOLUTION NO. 2002-320**, honoring William J. Edwards as "Patriot of the Year" of the Scottish Rite of Freemasonry, **Adopted.**

General Services Items:

- B-10 Employee contract with Alex McDonald to aid in the completion of the Park and Recreation Element, **Approved.**
- B-11 Submittal of a report of donations to the Parks Division for fiscal year 01/02, **Received and Filed.**

Medical Services Items:

- B-12 Retroactive step increase for Lynn Enns, **Approved.**
- B-13 Retroactive step increase for Sara Manning, **Approved.**

Planning and Building Items:

- B-14 **RESOLUTION NO. 2002-321**, authorizing the Planning Director to approve affordable housing agreements associated with exemptions from the Growth Management Ordinance, Public Facility Fee deferments, density bonus projects, and the required affordable housing units in coastal zone development; All Districts, **Adopted.**
- B-15 Retroactive step increase for John Kelly, **Approved.**

Public Works Items:

- B-16 Agreement (Clerk's File) with the State Department of Transportation for operational improvements on Route 1 near Harmony; 2nd District, **Approved.**
- B-17 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 2196, a proposed subdivision resulting in 11 lots, by Nipomo Group, a California General Partnership, located on Division Street, Nipomo, reject the

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

- B. COAL 01-0187, a proposed lot line adjustment of 3 lots which will not result in any new lots, by Richard and Evelyn Little, El Pomar Drive, east of Templeton; 1st District, **Approved.**

Social Services Items:

- B-18 Two contracts (Clerk's File) with the San Luis Obispo County YMCA to provide after school activities for middle school students in South County and Los Osos, **Approved.**
- B-19 Contract (Clerk's File) with the Housing Authority of the City of San Luis Obispo to provide housing assistance services to CalWORKs, Child Welfare Services and Adult Services clients, **Approved.**
- B-20 Contract (Clerk's File) with Transitions-Mental Health to provide independent living services to youth leaving the foster care system, **Approved.**
- B-21 Three contracts (Clerk's File) with the Economic Opportunity Commission of San Luis Obispo County, Inc., to provide services in three separate programs, 1) Stage One Child Care, 2) Child Care Resource and Referral and 3) Quality Child Care Training, **Approved.**

Other Items:

- B-22 Contract amendment with the Governmental Finance Officers Association to extend the terms of the contract to June 30, 2003, **Approved.**
- B-23 Request by the Agriculture Commissioner to approve a budget adjustment in the amount of \$63,503, from unanticipated revenue to fund the pest detection trapping program and approve a fixed asset amendment adding one truck at a cost of \$15,000, **Approved.**
- B-24 Agreement with the Office of Criminal Justice Planning extending a grant agreement for administration of a Victim Witness Elder Abuse Advocacy and Outreach Project, **Approved.**
- B-25 Request by the Public Health Department to appoint Don Dennison as the Designated Representative for Children's Services Network on the Children and Families Commission, **Approved.**
- B-26 Request by the Sheriff-Coroner to submit a grant to the National Institute of Justice for crime laboratory equipment, **Approved.**
- B-27 Submittal by the Clerk- Recorder of the Port San Luis Harbor District 2002-03 Final Budget, **Received and Filed.**

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

- B-28 Bid opening report for the concrete lining of inverts of two culverts on Old Creek Road northeasterly of State Route 1 near Cayucos; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with V. Lopez & Sons Backhoe Service in the amount of \$30,748.00.**

6

- C-1 This is the time set for hearing to consider an ordinance amending the County Code relating to the establishment of stop signs on Estrella Road at Ranchita Canyon Road, located in the North County; and on Ardath Drive at Burton Drive, Cambria ; 1st and 2nd Districts. (Introduced August 6, 2002.)

Mr. Dave Flynn: Public Works, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by

Supervisor Achadjian and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2974, an ordinance amending provisions of the County Code relating to stop intersections, adopted.

7 C-2 This is the time set for hearing to consider a resolution imposing revised road improvement fees in the Templeton area; 1st District.

Mr. Dave Flynn: Public Works, presents the staff report, updates the Board on what they have done over the past year with respect to the Las Tablas Interchange; addresses the issue of the Highway 46W/101 Interchange near Paso Robles; comments on areas in Templeton in the improvement program; discusses non-impact fee projects on Neal Springs Road, a pedestrian path on Florence Avenue and bikeways on Vineyard and Bethel; addresses the proposed change to the fees.

Mr. Bob Roos: states he is a member of the Traffic Circulation Committee for the Templeton Area Advisory Group and expresses their support of the staff recommendations; states they initially had concerns regarding the fee increase but now have a clear understanding of these fees; states they continue looking for additional funding sources for these programs and encourage the County to also.

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

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

the Board receives and adopts the 2002 Update of the Templeton Traffic Circulation Study as outlined in the staff report dated August 13, 2002 and RESOLUTION NO. 2002-322, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the Salinas River, El Pomar/Estrella and Adelaida Planning Areas of the County of San Luis Obispo, adopted. Further, staff is directed to explore alternative funding for Route 46 West/101 Interchange with the City of Paso Robles.

8 C-3 This is the time set for hearing to consider an appeal by Carriage Home/Carl Moreland of the staff determination that the expiration date of the vesting tentative map for Tract 1747 does not qualify for an automatic time extension, located at the intersection of Thompson and Chestnut Avenues, in the community of Nipomo; 4th District.

Supervisor Achadjian: addresses the request, by the applicant, for a continuance.

Ms. Sue Barrackman: asks that the Board not approve the time extension as the applicant should not be allowed to put off making the required improvements to the area; addresses their concern to flooding and suggests the required road improvements will address this; feels if the applicant can't do what is required of them, then the application should expire and they should have to start over.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board continues said hearing to October 1, 2002 at 9:00 a.m..

9 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*, (2) *Bernales v. County of San Luis Obispo*, (3) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (4) *NRC Proceedings Concerning Spent Fuel*, (5) *MCI Worldcom v. County of San Luis Obispo* and (8) *Santa Maria Water Conservation District v. City of Santa Maria*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (6) *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. (7) *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 directed that the County join in the Northern Cities motion on the Santa Maria Groundwater litigation and no other report is required as no other action was taken and the Board goes into Open Public Session.

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

Mr. Les Goldfisher: states he believes the Board will close General Hospital and addresses possibilities this may present; feels indigents may receive better care than those that have health insurance; questions why the Board is paying a half million dollars to keep Mr. Hood employed at the Hospital.

Mr. Henry Adams: speaks to Uniform Building Code violations he believes are occurring at the Santa Margarita Lake Marina; presents photographs of several violations he sees with respect to the bridge and railings; addresses his concern regarding lighting that has been removed.

Ms. Rochelle Becker: Mothers for Peace, speaks to recent decisions by the California Coastal Commission to hold full public hearings on the “contentions” relating to the spent fuel application by PG&E at Diablo Canyon and transportation of this fuel; presents copies of documents from the United States of America Nuclear Regulatory Commission (NRC) - Atomic Safety and Licensing Board titled: In the Matter of Pacific Gas and Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation), Docket No. 72-26-ISFSI; ASLBP No. 02-801-01-ISFSI, - (1) Memorandum and Order, dated August 7, 2002 and (2) Response to Contentions Filed by Petitions San Luis Obispo Mothers for Peace, et al. (name of organization or constituency) dated August __, 2002.

Mr. David Weisman: gives a verbal list of several groups that received a letter from PG&E saying any contact with them needed to be done through the interveners; presents a flyer put out by the Mothers for Peace entitled “Diablo Canyon = Radioactive Waste Forever” that provides information regarding the NRC hearings in September.

Mr. Michael Kovacs: speaks to recent acts of fraud by auditors in the private sector; states the County Administrative Officer has also provided fraudulent information and cites from a booklet for the 2001-02 budget that was prepared by the County; states he asked to have the fraudulent information corrected and was ignored.

Mr. John Euphrat: Planning and Building staff, presents a status report of the actions taken by the California Coastal Commission with respect to three County amendments and their approval with slight modifications; the position they took on an application for a building in Cambria; their review of the Periodic Review document and the positive comments regarding the same.

Supervisor Ryan: responds to comments by Mr. Adams regarding Santa Margarita Lake;

states he met with Mr. Adams, Parks staff and the concessionaire to look at his concerns and found there were repairs that needed to be made; indicates they told Mr. Adams they would look into these issues and report back to him in two weeks and the next day Mr. Adams called CAL-OSHA; states many of the changes/repairs have already been made.

Mr. Ernie Del Rio: Parks staff, elaborates on what has already been repaired and what they are still working on.

Supervisor Pinard: addresses comments by Ms. Becker and thanks her for all her work on this issue.

Chairperson Bianchi: asks the Administrative staff to add an item to next week's agenda to vote on the issue of having the spent fuel discussions conducted in an open public session as opposed to Closed Session. **No action taken.**

11 C-4 This is the time set for hearing to consider an appeal by Richard Hawley of the Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit (D000382P), a request by Steve Pelle to construct a single family residence with attached garage, sun porch, guesthouse and garage/workshop, located at 1609 Burton Drive in the community of Cambria; 2nd District.

Ms. Martha Nader: Planning, presents the staff report; shows a photograph of the site; addresses the issues raised in the appeal and staff's response to the same; staff is recommending denial of the appeal.

Mr. Richard Hawley: Appellant, presents his comments for the record and outlines the same addressing his concern to the lack of water; the letter of intent to serve by the Cambria Community Services District (CCSD) is issued as part of the County's permitting process and not a guarantee of water; references Resolution 02-2002 by the CCSD, adopted on January 24, 2002, that states in part that the current finite water supply is not adequate or certain enough to support the current and future water needs of the consumers within the CCSD.

Mr. Gary Swauger: representing the Applicant, Steve Pelle, comments on the conditions they are required to meet before a building permit can be issued; believes they have developed a sensitive site; questions the addition of Finding N and Condition #20 regarding indemnification.

Mr. Michael Kovacs: comments on the appeal and hopes the Board will look at this closely before making any decisions; asks that the Board not deny the appeal just because staff says so.

Chairperson Bianchi: addresses her concerns regarding water in this area and supports Appeal Issues 1 and 3, but not 2 and 4.

Board Members: address various issues, comments and concerns regarding: the intent to serve letters; concerns by Cambria Fire that they only have enough water for six houses; the CCSD is still honoring and issuing the letters of intent and has not changed their position officially; concerns regarding adding the indemnification condition.

Mr. Jac Crawford: Assistant County Counsel, addresses the history behind the indemnification language; comments on challenges in court of a Board's decision and if there is a cash award, the concern regarding whether the money should come from public funds or from the person who actually benefitted from the County's decision.

Mr. Swauger: gives his closing comments.

Mr. Hawley: gives his closing comments; addresses erosion and believes drainage issues need to be addressed before this applicant is allowed to build; cites from Resolution 02-2002 of the CCSD which says in part there is not enough water for fire for the residents currently living in the community.

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: None
ABSENT: Supervisor Chairperson Bianchi

the Board denies the appeal and RESOLUTION NO. 2002-323, resolution affirming the decision of Hearing Officer and conditionally approving the application of Steve Pelle for Minor Use Permit/Coastal Development Permit D000382P, adopted. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

12 D-1 This is the time set for consideration of the request by Chairperson Bianchi to authorize processing of General Plan amendments to Adelaida Area Plan (Part II of the Land Use Element) to apply highway corridor design standards to address visual concerns from Highway 1.

Ms. Kami Griffin: Planning, outlines the request and indicates the staff is requesting that they be provided with direction to prepare an authorization report for this; states by preparing this report it will give the Board more information that what is before them today.

Chairperson Bianchi: asks if the report preparation could be skipped and the Board request today that the authorization to process occur, with Mr. Griffin stating the Board can do that.

Ms. Laurin Neumann: thanks Chairperson Bianchi for bringing this item forward and hopes the Board will expedite this process; states folks in this area just want the same viewshed, watershed, etc. rights as the rest of County.

Ms. Mary Ann Carnegie: states she is representing the Cayucos Advisory Council and the Council unanimously endorsed this amendment and urges the Board to support the request.

Mr. Paul Madonna: supports the amendment and wants to have the same standards on the ridge as the rest of the County.

Mr. Bob Blanchard: speaks in support of the requested amendment.

Mr. Stuart Selkirk: supports the amendment and feels it will stop abuses that currently exist.

Mr. Roger Lyon: speaks to a letter he submitted earlier today to the Board and supports the amendment request.

Mr. Bill Coy: states he thought, incorrectly, that they had the same restrictions as the rest of the County and wants to see this corrected.

Mr. Bruce Gibson: feels this is straightforward and urges the Board to move forward with this request as supported by the Advisory Council.

Supervisor Ryan: states he supports this but wants the amendment to be clear on what the visual limits are so there are no gray areas.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and unanimously carried, the Board authorizes processing of the General Plan amendments for the Adelaida Area Plan (Part II of the Land Use Element) to apply highway corridor design standards to address visual concerns from Highway 1.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

- 13 E-1 This is the time set for consideration of items related to the implementation of the In-Home Support Services (IHSS) Public Authority including an operating agreement and terms of office for members of the Governing Board.

Mr. Lee Collins: Social Services Director, presents the staff report and corrects the third recommendation to read “approve” and not “receive” the terms for the members of the IHSS Public Authority Governing Board.

Mr. Gary Rogers: Chairperson for the IHSS Public Authority, presents a letter for the record and highlights the same in support of the staff recommendations and outlining the needs of the clients they will assist.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board approves: (1) the Operating Agreement between the County and the IHSS Public Authority; (2) the Rate Reimbursement Package to be sent to the State Department of Social Services; and, (3) the terms of office for the members of the IHSS Public Authority Community Governing Board as outlined in the staff report dated August 13, 2002.

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 13, 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 14, 2002
vms