

Tuesday, September 24, 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 on the following roll call vote:**

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

RESOLUTION NO. 2002-366, resolution recognizing the collaborative contributions of the City of San Luis Obispo and San Luis Obispo County Mental Health Services to provide services to the homeless mentally ill population, adopted.

Supervisor Achadjian: reads the resolution and presents the same to San Luis Obispo City Police Officers Cathy Bianchi and Gary Nemeth (Officer Tim Hedges is absent) and San Luis Obispo City Ranger Brandi Diffenderfer.

Mr. Mike Ball: Mental Health staff, thanks these officers for all their hard work.

Chief Jim Gardiner: San Luis Obispo City Police, thanks the County for all their years of working with partnerships such as this one; thanks his officers for their work in helping to care for the mentally ill homeless.

Officer Gary Nemeth: states he appreciates the recognition but this only occurs due to the support of his superiors at the Police Department.

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-22

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

Consent Agenda Items B-1, B-3 and B-14 are withdrawn for separate action. Items B-4 and B-5 are misnumbered and the cover sheet is amended to switch the titles to match the staff reports. Item B-4 is further amended to reflect two agreements with the AIDS Support Network. Item B-22 is added to Consent Agenda.

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-22 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-22, 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 an ordinance amending Section 2.48.050 of the County Code to allow County employees to retain compensation received for pollworkers duties, **Withdrawn for separate action.**

Auditor-Controller Items:

- B-2 Submittal of an unannounced cash count and limited review of the cash handling procedures of the Medical Services Department at the Atascadero, Grover Beach, Morro Bay and San Luis Obispo offices conducted on June 13, 14, and 17, 2002, **Received and the Hospital Chief Executive Officer is directed to correct all the noted deficiencies and provide the Board with a written report certifying these corrections within 30 days.**
- B-3 Submittal of an audit report on the animal licensing procedures at the Animal Services Division of the Sheriff's Department, **Withdrawn for separate action.**

Behavioral Health Items:

- B-4 Application (Clerk's File) to the State Department of Mental Health Services for continued funding under the federal government's Projects for Assistance in Transition from Homelessness Program for 02-03, **Approved as amended.**
- B-5 Agreement with the AIDS Support Network to provide hepatitis C outreach, education, and testing services, **Approved as amended.**

Board of Supervisors Items:

- B-6 Request by Board Members to allocate \$3,300 from Community Project Funds (\$200 each from Districts, One, Three, Four and Five and \$2,500 from District Two) to the San Luis Obispo Community Health Foundation to be used for the "HealthWorks" television programing, **Approved.**
- B-7 Request by Chairperson Bianchi to allocate \$1,500 from District Two Community Project Funds to the North Coast Advisory Council to be used for costs associated with holding North Coast Advisory Council monthly meetings, **Approved.**
- B-8 Request by Chairperson Bianchi to allocate \$1,434 from District Two Community Project Funds to the Cayucos Senior Citizens Club to pay for auto insurance for two vans that are used to transport senior citizens, **Approved.**
- B-9 Request by Supervisor Ryan to allocate \$1,800 from District Five Community Project (\$300) and Visitors Services (\$1,500) grant funds to the Atascadero Colony Days Committee to be used to advertise the annual Atascadero Colony Days, **Approved.**

General Services Items:

- B-10 Submittal of a response to Auditor-Controller's recommendations to cash handing procedures at Lopez Lake, **Received and Filed.**
- B-11 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**

Public Works Items:

- B-12 Request to amend the drive-in charge refund list for South County Sanitary Services, Inc.; 3rd and 4th District, **Approved.**
- B-13 Request to approve the solid waste collection drive-in charge criteria for South County Sanitary Services, Inc., regarding collection services in the unincorporated areas south of the City of San Luis Obispo; 3rd and 4th Districts, **Approved.**

- B-14 Contracts (Clerk's File) with Essex Environmental, Morro Group, and Crawford, Multari & Clark Associates to provide on-call environmental compliance services to the Department of Public Works, **Withdrawn for separate action.**
- B-15 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. CO 93-076, a proposed subdivision resulting in 2 lots, by Weston O'Reilly, et al, Los Palos Road, south of Atascadero, reject the offer of dedication for drainage and public utility easements without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-367**, to accept the offer of dedication for road widening; 5th District, **Adopted.**
 - B. CO 91-231, a proposed subdivision resulting in 4 lots, by Richard Goldstein, Highway 46, southwest of Paso Robles; 1st District, **Approved.**
 - C. CO 93-0021, a proposed subdivision resulting in 4 lots, by Cass and Marilyn Landon, Viva Way, Nipomo Mesa, reject the offers of dedication without prejudice to future acceptance; 4th District, **Approved.**
 - D. COAL 01 -01 87, 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-16 Contract (Clerk's File) with the San Luis Obispo Child Development Center to provide child abuse prevention and intervention and parenting education services for CalWORKs and Child Welfare Services children and family members, **Approved.**
- B-17 Request to amend the term and fee schedule to the contract with Brink's Incorporated for fiscal year 2002-03, **Approved.**

Other Items:

- B-18 Agreement with Cuesta College to provide a training site at General Hospital for student nurses, **Approved and the Director of Nursing is instructed to sign.**
- B-19 Agreement with Allan Hancock Joint Community College District to provide fire technology instruction, **Approved.**
- B-20 Agreement (Clerk's File) with Crawford, Multari, & Clark Associates to prepare a Specific Plan and Environmental Impact Report for the Morros; 2nd District, **Approved.**
- B-21 Agreements (Clerk's File) with Hotline of San Luis Obispo, Casa Solana, Inc., the Women's Shelter Program, Inc., and Lifespan Services Network, Inc., to provide various preventive health services, **Approved.**

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

- B-22 Bid opening report for the excavation of excess materials from the Arroyo Grande Creek Channel near the community of Oceano; 4th District, **Approved and the Chairperson is instructed to sign contract documents with C. Beecham Company in the amount of \$21,962.**

- B-1 Introduction of an ordinance amending Section 2.48.050 of the County Code to allow County employees to retain compensation received for pollworkers duties, is presented (This item was amended to correct any reference to Section 2.48.050 to read 2.48.020).

During discussion on the Consent Agenda Supervisor Ryan expressed his concern to County employees receiving both their regular pay and the pay received by pollworkers;

believes there are still other options available and asked for a separate vote on this item.

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

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

introduction of an ordinance amending Section 2.48.020 of the County Code to allow County employees to retain compensation received for pollworkers duties, approved as amended and the Clerk is instructed to give notice of the hearing date set for October 1, 2002 at 9:00 a.m..

- 4 B-3 Submittal of an audit report on the animal licensing procedures at the Animal Services Division of the Sheriff's Department, is presented.

During discussion on the Consent Agenda Supervisor Pinard expressed concerns she's heard from veterinarians regarding turning in someone who has their pet vaccinated for rabies but does not license them; also, her concern regarding the cost differences for licensing spayed/neutered versus not spayed/neutered pets; and asked for a separate vote on this item.

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: Supervisor Pinard
ABSENT: None

the Board receives and files the audit report on animal licensing procedures at the Animal Services Division of the Sheriff's Department.

- 5 B-14 Request to approve contracts (Clerk's file) with Essex Environmental, Morro Group, and Crawford, Multari & Clark Associates to provide on-call environmental compliance services to the Department of Public Works, is presented.

During discussion on the Consent Agenda Supervisor Pinard expressed her concerns to using outside services instead of staff and the costs associated with this and asked for a separate vote on this item.

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: Supervisor Pinard
ABSENT: None

the Board approves the contracts with Essex Environmental, Morro Group and Crawford, Multari & Clark Associates to provide on-call environmental compliance services for various public works projects.

- 6 C-1 This is the time set for hearing to consider expenditure proposals for the use of State Citizens Option for Public Safety Program (COPS) funds.

Mr. Nick Marquart: Sheriff's Department, presents the staff report and recommendation.

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

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

NOES: None

ABSENT: None

the Board after holding a public hearing, approves the expenditures for the Citizen's Option for Public Safety Program (COPS Program) and approves the use of the current year program funds of \$387,244 as stated in the schedules outlined in the staff report dated September 24, 2002, amends the fixed asset list and approves the corresponding appropriation transfer.

7 D-1 This is the time set for consideration of a proposed amendment to the General Plan: 1) request to authorize an amendment to the South County Area Plan and to prepare a design plan for Tefft Street Corridor extending from Oak Glen Street to Pomeroy Road; 4th District.

Mr. Chuck Stevenson: Planning, presents the staff report and provides a brief overview of the request.

Supervisor Pinard: comments on concerns she has heard regarding increased speed on Tefft St.

Supervisor Achadjian: thanks Mr. Stevenson for the extra work on this item and Mr. Bowen for letting his wife help out with secretarial duties for the advisory committee.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board authorizes processing of an amendment to the South County Area Plan and to prepare a design plan for the Tefft Street Corridor extending from Oak Glen Street to Pomeroy Road.

8 D-2 This is the time set for consideration of a proposed amendment to the General Plan: 1) request to authorize an amendment to the Olde Towne Nipomo Design and Circulation Plan, a part of the South County Area Plan, to provide angled parking along Thompson Avenue; 4th District.

Mr. Chuck Stevenson: Planning, presents a brief overview of the amendment request.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, the Board authorizes processing of an amendment to the Olde Towne Nipomo Design and Circulation Plan, a part of the South County Area Plan, to provide angled parking along Thompson Avenue.

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) *NRC Proceedings Concerning Diablo Canyon License Transfer* and (3) *NRC Proceedings Concerning Spent Fuel*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (5) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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

Thereafter, 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. Richie Ray Walker: addresses the fees for senior golfers at Dairy Creek Golf

Course and the \$4 surcharge; feels seniors should be given a break and presents a copy of a receipt from the golf course.

Mr. Michael Kovacs: comments on the speaker forms and feels that limiting the public's time to speak is restricting their freedom of speech; feels the public should be allowed time to rebut staff comments and refutes comments by Mr. Edge two weeks ago. **No action taken.**

- 11 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was 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, September 24, 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: September 24, 2002
vms