

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-A **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

**RESOLUTION NO. 2002-461, resolution declaring November 2002 as Adoption Awareness Month, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Mary Baldwin, who thanks the Board for the recognition and the foster parents for all that they do.

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

**Mr. Eric Greening:** speaks to Item B-15 and encourages the County and MRS (Marine Research Specialists, Inc.) to prepare a thorough document that analyzes the safety issues even though the Federal government theoretically preempts our consideration of safety issues; feels no EIR is complete without an analysis of alternative projects including a no-build alternative; urges the Board to require a full EIR. **No action taken.**

3            B-1    Consent Agenda Item B-6 is amended to correct the cover sheet to reflect the hearing date thru as December 3, 2002 not 2001. Item B-9 is amended to replace B-9-2 due to a technical B-28 correction, the amended page corrects the size of the development plan to 16 acres from 2 acres. Item B-22 is withdrawn for separate action and continued to the afternoon calendar. Item B-28 is added to the 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-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.

Items set for hearing:

B-1 Introduction of a proposed ordinance amending the County Code for the establishment of highways closed to commercial vehicles on Division Street east of Orchard Avenue and on Tefft Street west of Orchard Avenue, Nipomo; and Hillcrest Drive in Cambria; 2nd and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for November 26, 2002 at 9:00 a.m..**

- B-2 Introduction of a proposed ordinance amending the County Code, Title 15, Vehicles and Traffic, to add a section prohibiting overnite camping within the public road right of way in Oceano; 4th District, **Approved and the Clerk is instructed to give notice of hearing date set for November 26, 2002 at 9:00 a.m.**
- B-3 Introduction of a proposed ordinance amending the County Code for the establishment of speed limits on Live Oak Ridge Road and Summit Station Road, Nipomo; and Bethal Road, Templeton; 1st and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for November 26, 2002 at 9:00 a.m.**
- B-4 Introduction of a proposed ordinance amending the County Code for the establishment of stop signs on Main Street at Cambria Drive, Cambria; 2nd District, **Approved and the Clerk is instructed to give notice of hearing date set for November 26, 2002 at 9:00 a.m.**
- B-5 **RESOLUTION NO. 2002-462**, of intention to vacate a portion of Vista Street in the community of Oceano; 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for December 3, 2002 at 9:00 a.m.**
- B-6 Introduction of a proposed ordinance amending the County fee schedule for fiscal year 2003-04 (and calendar year 2003 for Parks and Golf Course fees); All Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for December 3, 2001 at 9:00 a.m.**

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Administrative Office Items:

- B-7 Submittal of the first quarter financial report, and request to accept donations and discharge of bad debts; All Districts, **Approved.**
- B-8 Request to delegate authority to the County Administrator to negotiate and approve modifications to existing contracts for services provided at General Hospital, **Approved.**
- B-9 **RESOLUTION NO. 2002-463**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 83 to the City of Paso Robles (Durand); 1st District, **Adopted as amended.**

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General Services Items:

- B-10 Agreement with R. Burke Corporation to place security deposits in lieu of retention in escrow, **Approved.**
- B-11 Use permit (Clerk's File) allowing Ray Kashefi to construct a hangar for personal aeronautical use on a portion of land located at the Oceano Airport, **Approved.**
- B-12 **RESOLUTION NO. 2002-464**, authorizing execution of a notice of completion and acceptance for the construction of the commissary/locker room at the Sheriff's Main Jail, **Adopted.**
- B-13 **RESOLUTION NO. 2002-465**, authorizing execution of a notice of completion and acceptance for the replacement of cell door operators on A and B decks at the Sheriff's Main Jail, **Adopted.**

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Planning and Building Items:

- B-14 Agreement declaring restrictive covenants with the State Department of Parks and Recreation as part of a coastal resources grant program; 2nd District, **Approved.**
- B-15 Agreement (Clerk's File) with Marine Research Specialists, Inc., to prepare an Environmental Impact Report for the Diablo Canyon spent fuels storage project; 2nd and 3rd Districts, **Approved.**
- B-16 **RESOLUTION NO. 2002-466**, approving an open-space agreement with Phillip and Tracy Cagliero, for property located at 8220 Estrella Road, Paso Robles; 1st District,

**Adopted.**

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Public Works Items:

- B-17 Common use agreement (Clerk's File) with Caltrans for the San Luis Obispo County Flood Control and Water Conservation District regarding 4th Street construction and Lopez waterline easement; 3rd District, **Approved.**
- B-18 Amended contracts (Clerk's File) with Essex Environmental, Inc., Montgomery Watson Harza, and URS Corp., for the extended construction schedule and additional stone column construction for the Lopez Dam Seismic Remediation Project; 3rd and 4th Districts, **Approved.**
- B-19 **RESOLUTION NO. 2002-467**, accepting easements for a water pipeline, vault and drainage pipeline near Branch Street, Arroyo Grande; 3rd and 4th Districts, **Adopted.**
- B-20 **RESOLUTION NO. 2002-468**, authorizing execution of a notice of completion for the asphalt concrete paving of various County roads; 1st, 3rd and 4th Districts, **Adopted.**
- B-21 **RESOLUTION NO. 2002-469**, authorizing execution of a notice of completion for the concrete lining of inverts of two culverts on Old Creek Road northeasterly of State Route 1 near Cayucos; 2nd District, **Adopted.**
- B-22 The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map, and:
- A. Tract 2423, a proposed subdivision resulting in 101 lots by Michael, Sharon, Robert and Ricky Giubbini, Vineyard Drive, west of Templeton, reject the offers of dedication without prejudice to future acceptance, act on the resolution approving an open space easement agreement; 1st District, **Withdrawn for separate action and continued to the afternoon calendar.**
- B-23 The following maps have been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map, and:
- A. Tract 2262, a proposed subdivision resulting in 16 lots by Villa Park Properties, Eucalyptus Road, west of Nipomo, reject the offers of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-470**, approving an agreement for mitigations and **RESOLUTION NOS. 2002-471 and 2002-472**, approving open space easement agreements; 4th District, **Adopted.**
- B. COAL 00-0141, a proposed lot line adjustment of 5 lots, which will not result in any new lots, by Oak Shores Development Company, north of Oak Shores Village, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
- C. CO 92-0058, a proposed subdivision resulting in 3 lots by Thomas and Kathryn Sutherland, Noyes Road, north of Arroyo Grande, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-473**, accepting the relinquishment of access rights along Noyes Road; 3rd District, **Adopted.**

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Social Services Items:

- B-24 Contract (Clerk's File) with the Regents of the University of California on behalf of the Davis campus University Extension to provide training to Social Services staff, **Approved.**
- B-25 Contract (Clerk's File) with the San Luis Obispo Child Development Center to provide child abuse prevention, intervention and treatment programs, **Approved.**

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Other Items:

- B-26 Agreements (Clerk's File) with Coast Unified School District and Cayucos Elementary School District for school nursing services, **Approved.**
- B-27 Submittal by Medical Services of a response to the Auditor-Controller's recommendations regarding a cash count of the Medical Services Department, **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 The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map, and:
  - A. COAL 99-0227, a proposed lot line adjustment of 2 lots which will not result in any new lots, by John Zimmerman, Eldon and Diana Bergman, Vineyard Drive, west of Templeton; 1<sup>st</sup> District, **Approved.**

- 4 C-1 This is the time set for hearing to consider a request by Caritas Corporation to approve new financing by California Statewide Communities Development Authority for Rancho Del Arroyo Mobilehome Park in Oceano; 4th District.

**Mr. Dana Lilley:** Planning, presents the staff report, outlining the request to hold a "TEFRA" hearing and the request by Caritas Corporation to authorize the issuance of bonds to refinance the Rancho del Arroyo Mobilehome Park as part of a financing package that includes mobilehome parks in other counties; the County is not being asked to finance the park, instead the California Statewide Communities Development Authority will be the issuer of tax-exempt revenue bonds; recommendation is for approval.

**Supervisor Achadjian:** questions whether there is any liability to the County with this, with Mr. Lilley and Mr. James Lindholm, County Counsel, responding that there is not.

**No one appearing and 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

**RESOLUTION NO. 2002-474, resolution approving the issuance of qualified 501 (C)(3) Revenue Bonds by the California Statewide Communities Development Authority to finance and refinance mobile home parks for the Caritas Corporation, adopted.**

- 5 C-2 This is the time set for continued hearing (continued from September 17, 2002) to consider an appeal by Robert Klein of the Administrative Hearing Officer's decision to approve a minor use permit (D980119P/Borges) to allow an exception to the edge of Nipomo Mesa standards to allow construction of two single family residences on two existing legal lots of record, located in the County at the southeast corner of Camino del Oro and Calle Cielo, in the community of Nipomo; 4th District.

**Ms. Kami Griffin:** Planning, states they are back today at the Board's direction to approve a dwelling for one of the parcels and deny a dwelling for the other parcel; the reason for the prior continuance was to allow the applicant time to complete a revised geology report; staff has received a request from the Applicant for a further continuance and understands that the Appellants are agreeable to this request.

**Ms. Sue Klein:** Appellant, reads a statement regarding prior information they have provided the Board addressing their concerns to this proposal; presents additional information for the record including copies of newspaper articles dates April 27, 2001 and entitled "Bluff Blowout" and "Investigating why the Nipomo Bluffs Collapsed after March Flood"; presents copies of the law, as stated by Paul Geih; the geological reports by Don Weaver and the County's geologist, Mr. Lew Rosenberg.

**Mr. Terry Orton:** Westland Engineering and representing the Applicant, asks that the

Board approve their request for a continuance.

**Supervisor Ryan:** questions whether the Applicant is working on developing one or two dwellings.

**Mr. Orton:** states they are still working on two but the report will also work for just one.

**Mr. Robert Klein:** Appellant, asks the Board to approve the continuance as the geology report is still not complete.

**Supervisor Ryan:** states he thought at the last hearing the Board's direction was clear and that there would only be one house allowed on this property; would like to see the Board take an action to tentatively approve one dwelling pending the completion of the geology report.

**A motion by Supervisor Achadjian, seconded by Supervisor Pinard to continue this hearing, is discussed.**

**Mr. Lew Rosenberg:** County Geologist, addresses the issue and the time he will need to review the report by the Applicant's geologist.

**The motion maker and second amend their motion to continue this hearing to January 28, 2003 and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and on the following roll call vote:**

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

**the Board continues said hearing to January 28, 2003 at 9:00 a.m..**

(The Board takes a brief break and during this time Mr. & Mrs. Klein indicated they could not be present on January 28, 2003. The Board reconvenes their meeting and takes the following action:)

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

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

**the Board amends their prior action and continues said hearing to February 11, 2003 at 9:00 a.m..**

6 D-1 This is the time set for consideration of a resolution authorizing the sale and delivery of up to \$31,000,000 of certificates of participation and approving certain documents (Clerk's File) and authorizing certain actions, including a contract amendment, with Fulbright and Jaworski in connection with the sale.

**Mr. Gere Sibbach:** County Auditor-Controller, presents the staff report outlining the work being done with bond counsel and financial advisors to put together the most cost effect financing package for the New Government Center and refunding of the Dairy Creek Golf Course debt.

**No one appearing and 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**

**RESOLUTION NO. 2002-475, a resolution approving, authorizing and directing**

execution of lease financing documents and authorizing and directing certain actions with respect thereto, adopted. Further, the Board approves the forms of the financing documents; authorizes the execution of a final official statement; authorizes the Chairperson and Vice-Chairperson of the Board, the Clerk of the Board, the Auditor-Controller and the Treasurer of the County to execute and deliver any and all documents which they deem necessary and advisable to consummate the sale of the Certificates and directs the Chairperson to sign on the County's behalf. Further, the Board approves the amendment to the contract for bond counsel services with Fulbright and Jaworski and directs the Chairperson to sign the same.

**THE BOARD OF SUPERVISORS DOES NOW ADJOURN AND RECONVENE AS THE BOARD OF DIRECTORS OF THE PUBLIC FACILITIES FINANCING CORPORATION.**

**THE BOARD OF DIRECTORS OF THE PUBLIC FACILITIES FINANCING CORPORATION DOES NOW ADJOURN AND THE BOARD OF SUPERVISORS RECONVENES.**

7 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*, (3) *NRC Proceedings Concerning Spent Fuel* and (4) *Lum v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (5) *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. (6) *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.

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

**Mr. Gordon Hensley:** representing Living in America, speaks to the Voter's Educational Forum they hosted and presents Certificates of Appreciation to Supervisor Bianchi and Achadjian and Ms. Pam Weaver, County Clerk-Recorder's Office; also, presents Ms. Weaver a photograph of her registering voters.

**Ms. Weaver:** thanks everyone for the Certificate. **No action taken.**

9 B-22A This is the time set for consideration of the following map that has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map: Tract 2423, a proposed subdivision resulting in 101 lots by Michael, Sharon, Robert and Ricky Giubbini, Vineyard Drive, west of Templeton, reject the offers of dedication without prejudice to future acceptance, act on the resolution approving an open space easement agreement; 1st District.

The Clerk indicates that she has received the final map and the Board can take an action on this item.

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

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

**ABSENT: None**

**Tract 2423, a proposed subdivision resulting in 101 lots by Michael, Sharon, Robert and Ricky Giubbini, Vineyard Drive, west of Templeton, reject the offers of dedication without prejudice to future acceptance; 1<sup>st</sup> District, approved; and RESOLUTION NO. 2002-476, resolution approving and accepting an Open-Space Agreement granting an Open-Space Easement to the County of San Luis Obispo by and between Michael D. Giubbini, Sharon K. Giubbini, Robert J. Giubbini (also known as Robert Giubbini), and Ricky P. Giubbini (Also known as Ricky Giubbini), adopted.**

10 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 as no final action was taken.

11 C-3 This is the time set for hearing to consider public input for the proposed 2003 Community Development Block Grant (CDBG), HOME Investment Partnership Act, and Emergency Shelter Grant (ESG) Program Needs; All Districts.

**Mr. Tony Navarro:** Planning, presents the staff report, indicating today's hearing is to allow public testimony and there is no action required by the Board; indicates the budget is only an estimate at this time; presents an overview of comments they received at the public workshops which included: the lack of affordable housing, particularly rental housing; homelessness issues and the rise in the same; public facilities requests; presents a letter from the Shandon Advisory Committee addressing needs in their community; and, San Miguel is in need of a new water well.

**Mr. Mike Ellison:** General Manager for the San Miguel Community Services District (SMCSD), addresses their request for CDBG funds for an engineering analysis and new water well; indicates the SMCSD is willing to front the money, while waiting for funding approval in August, to get this moving.

**Mr. Terry Eberhardt:** Avila Beach Civic Association, urges the Board to support their request for funding to renovate the Civic Center and addresses the need to make ADA upgrades; their second request is funding for a ½ time staff person at the Center.

**Ms. Jody Smith:** EOC, states she works with the homeless; speaks to the increase in homelessness in the County, with one of the reasons being high rent; suggests not enough affordable/low income rental units are being built.

**Mr. Allan Painter:** speaks to the help he received from EOC with respect to CMSP, housing, etc. and thanks EOC and Ms. Jody Smith for all her help.

**Ms. Lillian Judd:** EOC, addresses the grant they received for a North County shelter for the homeless; updates the Board on where they are with respect to building this shelter; commends the Board and staff, particularly Tony Navarro, for all the work they have done.

**Mr. Philip Reilly:** speaks to services he received when he was homeless and because of these services he now has a home for him and his son; also, he will be married to his son's mother soon.

**Ms. Hannah Ray:** states she is a recipient of the TAPS program through EOC and because of these services she now has two jobs; urges the Board to keep funding this program.

**Dr. Virgil Becker:** representing the Second Baptist Church in Paso Robles, speaks to what they provide to the homeless and asks for help to continue providing these services.

**Mr. Scott Smith:** People's Self Help Housing, speaks to the recent passage of Proposition 46 and the funding it will provide for housing needs; addresses concerns regarding HUD "de-obligating" funds for counties and the State; urges the Board to increase funding from the CDBG for housing.

**Ms. Susan Ostrov:** John Wallace and Associates and representing the SMCSO, addresses the current water problems in San Miguel and urges support of their request.

**Mr. Steve Tanaka:** John Wallace and Associates and representing the SMCSO, addresses the engineering study and what it showed with regard to water quality; the SMCSO also is very deficient in water storage.

**Mr. David Ryal:** Small Business Development Center, speaks to the number of jobs they helped create in the past year; thanks the County for their past support; states they hope to open a small business information center this year.

**Ms. Barbara Carey:** Oceano Community Center, states they lost \$500,000 in funding due to the State budget but have made it up through two other grants and fund-raising events; addresses the needs of the Oceano area and what they have been able to accomplish without having this center built yet.

**Ms. Mary Aivac:** speaks regarding senior services through EOC and her support of the same.

**Ms. Laura Morgan:** speaks to the Health Screening Program through EOC and what it provides to seniors; urges funding to continue this program.

**Ms. Iona Sargent:** speaks in support of the EOC Health Screening Program and the assistance it has provided her.

**Mr. Bill Saylor:** CEO for the North County Boys & Girls Club, thanks the Board for their prior support; indicates they operate out of Shandon and addresses the number of kids they have worked with over the past year.

**Ms. Catherine Manning:** Homeless Director for EOC, addresses the services they provide to the homeless; feels homelessness in the County is in a crisis condition. **No action taken.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, November 12, 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: November 12, 2002

vms