



- B-2 Introduction of a proposed ordinance amending the Growth Management Ordinance (Title 26 of the County Code) to establish the growth rates for the Nipomo Mesa area and the community of Cambria for 2003 and to allow deferral of the allocations for the community of Cambria until the current water emergency is lifted; 2nd and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date set for December 3, 2002, at 9:00 A.M..**

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Auditor-Controller Items:

- B-3 Unannounced cash count of the Lopez Lake Recreational Area conducted on July 31, 2002, **Received and Filed.**
- B-4 Unannounced cash count of the Treasurer's Office conducted on September 26, 2002, **Received and Filed.**

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Behavioral Health Items:

- B-5 Agreement (Clerk's File) with Friday Night Live, Inc., to provide community coalition based substance abuse prevention activities, **Approved.**
- B-6 Contract (Clerk's File) with Victor Treatment Centers, Inc., to provide group home services for Mental Health clients, **Approved.**
- B-7 Contract (Clerk's File) with San Luis Obispo County Community College District to provide training for its Cuesta College students on County Mental Health's Acute Psychiatric Inpatient Unit, **Approved.**

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Clerk-Recorder Items:

- B-8 Appointment of Mike Bonnheim, Gidi Pullen, Holly Sletteland and Ben Work to the Upper Salinas Las Tablas Resource Conservation District, **Approved.**
- B-9 Appointment of Stephan Taylor, Chip Appel, Neil Havlik and Todd Talley to the Coastal San Luis Resource Conservation District, **Approved.**

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General Services Items:

- B-10 Extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**
- B-11 Contract with Sara Kocher to complete Phase III of the Countywide Coastal Access Plan; 2nd, 3rd, and 4th Districts, **Approved.**
- B-12 **RESOLUTION NO. 2002-478**, authorizing a quitclaim of a portion of interest in County owned real property adjacent to the City/County Library as part of the development of the Palm-Morro parking/office structure in the City of San Luis Obispo, to the City of San Luis Obispo, **Adopted.**

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Planning and Building Items:

- B-13 **RESOLUTION NO. 2002-479**, approving an agreement to participate in and not oppose formation of an assessment district for the construction and installation of parking improvements with R. Michael and Linda Rudd; 3rd District, **Adopted.**
- B-14 **RESOLUTION NO. 2002-480**, approving an avigation easement from Covey 3, a California General Partnership, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**
- B-15 **RESOLUTION NO. 2002-481**, approving an avigation easement from John and Betty Parlet, for property located near the San Luis Obispo County Regional Airport; 4th District, **Adopted.**
- B-16 **RESOLUTION NO. 2002-482**, authorizing the Planning Director to negotiate and execute grant recipient contracts for implementation of awarded coastal grant projects from the Coastal Impact Assistance Program and the Coastal Resources Grant programs, **Adopted.**

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Public Health Items:

- B-17 Agreement (Clerk's File) with the State Department of Health Services to provide immunization services to children, adolescents and adults, **Approved.**
- B-18 **RESOLUTION NO. 2002-483**, approving a model agreement (Clerk's File) and authorizing the Health Agency Director to sign immunization registry provider agreements to continue building the Central Coast Immunization Registry, **Adopted.**

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Public Works Items:

- B-19 Agreement with the State Department of Transportation for preparation of the project report and environmental documents on Route 1 between Halcyon Road and Valley Road; 4th District, **Approved.**
- B-20 **RESOLUTION NO. 2002-484**, allowing the destruction or disposal of certain Public Works Department records, documents and papers, **Adopted.**
- B-21 **RESOLUTION NO. 2002-485**, accepting road improvements on Santa Maria Avenue, Los Osos; 2nd District, **Adopted.**
- B-22 **RESOLUTION NO. 2002-486**, designating the Foothill Road Bike Lanes as the "Bob Garing Bikeway", **Adopted.**
- B-23 **RESOLUTION NO. 2002-487**, authorizing the Director of Public Works to apply for grant funding for the Bicycle Transportation Account Program; 1st and 4th Districts, **Adopted.**

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Treasurer-Tax Collector Items:

- B-24 Request to approve and distribute claims for excess proceeds from tax sales from tax-defaulted property, **Approved.**
- B-25 Agreement (Clerk's File) with the Department of General Services to purchase tax-defaulted land, **Approved.**
- B-26 **RESOLUTION NO. 2002-488 and 2002-489**, accepting notice and approving sales of tax-defaulted property subject to the Tax Collector's power to sell, **Adopted.**

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Other Items:

- B-27 The 2002/2003 Comprehensive Youth Services Act Expenditure Plan, **Approved.**
- B-28 A grant agreement increasing coordination of CalWORKs and Child Welfare Services from the Public Health Institute/California Center for Research on Women and Families, **Approved.**

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

- B-29 November 5, 2002 Consolidated General Election, **Approved.**
- B-30 Amendment to the contract with John Fleming M.D., Medical Corporation, **Approved.**

- 4 C-1 This is the time set for hearing to consider an 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.

**Mr. Dave Flynn:** Public Works, presents the staff report; describes the increased truck traffic on these roads and the legal implications of what is being restricted.

**Supervisor Achadjian:** states when it comes time for a motion he would like to separate Nipomo out and bring it back at a later date to allow time to bring local industry into the decision-making process.

**Mr. Dave Brown:** addresses emergency accessibility and urges the adoption of this ordinance for Cambria.

**Ms. Rita Schroder:** addresses the increased traffic and tour buses in her neighborhood; states it is a dangerous situation.

**Ms. Patti Rowe:** states the traffic in the Hillcrest area is “a traffic accident waiting to happen”; urges the Board to adopt the ordinance.

**Ms. Kitty Brophy:** indicates this street is very narrow and by adding tour buses and visitors that don’t know the area, it has become a dangerous place; states she wants her old neighborhood back.

**Ms. Lenore Rowe:** states she has lived in the area for twenty-five years and there has never been a problem until Mr. O’Malley turned it into a commercial operation.

**Mr. Norman Fleming:** states Hillcrest is a “snake” road because it is built on a cliff; indicates he will not drive it at night because it is so narrow; states he would like to see the outdoor toilets up there removed.

**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, Pinard, Ryan, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**the Board amends the ordinance to apply to Cambria only removing the areas in Nipomo and re-introduces the amended ordinance and the reading of the proposed amended ordinance is waived and said proposed amended ordinance is read by title only and ORDINANCE NO. 2984, an ordinance amending provisions of the County Code relating to highways closed to commercial vehicles, adopted as amended.**

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C-2 This is the time set for hearing to consider an 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.

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

**Mr. Dan Glidewell:** states this is not an issue of road side camping, but for a limitation of stay within the park system; addresses the homeless problem in the area and the lack of housing accommodations for these people.

**Mr. Alver Starkey:** states vehicles parked along the road make it very difficult to drive in and out of the mobilehome park where he lives; indicates people do not drive the speed limit and it is very hazardous; urges the Board’s approval.

**Mr. James Waiters:** states this is homeless problem; indicates the State and County parks have limitations to the amount of time a person can stay, which forces people to sleep on the street.

**Mr. David Boyer:** feels this could have been handled without an ordinance; states the people who park in Oceano want to get along with the area residents and want to feel like they have a place to call home; hopes if this ordinance passes it will be enforced in a humane way.

**Supervisor Achadjian:** hands the Clerk a letter from the Oceano/Halcyon Advisory Committee supporting the proposed ordinance; indicates two town hall meetings were held regarding this issue and thanks everyone who came to those meetings; feels this issue should not go away and communities should come together and find a designated area for these folks.

**Supervisor Ryan:** states he hopes if this item passes it won’t be pushing this problem somewhere else.

**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, 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. 2985, an ordinance amending provisions of the County Code relating to no overnight camping - public areas, adopted.**

6 C-3 This is the time set for hearing to consider an 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.

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

**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, and 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. 2986, an ordinance amending provisions of the County Code relating to speed limits, adopted.**

7 C-4 This is the time set for hearing to consider an ordinance amending the County Code for the establishment of stop signs on Main Street at Cambria Drive, Cambria; 2nd District.

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

**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, and 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. 2987, an ordinance amending provisions of the County Code relating to stop intersections, adopted.**

8 C-5 This is the time set for hearing to consider a resolution granting a variance and modifying certain construction standards of the Coastal Zone Land Use Ordinance in a flood hazard area for a proposed aircraft hanger at the Oceano Airport; 4th District.

**Mr. Richard Marshall:** Public Works, presents the staff report and recommendation.

**Board Members:** discuss various issues, comments and concerns regarding: a provision holding the County harmless and considerations of contaminants on site, with Mr. Marshall responding.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2002-490, resolution granting a variance and exception waiving certain construction standards of the Coastal Zone Land Use Ordinance in a flood hazard area, adopted.**

9 C-6 This is the time set for hearing to consider a resolution authorizing conveyance of a portion of Avila Beach Drive to the Kiessig Family Trust, located near the community of Avila Beach; 3rd District.

**Mr. Tim Smith:** Public Works, presents the staff report and recommendation.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2002-491, resolution authorizing execution of conveyance of a portion of Avila Beach Drive, County Road No. 2070 near the town of Avila, Supervisorial District No. 3, adopted.**

10 D-1 This is the time set for request to authorize the processing of amendments to the Land Use Ordinance regarding the Transfer of Development Credit program.

**Ms. Kami Griffin:** presents the staff report including the TDC subcommittee's recommendations; indicates next year she will be back with her annual update of the TDC program.

**Supervisor Ryan:** questions why staff has not considered a way to package a receiving and a sending site linked together for approval, with Ms. Griffin responding.

**Mr. Eric Greening:** thanks the subcommittee for their suggestions; believes one way to generate more receiving sites is by not giving away "up zoning" so easily; states he would like to see a map generated through the public process that would overlay sending, receiving and unaffected zones so the TDC becomes a design tool.

**Mr. Jesse Hill:** thanks Supervisors Achadjian and Supervisor Ovitt for spending additional time on this program and Ms. Griffin for making this a much better program than what it started out to be; addresses antiquated subdivisions; indicates this is a work in progress and the TDC program will continue to be "fine tuned."

**Matter is fully discussed 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 Board authorizes processing of the recommendations from the TDC subcommittee as outlined in the staff report dated 11-26-02.**

**Supervisor Ryan:** states he voted in favor of the changes not the program.

11 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.

**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: 7) Negotiator's Name: *David Edge*; Name of employee organization: *Unrepresented Management and Confidential*.

**III. PERSONNEL (Gov. Code, § 54954.5.)** It is the intention of the Board to meet in Closed Session to: 8) Consider Public Employee Performance Evaluation for the Position of *Chief Probation Officer*.

**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 required as no final action was taken and the Board goes into Open Public Session.

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

**Mr. Mark Mitchell:** requests the Board write a letter to Congress and the Nuclear Regulatory Commission regarding their policy on terrorism.

**Chairperson Bianchi:** asks Mr. Mitchell if he is aware of the meeting on December 11, 2002 at 7:00 p.m. at the San Luis Obispo Vets Hall sponsored by the Planning Department to receive public comment on the proposed EIR for Diablo Canyon and the spent fuel.

**Mr. James Wood:** states he would like the Board to agendize at a future Board meeting to address the issue of the marine sanctuary expansion; addresses the representation of the participants.

**Mr. Bill James:** states he would also like the Board to agendize the marine sanctuary expansion; addresses the representation of fisherman regarding this issue.

**Mr. JD Main:** hands the Board a letter and a news letter regarding the Homeless Housing Project and the Motel Voucher Program; states they have been left out of the CDBG funding process and wants to know why.

**Ms. Monica Hunter:** addresses the marine sanctuary and the social and economic changes that will occur as a result of a number of programs that are currently underway at the State and Federal level; requests this item be agendized at a future date to discuss the issues and the value commercial fishing has to this area.

**Ms. Janice Peters:** Morro Bay City Council, states she would also like to see this item on a future Board agenda; states Morro Bay has always promoted the concept of an independent Central Coast Marine Sanctuary and urges the County to lead in this goal.

**Mr. Michael Kovacs:** addresses the quality of life in this County; states he resents the Board “rubber stamping” staff’s recommendations; speaks to County pay raises and urges the Board to serve the public as promised.

**Mr. Stan House:** states he is also here to ask the Board to put this issue on a future agenda; addresses the importance of the fishing industry; states a marine sanctuary does nothing to protect the environment from the animals their protecting.

**Ms. Pamela Heatherington:** Director of the Environmental Center of San Luis Obispo, states she has documents from 1990, that the County put together, about the importance of a marine sanctuary off the Coast; indicates it is information about our local coast that warrants protection; states the meeting in Cayucos was just a start; indicates she is glad to see people here wanting the Board involved; addresses social and economic issues and the watershed programs; states there are advantages to the sanctuary status.

**Chairperson Bianchi:** states she was asked to facilitate a meeting in Cayucos about a marine sanctuary; indicates the Monterey Bay Sanctuary is reviewing its ten-year management plan; indicates approximately one hundred invitations were sent out and anything printed up that day was a draft or a suggestion; states she is working with the group at the District 2 Supervisor; speaks to the issue of Cayucos’ coastal waters being the dumping ground for agricultural “tail water” from the valley; states the reason the Bureau of Reclamation is looking at Cayucos is because it has no sanctuary; indicates this is the reason she is helping a citizens group either expand the marine sanctuary or develop a local one; states the make up of the “working group” was a draft.

**Supervisor Ryan:** asks where invitations were sent and if it included the entire local coastline; states his concern for Community Service Groups not being able to meet before the November 22, 2002 deadline to submit their nominee for the committee, with Supervisor Bianchi responding.

**Supervisor Ovitt:** asks if there is Board opposition to placing this on a future agenda; addresses the make-up of the committee.

**Chairperson Bianchi:** states when the committee has actual information and a recommendation, it will report to the Board no later than three months. **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 26, 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: 11-27-02  
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