

Tuesday, April 1, 2003

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, Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Michael P. Ryan

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY MR. JAC CRAWFORD, ASSISTANT COUNTY COUNSEL.**

**SUM** \_\_\_\_\_ **AGN**

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

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

**RESOLUTION NO. 2002-98, resolution proclaiming April 2003 as "Month of the Child" "Children's Opportunities - Our Responsibilities" in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Kathryn Green.

**Ms. Green:** thanks the Board for the recognition and outlines the activities that will occur at Mission Plaza on April 5, 2003 and invites everyone to attend.

**Ms. Biz Steinberg:** introduces the children from the Child Development Center and states that each child has a drawing for a Supervisor.

**Ms. Libby Lassen:** thanks the Board for their continuing support.

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

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

**RESOLUTION NO. 2002-99, resolution proclaiming April 2003 as "Sexual Assault Awareness Month" and April 25, 2003 as "Walk a Mile in Her Shoes Day" in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Ms. Marilyn Hamilton and Ms. Hana Shin.

**Ms. Shin:** thanks the Board and speaks to the "Men's March" on April 25, 2003; they are encouraging men to attend this where they will literally walk a mile in women's shoes.

**Ms. Hamilton:** outlines the events during the month and gives each Supervisor a brochure.

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

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

**RESOLUTION NO. 2002-100, resolution of appreciation to the following Economic Advisory Committee Members, jointly and severally, for their gratefully acknowledged contributions, adopted.**

**Supervisor Ovitt:** reads the resolution; introduces the members of the Economic Advisory Committee that are present and gives each member a copy of the resolution.

**Dr. S. Richard Snodey:** Economic Advisory Committee Chairperson, thanks the Board for the opportunity to help shape County policy; addresses a concern they have regarding the San Luis Obispo Airport and indicates they will be bringing this to the Board in the future.

4 B-1 This is the time set for members of the public wishing to address the Board on items  
thru set on the Consent Agenda.  
B-12

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

Consent Agenda Item B-1 is withdrawn. Item B-2 is amended to correct the recommendation to include setting the hearing time at 9:00 a.m.. Item B-12 is added to the Consent Agenda.

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

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-12 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-12, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

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Items set for bid opening and hearing:

- B-1 Letter transmitting plans and specifications (Clerk's File) for the seismic retrofit of the South Higuera Street Bridge, San Luis Obispo; 3rd District, **Withdrawn.**
- B-2 **RESOLUTION NO. 2003-101**, calling for a public hearing to determine whether public necessity, health, safety or welfare requires the formation of an underground utility district at San Miguel Street in the community of Avila Beach; 3rd District, **Adopted as amended and the Clerk is instructed to give notice of the hearing date set for May 6, 2003.**

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Board of Supervisors Items:

- B-3 Request by Chairman Ryan to appoint Cheryl Burbach and Dawn Williams as District Five representatives to the Commission on the Status of Women, **Approved.**
- B-4 Request by Supervisor Ovitt to appoint Edie Knight as a District One representative on the Commission on the Status of Women, **Approved.**
- B-5 Request by Supervisor Achadjian to appoint Paul Teixeira as a District Four representative to the Parks and Recreation Commission, **Approved.**

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Information Technology Items:

- B-6 1) Contract with @Doc to provide advisory and professional services for the Integrated Document Management Technology Project; and 2) a budget adjustment in the amount of \$171,298 from Automation Replacement Reserves to fund the project, **Approved.**
- B-7 **RESOLUTION NO. 2003-102**, amending the position allocation list for Budget Unit

2250 - Information Technology by deleting one Secretary-Confidential position and adding one Secretary I position, **Adopted.**

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Public Works Items:

- B-8 1) Authorization for a funding increase in the amount of \$312,000 for continuation of design development services for the Cambria Flood Control Project; 2) an amended agreement with Questa Engineering Corporation increasing the contract in the amount of \$237,230; 3) a budget adjustment in the amount of \$312,000 for the Cambria Flood Control Project to be funded by assessment proceeds; and 4) a budget adjustment transferring \$125,486 from the Flood Control Zone to the Cambria Flood Control Project; 2nd District, **Approved.**
- B-9 The following 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 1840, Phase 1, a proposed subdivision resulting in 50 lots, by San Miguel Investments, 16th Street, East of San Miguel, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2003-103**, to approve a mitigation agreement and **RESOLUTION NO. 2003-104**, to approve an open space easement agreement; 1st District, **Adopted.**
- B. CO 01-0473, a proposed subdivision resulting in 4 lots by JPK Incorporated, Neal Springs Road, northeast of Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
- C. COAL 00-0100, a proposed lot line adjustment of 2 lots which will not result in any new lots, by William Hahn, Huer Huero Road, southeast of Atascadero; 5th District, **Approved.**
- D. CO 99-0258, a proposed subdivision resulting in 4 lots by Harvey and Rita Wells, Lothar Lane northeast of Templeton, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

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Other Items:

- B-10 Minutes of the February 4, 11, and 25, 2003 Board of Supervisors' meetings, **Approved.**
- B-11 Amended joint powers agreement with the Victim Compensation and Government Claims Board increasing the funding for the Victim Witness Assistance Center by \$19,798, **Approved.**

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

- B-12 **RESOLUTION NO. 2003-105**, relinquishing the Arroyo Grande and Los Berros diversion flood control channels and appurtenant structures to the State, **Adopted.**

- 5 C-1 This is the time set for hearing to consider an appeal by Stella Lopez of the Hearing Officer's approval of an application by Marcial Lopez for a lot line adjustment (COAL 02-0339) between two existing parcels of approximately 4,150 square feet, located on Paso Robles Street near 15th Street, in the community of Oceano; 4th District.

**Ms. Kami Griffin:** Planning, introduces the item.

**Ms. Elizabeth Kavanaugh:** Planning, presents the staff report; outlines the concerns raised in the appeal regarding the width of an easement; there is no recorded access easement for this request and it was not reviewed by staff; the Applicant has a road abandonment request in process, to address this easement issue and that will come before the Board at a future date.

**Ms. Pam Jardini:** Westland Engineering and representing the Applicant, states the application meets the requirements of the General Plan and the easement issue is a civil

matter.

**Ms. Victoria Hernandez:** Applicant, indicates they have been to court on this issue and to date the court is in agreement with them.

**Mr. Adam Fairbairn:** attorney representing the Appellant Ms. Stella Lopez, questions the easement and if it's not part of this process, then they are premature in raising the issue and requests that when the road abandonment comes forward that they be given notice of that date.

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

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

**the Board denies the appeal and RESOLUTION NO. 2003-106, resolution affirming and modifying the decision of the Director of Planning and Building and conditionally approving the application of Marcial Lopez for lot line adjustment COAL 02-0339, adopted.**

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C-2 This is the time set for hearing to consider an appeal by Scott Sayer of the Subdivision Review Board's decision to deny the request to divide an existing 227.17 acre parcel into two parcels of approximately 138.67 and 88.5 acres each, located on Almond Drive east of South El Pomar Road, in the community of Templeton; 1st District.

**Ms. Kami Griffin:** Planning, introduces the item.

**Ms. Jamie Kirk:** Planning, presents the staff report, outlining the request to divide an existing parcel into two parcels; the property is in an Agricultural Preserve and under contract; changes can be requested based on the terms of the preserve contract; addresses the requirement for an agricultural viability report.

**Mr. Tom Vaughan:** representing Mr. Scott Sayer, states they are requesting approval of their request to divide this parcel; there are wells on the site and water is available; addresses the Barth appeal which addresses the same issues and was upheld by the Board; presents an overhead of a plat showing the properties adjacent to the subject property.

**Chairperson Ryan:** questions the current uses, soil types and zoning, with Mr. Vaughan responding.

**Chairperson Ryan:** questions the Conservation Resource Program (CRP) (in this program the property owner is paid to not grow crops) and how long the applicant has been under this contract, with Mr. Scott Sayer, Applicant, responding that he entered into this in 1997.

**Supervisor Ovitt:** addresses the surrounding parcels and sizes of the same; the comparison by staff of the denial of the Dixon request and this was in the Edna Valley and was not denied for the same reasons.

**Supervisor Bianchi:** addresses the letter from Robert Hopkins in the Agricultural Commissioner's Office and the lack of an Agricultural Viability report.

**Board Members:** address various issues, comments and concerns regarding: the requirements for doing an Agricultural Viability Report, with Mr. Warren Hoag, Planning, responding as to the requirements for evaluating agricultural land.

**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, Chairperson Ryan  
**NOES:** Supervisor Bianchi

**ABSENT: None**

**the Board upholds the appeal and the Applicant, Scott Sayer, is allowed to continue processing the tentative Parcel Map CO 02-0190; the hearing is continued to July 8, 2003 at 9:00 a.m. and staff is directed to provide notice of that hearing date.**

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*, (4) *Lum v. County of San Luis Obispo* **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (7) *Klein 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 3. 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.

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

**II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8)** It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (8) Property Description: *2180 Johnson Avenue, San Luis Obispo, CA*, Parties with whom negotiating: *Pam Heatherington, Vita Miller, San Luis Obispo General Hospital Charitable Foundation*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

**Chairperson Ryan:** 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.

**Ms. Lynne Levine:** wants the Board to adopt a resolution supporting the U.S. Constitution and against the war on Iraq.

**Ms. Linda Hall:** comments on the Cambria Community Services District (CCSD) and the lawsuit they had filed and withdrew against the ranchers/farmers; speaks to a five page letter from the CCSD addressing issues from their Closed Session on this issue.

**Rev. C. Hite:** states she wants to thank everyone who's been kind to her this week; comments on living in Taiwan in 1957 and her playground being over a graveyard; addresses the month of the child resolution that was adopted today and her concerns for children. **No action taken.**

9 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.

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, April 1, 2003, 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: April 2, 2003  
vms