

Tuesday, May 13, 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 VICKI SHELBY, CLERK FOR THE BOARD.**

**SUM            AGN**

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

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

**RESOLUTION NO. 2003-137, resolution proclaiming May 2003 as “Foster Care Month” in San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Ms. Anita Monyok, Social Services.

**Mr. Lee Collins:** Social Services Director, thanks the Board for the recognition; relays stories about two boys who received foster care, the families that raised them, and their subsequent loss of life in Iraq; addresses what foster parents give to these children and thanks foster parents for all they do.

**Ms. Monyok:** introduces several foster care agencies and presents each with a plaque.

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

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

**RESOLUTION NO. 2003-138, resolution proclaiming May 2003 as “Veterans Appreciation Month” in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution, indicating that no one is present to receive it and he will make sure it gets to the right folks.

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

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

**RESOLUTION NO. 2003-139, resolution proclaiming May 2003 as “Teen Pregnancy Prevention Month” in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Shannon Johnson and Ms. Megan McAlpin.

**Ms. Johnson:** thanks the Board for the recognition and gives each Supervisor a T-shirt.

**Ms. McAlpin:** thanks the Board, outlines the program she is involved with through Y-Care and comments on play entitled *Teen Mommalogues* that will be shown at the Little Theatre in San Luis Obispo on May 23, 2003.

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

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

**RESOLUTION NO. 2003-140, resolution recognizing Marla Morrissey as the State of California's Thirty-third Assembly District's Woman of the Year, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Ms. Morrissey.

**Mr. Morrissey:** thanks the Board for the recognition and states it was an honor to receive this award.

5 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:** addresses Item B-11 indicating this is a long awaited project to address concerns on Willow Road; states many of the impacts of this are being mitigated; hopes that one day the cost of roads will be paid for as a consequence of driving and not for putting a roof over your head; feels this is the appropriate time to address a Coast Live Oak/Woodland Protection and Restoration Plan, with the loss of somewhere between 800 and 1000 Oaks with this project. **No action taken.**

6 B-1 Consent Agenda Items B-4 and B-5 are amended to replace the Transmittal in order to reflect the vacancies that are being filled. Item B-7 is amended to correct the coversheet to show the correct distribution for the Supervisorial Districts as follows: Districts 1 and 5 - \$100 each; District 2 - \$800; Districts 3 and 4 - \$1,500. Items B-11 and B-22 are withdrawn for separate action.

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

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

**Consent Agenda Items B-1 through B-24 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-24, 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:

B-1 Plans and specifications (Clerk's File) for the annual sealcoat program of various County roads in the South County; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for June 12, 2003 at 3:00 p.m..**

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Behavioral Health Items:

B-2 1) Agreement (Clerk's File) with the State Department of Alcohol and Drug Programs for Safe and Drug Free Schools Program grant; and 2) a corresponding budget adjustment in the amount of \$20,000 from unanticipated revenue, **Approved**

B-3 Agreements (Clerk's File) with the Children and Families Commission of San Luis Obispo County to provide assessment treatment planning and implementation of therapy

for children who have special needs, and approve a corresponding budget adjustment in the amount of \$15,000 from unanticipated revenue, **Approved**

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Board of Supervisors Items

- B-4 Request by Supervisor Peg Pinard to appoint Gerrit John Vanderziel to the Airport Land Use Commission, **Approved as amended.**
- B-5 Request by Supervisor Peg Pinard to appoint Raymond Peterman to the Fish and Games Fine Committee, **Approved as amended.**
- B-6 **RESOLUTION NO. 2003-141**, proclaiming May 2003, as “Older American’s Month,” **Adopted.**
- B-7 Request by Board Members to allocate \$4,000 (Districts One and Five - \$100 each; District Two - \$800; Districts Three and Five - \$1,500 each) to Judkins Middle School to be used for scholarships for students to attend the Destination Imagination competition at the University of Tennessee, **Approved as amended.**

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Planning and Building Items:

- B-8 Mitigation monitoring contract (Clerk’s File) with MRS Environmental for monitoring services associated with remediation at the Guadalupe Oil Field; 4th District, **Approved.**
- B-9 Retroactive step increase for Marsha Lee due to a late performance evaluation, **Approved.**

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Public Works Items:

- B-10 Bid opening report for the Orcutt Road rehabilitation project and approve a corresponding budget adjustment in the amount of \$305,784; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Granite Construction in the amount of \$239,584.**
- B-11 Agreement (Clerk’s File) with Rajappan and Meyer Consulting Engineers for engineering services required to prepare environmental documents, plans, specifications and estimates for the Willow Road Extension and State Route 101 Interchange; 4th District, **Withdrawn for separate action.**
- B-12 **RESOLUTION NO. 2003-142**, approving construction change orders for the Lopez Dam Seismic Remediation Project; 3rd and 4th Districts, **Adopted.**
- B-13 **RESOLUTION NO. 2003-143**, amending the traffic regulation code for the establishment of stop signs on Puffin Way at Briarwood Place, Templeton; Santa Maria Avenue at Ninth Street, Los Osos; Mesa Street and Grande Drive at El Portal Drive, Shandon; Vineyard Canyon Road at Indian Valley Road, San Miguel; and Orchard Avenue at Division Street, Nipomo; 1st, 2nd and 4th Districts, **Adopted.**
- B-14 **RESOLUTION NO. 2003-144**, amending the traffic regulation code for the establishment of through highways on Mesa Road, Nipomo; River Road near Paso Robles; Mustang Springs Road near Paso Robles; Santa Clara near Atascadero; Second Street, Shandon; and Ramada Drive, Templeton; 1st, 4th and 5th Districts, **Adopted.**
- B-15 **RESOLUTION NO. 2003-145**, requesting changes in mileage of maintained County roads; All Districts, **Adopted.**
- B-16 **RESOLUTION NO. 2003-146**, authorizing application for a State Revolving Fund Loan for necessary wastewater facility upgrades in County Services Area No. 7A (Oak Shores); 1st District, **Adopted.**
- B-17 **RESOLUTION NO. 2003-147**, accepting conveyance from Rosemary Netto for the

River Road Bridge Replacement Project; 1st District, **Adopted.**

- B-18 **RESOLUTION NO. 2003-148**, establishing the 2003-04 Special Tax Rate and confirming the per parcel special tax amount in Nipomo Lighting, Zone E (Tract 1700, Los Pinos Estates); 4th District, **Adopted.**
- B-19 **RESOLUTION NO. 2003-149**, to levy water availability charges for County Service Area No. 16 (Shandon) and County Service Area No. 23 (Santa Margarita); 1st and 5th Districts, **Adopted.**
- B-20 **RESOLUTION NO. 2003-150**, to levy sewer availability charges for County Service Area No. 7-A (Oak Shores) and County Service Area No.18 (San Luis Obispo Country Club Estates); 1st and 3rd Districts, **Adopted.**
- B-21 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. CO 02-0036, a proposed subdivision resulting in 2 lots by John Simko et al, Halcyon Road, Nipomo Mesa; 4th District, **Approved.**
  - B. COAL 02-0242, a proposed lot line adjustment of 2 lots by Thelma Pechenpaugh, Burton Circle, Cambria; 2nd District, **Approved.**

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Other Items:

- B-22 Agreement (Clerk's File) with the Public Health Institute/Tobacco Free Events Project to provide funding to develop a community-based policy development campaign to eliminate tobacco sponsorship of the Cal Poly rodeos; All Districts, **Withdrawn for separate action.**
- B-23 Request by the Medical Services Department to authorize the Family Care Centers to apply for two Ryan White Title III grants (Clerk's File) to improve services for HIV/AIDS patients, **Approved.**
- B-24 Agreement (Clerk's File) with Bartig, Basler & Ray, CPA's, Inc., to perform the annual audit of the County's financial records, **Approved.**
- 7 B-11 Agreement (Clerk's File) with Rajappan and Meyer Consulting Engineers for engineering services required to prepare environmental documents, plans, specifications and estimates for the Willow Road Extension and State Route 101 Interchange; 4th District (this item was amended during discussion on the Consent Agenda to include in the title the following: Request to approve a budget adjustment in the amount of \$208,849 from the Nipomo Area 1 Road Impact Fees), is presented.

During discussion on the Consent Agenda Supervisor Pinard requested a separate vote on this item indicating her concerns regarding this contract going to a firm located outside the County.

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

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

**the Board approves the agreement with Rajappan and Meyer Consulting Engineers of San Jose, CA; authorizes the Director of Public Works to Issue a Notice to Proceed with Phase I of the work; authorizes the Director of Public Works to issue a Notice to Proceed for Phase II, Phase III, and Phase IV work established in the contract if and when an increase in the project budget is approved by the Board to pay for these additional phases; and, approves a budget adjustment to Fiscal Year 2002-03 Roads Budget Unit 2920, in the amount of \$208,849, to be funded by**

**Nipomo Area 1 Road Impact Fees.**

- 8 B-22 Agreement (Clerk's File) with the Public Health Institute/Tobacco Free Events Project to provide funding to develop a community-based policy development campaign to eliminate tobacco sponsorship of the Cal Poly rodeos; All Districts, is presented.

During discussion on the Consent Agenda Supervisor Pinard requested a separate vote on this item indicating her concern about how this money is being spent.

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

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

**the Board approves the agreement with the Public Health Institute (PHI)/Tobacco Free Events Project (TFEP) to provide funding to the Public Health Department to develop a community-based policy development campaign to eliminate tobacco sponsorship at the Cal Poly rodeos (funding for this project is available from May 2003 through December 2004).**

- 9 C-1 This is the time set for hearing (introduced May 6, 2003) to consider two ordinances amending the County Code relating to the employment status and compensation of temporary help workers; All Districts.

**Mr. Dan Buckshi:** Administrative Office, presents the staff report; highlights the three changes being proposed and recommends adoption of the two ordinances.

**Mr. Dean Rollins:** General Manager for the San Luis Obispo County Employees Association, speaks in support of the staff recommendation.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2996, ordinance adding the position of Temporary Help Employee to the Unclassified Service, adopted.**

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2997, ordinance amending compensation and appointment of Temporary Help Employees, adopted.**

- 11 A-1-B Resolution No. 2003-138, proclaiming May 2003 as "Veterans Appreciation Month," is brought back on for presentation.

**Supervisor Ovitt:** presents the resolution to Mr. Walt Calloway and Mr. Lloyd Qualls, who each thank the Board for the recognition. **No action taken.**

**(SUPERVISORS SHIRLEY BIANCHI AND PEG PINARD ARE NOW ABSENT.)**

12 C-2 This is the time set for hearing to consider an appeal by Jack Delore of the Planning Commission's decision to approve a conditional use permit (D020043D) proposed by Granite Construction to allow an asphalt and concrete recycling facility with associated office, equipment storage and processed materials storage, located at the southeast corner of Volpi Isabel Road and Concrete Court in the community of Templeton; 1st District.

**Mr. John Busselle:** Planning, introduces the item indicating the Appellant and Applicant have reached an agreement; presents photographs of the site and a site map; **(SUPERVISORS SHIRLEY BIANCHI AND PEG PINARD ARE NOW PRESENT.)** addresses the issues raised in the appeal.

**Mr. Jack Delore:** Appellant, states he met with folks from Granite Construction and they have reached an agreement.

**Ms. Carol Florence:** Oasis Associates and representing the Applicant, presents copies of the Site Plan and a revised Acoustical Plan for the record; describes the landscaping plan; addresses the uses and the piling of material; outlines the mitigations for noise; agrees with the proposed changes to the conditions and asks that the language "(for no more than 30 consecutive days)" be removed from Condition 1-c.

**Chairperson Ryan:** asks Mr. Delore if he agrees with removing the language from 1-c, with Mr. Delore agreeing.

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

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

the Board partially upholds the appeal and the following conditions are amended: Condition 1-c is amended to read: "Berms of unprocessed materials up to 15 feet high and processed materials up to 40 feet high **located to block direct sound paths to the nearest residences (to mitigate noise). Processed materials shall be stored along the south and west property lines. Berms of processed material shall start at 20 feet in height and shall only be increased as the landscaping matures to provide for visual screening.**"; Condition #4 is amended in the fifth and sixth lines, second sentence to add ". . . Volpi Isabel, Concrete Court **and 235 feet along the southerly property line . . .**"; Condition 12, the following sentence is added after the first sentence to read "**All other property lines shall not exceed an hourly average of 64 dB, with a maximum of 70 dB.**"; and, Condition 12-a is amended to add to the end of the paragraph "**A portable dB meter shall be maintained on-site.**"; and, RESOLUTION NO. 2003-151, resolution affirming the decision of the Planning Commission and conditionally approving the application of Granite Construction Company for Conditional Use Permit D020043D, adopted as amended.

13 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) *Goodrich v. City of Paso Robles*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (7) *AT&T v. County of San Luis Obispo* and (8) *MCI Worldcom 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.

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

**II. PERSONNEL (Gov. Code §54954.5)** It is the intention of the Board to meet in Closed Session to: (9) Consider Public Employee Performance Evaluation for the position of *County Counsel*.

**III. 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: (10) Negotiator's Name: *Gail Wilcox*, Name of employee organization: *SLOCEA*.

**Chairperson Ryan:** 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 because no final action was taken and the Board goes into Open Public Session.

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

**Mr. Lark Jursek:** addresses his interest in growth; God has prophesied that a major transformation will be taking place and there will be seven years of tribulation as has never been seen; believes he has the gift of prophecy and that San Luis Obispo will play a major role in the building of a new world.

**Ms. Peggy Wilson:** addresses a fire that occurred on Sunday at the home of one of the Oceano Community Services District's (OCSD) Board member and that it is being investigated as arson; comments on an item on the next OCSD's agenda regarding CDBG funding for the Oceano Community Center; addresses prior concerns that have been raised regarding the building of the Center.

**Mr. Wayne Hall:** Court Executive Officer, states that this is Juror Appreciation Week and wants to publically thank all past, present and future jurors for their participation.

**Ms. Peggy Koteen:** states she is here today to request that the Board urge the District Attorney's Office to prosecute animal cruelty that took place at the Cal Poly Rodeo on April 27, 2003; highlights the nature of the abuse to horse called "Cinnabar" and presents a video of what occurred that day. **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, May 13, 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: May 15, 2003

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