

Tuesday, July 22, 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 SUPERVISOR K.H. ‘KATCHO’ ACHADJIAN.

SUM AGN

1 A-1 **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

RESOLUTION NO. 2003-241, resolution recognizing Twila Arritt for completing the NMA Leadership Program, adopted.

Chairperson Ryan: reads the resolution and presents the same to Ms. Twila Arritt.

Ms. Gina Nielsen: President of County’s Chapter of National Management, states that Ms. Arritt is the first one to complete the ten courses.

Ms. Arritt: thanks the Board members for allowing her the time to complete this program; thanks Fran Zohns and Juliane Tuleja for keeping the office running while she was out.

Supervisor Bianchi: thanks Ms. Arritt for all she does for the Board members and that she is the glue that keeps them all together.

2 SP **Chief Dan Turner:** CDF/County Fire, provides the Board with an update on the Parkhill fire that started on Sunday, July 20th; it has burned 1,200 acres, three residences, 25 out buildings and several vehicles and boats have all been destroyed; presents a brief history of fires in the North County area; outlines what the firefighters have to do; indicates the cost, to date, of the fire is \$900,000 and does not include any structures that were destroyed; introduces Division Chief Rick Henson, Incident Commander who was brought in from San Diego.

Division Chief Henson: outlines his role in managing the fire; states the fire will be fully contained by 1800 hours today.

Chairperson Ryan: speaks to what he observed when he went out to the fire on Sunday.

Chief Turner: speaks further, thanking the other agencies in the County who helped save homes in this area.

Supervisor Bianchi: thanks County Fire for their quick response, last Thursday, in the Cambria area and while there was a tragedy involved, the fire was stopped before it could really spread.

Chairperson Ryan: addresses the assistance provided by Emergency Services; comments on the pamphlet that is put out by the Fire Council entitled “Living with Fire” and where it is available. **No action taken.**

3 SP **Chairperson Ryan:** announces that effective with today’s meeting the Board of Supervisors will hold the Public Comment Period following the end of the business day

or at 2:00 p.m., whichever comes first; this procedure will be followed for all future Board meetings and this information will appear on all future Board of Supervisors agendas. **No action taken.**

- 4 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-9 and whether this is appropriate and a County benefit; asks that this issue be placed on a future agenda for discussion before another item like this appears on the agenda; Item B-12, on page 25, Item 3, line 2, he would like to see the language “on the same block” eliminated and explains.

Mr. Bob Blair: thanks Supervisor Achadjian for all his help on the Summit Station issue; addresses Item B-9 and feels that the EIR does not need to include the issue of water as the CSD has already agreed to provide water; feels this is an issue of removing restrictions on one area and treating them the same as surrounding properties. **No action taken.**

- 3 B-1 Consent Agenda Item B-12 is amended to correct the resolution to change the date in the
thru “NOW, THEREFORE . . .” paragraph from “the eighth day of October, 2002” to “the
B-22 twenty-second day of July, 2003.”

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

AYES: Supervisors Bianchi, Ovitt, Pinard, Achadjian, Chairperson Ryan
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 bid opening and hearing:

- B-1 Plans and specifications (Clerks File) for the widening of Los Berros Road at El Campo Road near Arroyo Grande; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for August 21, 2003 at 3:00 p.m..**
- B-2 **RESOLUTION NO. 2003-242**, initiating zone expansion proceeding of Phase I, Tract 2162 to Zone A of San Luis Obispo County Service Area No. 7 (Oak Shores); 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for August 5, 2003 at 9:00 a.m..**

Board of Supervisors Items

- B-3 Request by Supervisor Bianchi to allocate \$3,075 from District Two Community Project/Visitors Services/Environmental Grant Fund Programs to the Lioness Club of Cayucos to be used for the Mutt Mitt Program in the community of Cayucos, **Approved.**
- B-4 **RESOLUTION NOS. 2003-243, 2003-244, 2003-245, 2003-246, 2003-247 and 2003-248**, (Clerk’s file) honoring the "Cattlemaker of the Year", "Cattleman of the Year", "Agriculturalist of the Year", "Wine Industry Person of the Year", "Winegrower of the Year" and "Winemaker of the Year," **Adopted.**

General Services Items:

- B-5 Amended lease with Gingrich and DeSimoni Trusts extending the lease for office space at 1194 Pacific Street, Suite 102, San Luis Obispo; 5th District, **Approved.**
- B-6 Joint use agreement with the Cambria Community Services District for the development

of a community park on the East West Ranch, **Approved.**

- B-7 Budget adjustment in the amount of \$10,000 from unanticipated revenue into the Cambria-Emmons Coastal Access Project; 2nd District, **Approved.**
- B-8 Updated lease agreement with the State Lands Commission for continued public use of the Cayucos Pier, located within the community of Cayucos; 2nd District, **Approved.**

Planning and Building Items:

- B-9 1) A budget adjustment in the amount of \$123,884 from general fund contingencies; and 2) an agreement with EMC Planning Group, Inc., to prepare an Environmental Impact Report for the County sponsored ordinance amendment Summit Station Area (ED98-397); 4th District, **Approved.**
- B-10 **RESOLUTION NO. 2003-249**, accepting an avigation easement from John Boy's Towing, Inc., for the property located near the Oceano County Airport; 4th District, **Adopted.**
- B-11 **RESOLUTION NO. 2003-250**, accepting an avigation easement from J. Lohr Winery Corporation for the property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-12 **RESOLUTION NO. 2003-251**, acknowledging receipt and agreeing to the Coastal Commission's modified language pertaining to the Local Coastal Plan - Major Amendment Number 1-01 Part A, pertaining to residential vacation rentals; 2nd District, **Adopted as amended.**

Public Health Department Items:

- B-13 Agreement (Clerks File) with the San Luis Obispo County AIDS Support Network to provide HIV early intervention services, **Approved.**
- B-14 Employee contract (Clerks File) with Robert Latta, M.D., to provide physician services at the County Jail, **Approved.**

Public Works Items:

- B-15 Agreement (Clerk File) with Lim and Nascimento Inc., to provide construction management services for the River Road reinforced concrete bridge project over the Salinas River, in the community of San Miguel; 1st District, **Approved.**
- B-16 Agreement with the Avila Beach Community Foundation for the funding of transit services in the community of Avila; 3rd District, **Approved.**
- B-17 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 01-0419, a proposed subdivision resulting in 3 lots by Richard Deblauw Construction Company, 23rd Street, Oceano; 4th District, **Approved.**
 - B. COAL 01-0003, a proposed lot line adjustment of 5 lots by Fox Family Trust, Mountain Springs Road, west of Paso Robles; 1st District, **Approved.**

Social Services Items:

- B-18 Request to create a new Maintenance Project titled Morro Bay - Improve DSS Facility (P5416) and approve a budget adjustment in the amount of \$144,000 from Maintenance Projects, **Approved.**
- B-19 Request to reappoint Artherrine Pitts, Judy Miller and Todd Mirolla to the In-Home

Supportive Services (IHSS) Public Authority Governing Board, **Approved.**

Other Items:

B-20 **RESOLUTION NO. 2003-252**, approving the exchange of property tax revenue for annexation #84 to the City of Paso Robles; 1st District, **Adopted.**

B-21 Request to accept a Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant agreement (Clerks File) of \$312,550 and Air Pollution Control Board Grant of \$100,000 and approve transfer of \$33,950 for matching funds from Training Trust Fund to mobile training equipment and purchase fitness, **Approved.**

B-22 Request by Behavioral Health to appoint David Odell to the Mental Health Board as a Family Member, **Approved.**

6 C-1 This is the time set for hearing (re-introduced on July 8, 2003) to consider an ordinance amending Chapter 1.10 of the County Code relating to the regulation of telecommunications systems which utilize public streets, rights-of-ways or other public property; All Districts.

Mr. Tim Smith: Right-of-Way Agent, presents the staff report and presents a packet of letters, for the record, from the AT&T attorney dated June 2, 2003, July 18, 2003 and July 21, 2003; letter from the MCI WorldCom attorney dated June 12, 2003; replies from the County to AT&T and to MCI WorldCom dated July 11, 2003.

No one appearing 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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3007, ordinance amending Chapter 1.10 of the County Code, adopted.

7 C-2 This is the time set for hearing to consider the election results of formation of Tract 2375 Assessment District for Drainage Basin Maintenance; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report for this item and items C-3, C-4 and C-5; states that for Tract 2375 the votes were counted and certified by the Clerk; recommends adoption of the annexation of Tract 2375 to Zone 16; indicates that for the Flynn/Hernandez election, the property was sold and the ballot was sent to the prior owner and suggests that this item and C-5 be continued to September 9th to allow the Clerk to send the ballot to the current owner.

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

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

the Board declares the results of the election as indicated in the Certificate of the County Clerk-Recorder, dated July 9, 2003.

8 C-3 This is the time set for hearing to consider a resolution annexing Tract 2375 to Flood Control Zone 16 of the San Luis Obispo County Flood Control and Water Conservation District; 4th District.

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. 2003-253, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing Tract 2375 in the County of San Luis Obispo to Flood Control Zone 16, adopted.

- 9 C-4 This is the time set for hearing to consider the election results of formation of Flynn/Hernandez (D010256P) Assessment District for Drainage Basin Maintenance; 4th District.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, said matter is continued to September 9, 2003 at 9:00 a.m..

- 10 C-5 This is the time set for hearing to consider a resolution annexing Flynn/Hernandez (D010256P) to Flood Control Zone 16; 4th District.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard and unanimously carried, said matter is continued to September 9, 2003 at 9:00 a.m..

- 11 D-1 This is the time set for consideration of a contract with the San Luis Obispo County Housing Trust Fund, Inc., for the purpose of establishing a non-profit housing trust fund organization and a request to approve a budget adjustment in the amount of \$225,000 from the General Fund.

Mr. Dana Lilley: Planning, presents the staff report and recommendation.

No one appearing and thereafter, on motion Supervisor Bianchi, seconded by Supervisor Achadjian and on the following roll call vote:

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

the Board approves the contract between the County and the San Luis Obispo Housing Trust Fund, Inc. (the HTF) and the budget amendment request for the contract.

- 12 PC This is the time set for members of the public wishing to address the Board on items not set on the agenda.

Mr. Eric Greening: address the change to when Public Comment will be on the agenda each week and asks the Board to still have this on at 2:00 p.m. today as it is listed on the agenda at that time and some members of the public may not have heard the change that was read this morning.

Chairperson Ryan: agrees with Mr. Greening and the Board will reconvene at 2:00 p.m. today for Public Comment.

- 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) *Varin v. County of San Luis Obispo*, (5) *In re California Public Utilities Proceedings* **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)**, (10) *Bernales v. County of San Luis Obispo* and (11) *NRWMAC v. Monterey County Water Resources Agency*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.)
(6) *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. (7) *Initiation of litigation (Gov. Code, §54956.9(c).) No. of cases 2.*

II. 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 County Administrative Officer.

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

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.9) It is the intention of the Board to meet in Closed Session concerning the following items: (9) Property Description: *2180 Johnson Avenue, San Luis Obispo, CA*, Parties with whom negotiating: *Richard Palmer, San Luis Obispo Senior Nutrition Program*, 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.

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

Chairperson Ryan: announces that effective with today's meeting the Board of Supervisors will hold the Public Comment Period following the end of the business day or at 2:00 p.m., whichever comes first; this procedure will be followed for all future Board meetings and this information will appear on all future Board of Supervisors agendas.

Rev. C. Hite: speaks to a yellow ribbon campaign and the Omstead report; addresses issues of concern to her.

Dr. Dan Hile: representing Healthworks, speaks to the need for expansion of cable access and urges the Board to negotiate with Charter Cable for more public access/programming.

Ms. Kristi Kelty: Executive Director for Healthworks TV, comments on the County's cable franchise renewal with Charter; states they want to see more channels dedicated for health programs; addresses the need for regularly scheduled programming; suggests there is PEG funding available to assist with this.

Ms. Linde Owen: suggests placing Public Comment on at the beginning of each meeting; addresses the current proposal by the Los Osos Community Services District for the sewer and the cost to the residents; wants to see the sewer plant moved east of the town and not have it placed in the center of town; asks the Board for their support. **No action taken.**

15 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, July 22, 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: July 25, 2003
vms