

Tuesday, October 7, 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 CHAIRPERSON RYAN.

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. 2003-328, resolution recognizing the Thirtieth Annual Atascadero Colony Days Celebration, adopted.

Chairperson Ryan: reads the resolution and presents the same to Ms. Shirley Moore, committee member for the Colony Days Celebration.

Ms. Moore: thanks the Board for the recognition and introduces Mr. Tom O'Malley, Vice Chairperson.

Mr. O'Malley: describes the events for the Colony Days Celebration and invites the Board and the public to attend.

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. 2003-329, resolution proclaiming October 5-11, 2003 as National 4-H Week, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Mr. Richard Enfield, 4-H Youth Development Advisor.

The 4-H All Stars: introduce themselves; present a brief history of the club and thank the Board for the recognition; asks the Board if they would fly the 4-H flag during the week of October 5 - 11, 2003 to show support for National 4-H week.

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. 2003-330, resolution designating October 2003 as San Luis Obispo County Domestic Violence Awareness Month, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Mr. Gere Shea, District Attorney.

Mr. Shea: acknowledges all the agencies and staff that work so hard to protect victims

of domestic violence; states on behalf of these agencies he wants to thank the Board for this recognition.

Supervisor Bianchi: states she is a member of the perinatal substance abuse task force; indicates domestic violence does not only occur to women and children that are already here but for unborn children as well.

Mr. Shea: states he would welcome a member of the perinatal substance abuse task force on his task force.

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. 2003-331, resolution celebrating 100 years of aviation in America and acknowledging Earl Thomson, David Hoover and Chris Hoover for their contribution to aviation in our County, adopted.

Supervisor Pinard: reads the resolution and presents the same to Mr. David Hoover, Ms. Kathy Silva, Ms. Ann Welborn (daughters of Chris Hoover) and Ms. Dorothy Thomson (Earl Thomson's wife).

Ms. Eileen Forbes: presents a brief history of the airport and accomplishments by Mr. Thomson and the Hoover brothers.

Mr. David Hoover: states he wishes his brother could be here; indicates he is very proud of the airport and all of the improvements that have been done over the years.

Supervisor Pinard: states the airport used to be called the Hoover Brothers and Thomson airport; introduces Wanda Strassburg, 99'ers Club and flight instructor, and Mr. Walt Fell, former manager of the County Airport; reads old promotional flyers for air shows.

Ms. Klaasje Nairne: Airport Manager, indicates Mr. Hoover presented her with a book with a picture of the first terminal building; states, in the new terminal, there will be a place for memorabilia.

Mr. Fell: states the original contract to build the airport charged \$2.25 for a bulldozer and operator.

Supervisor Ovitt: states he is honored to have Mr. Fell and his dad in the audience today.

5 A-1-E **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. 2003-332, resolution proclaiming the month of October 2003 as "Salmon and Steelhead Awareness Month" in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Mr. Brian Stark, San Luis Obispo Land Conservancy, who thanks the Board for the recognition and indicates that Steelhead and Salmon are more than just fish, they are symbols of the needs of the people and community.

Mr. Dominic Santangilo: California Conservation Corp, speaks to the water levels in the creeks and the restoration work being done; recognizes several groups in the area that protect Salmon and Steelhead; introduces Mr. Tim Duff of the California Coastal Conservancy.

Mr. Duff: thanks the Board for the recognition; addresses the commitment by the different agencies to restore the habitat and watersheds; recognizes Mr. Stark for his commitment to his restoration work; addresses a proposed block grant he will be taking to his Board for the local area.

Mr. Dave Highland: California Department of Fish and Game, states they are legislatively mandated to protect and preserve California's resources and habitats for the use and enjoyment of the people; thanks the Board for the recognition.

Ms. Marla Morrissey: Steelhead and Stream Recovery Coalition of the South Central California Coast, states she appreciates the opportunity to be working with San Luis Obispo County.

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

Ms. Julie Rodewald: County Clerk-Recorder, indicates things are going well with the Election so far; states approximately 50,000 absentee ballots have been issued and approximately 37,000 have been returned; indicates she hopes to have everything counted by Friday and urges the voters to get out and vote; states if anyone has any questions they can call 781-5228, both the Atascadero and the San Luis Obispo Offices will be open until 8:00p.m. tonight; indicates results can be found on the County Clerk's website.

Mr. Eric Greening: thanks Ms. Rodewald and her office for their efforts in the election process; addresses two concerns relating to election process: 1) people being elected or recalled by the minority not the majority; urges the Board to agendaize this issue and 2) with new technology there is no paper trail to refer back to, in the event there is a close race; addresses the repeal of the car tax increase.

Mr. Bill Almas: Unocal, addresses a court case involving Unocal and an award for punitive damages of approximately \$10 million to the land owner; states he wants to reinforce the fact that Unocal views themselves as a positive force in the community; indicates sometimes excavation is not always the best solution to an environmental problem.

Mr. Michael Kovacs: indicates Californians are voting today to remove the number one public servant for his mismanagement of public funds, for running up the public debt and for lying; feels the same things are happening in this County. **No action taken.**

7 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-3 indicating this item is untimely and he would support it at a later date; speaks to Item B-22 and the qualifications of the new employee.

Mr. Michael Kovacs: addresses Item B-3 indicating the public doesn't want this raise; Item B-13 relating to the investigation of the July 2, 2003 theft of \$177 from the Clerk-Recorder's Atascadero Office; questions who reported the theft to the Auditor's Office and the amount that was taken, with Mr. Gere Sibbach, Auditor -Controller, and Ms. Julie Rodewald, Clerk-Recorder, responding.

8 B-1 Consent Agenda Item B-38 is withdrawn. Item B-46 is added to the
thru Consent Agenda. **Thereafter, on motion of Supervisor Bianchi,**
B-46 **seconded by Supervisor Achadjian and on the following roll call vote:**

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

Consent Agenda Items B-1 through B-46 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-46, 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 (Clerk's File) for the construction of a lightweight structure to protect the apparatus at the Airport firestation in San Luis Obispo, **Approved and the Clerk is instructed to give notice of Bid opening set for October 16, 2003, at 3:00 P.M..**
- B-2 **RESOLUTION NO. 2003-333**, 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 the hearing date set for November 4, 2003 at 9:00 a.m..**
- B-3 Introduction of a proposed ordinance amending Section 2.48.095 of the County Code relating to the Board of Supervisor's salaries, **Approved and the Clerk is instructed to give notice of hearing date set for October 21, 2003 at 9:00 a.m..**

Administrative Office Items:

- B-4 Accept federal fiscal year 2002 Domestic Terrorism Readiness Grant Funds in the amount of \$216,446, for the purpose of obtaining equipment and other resources for emergency responders; and 2) approve various budget adjustments related to the acceptance of the grant, **Approved.**
- B-5 Accept federal fiscal year 2003 State Homeland Security Grant Program Part 1 Domestic Terrorism Readiness Grant Funds in the amount of \$249,858; 2) approve various budget adjustments related to the acceptance of the grant; and 3) amend the fixed asset list of County Fire by adding a tandem axle trailer at a cost of approximately \$15,000, **Approved.**
- B-6 Accept federal fiscal year 2003 State Homeland Security Grant Program Part 2 Terrorism Readiness Grant Funds in the amount of \$624,303; 2) approve various budget adjustments related to the acceptance of the grant; and 3) amend the fixed asset lists of County Fire, Public Health and Information Technology by adding various communications equipment, **Approved.**
- B-7 Apply for federal grant funds in the amount of \$10,932, on behalf of the San Luis Obispo County Operational Area to support Community Emergency Response Team training; and 2) approve the State and federally formatted "Governing Body Resolution" document which is required to be submitted with the grant application, **Approved.**
- B-8 **RESOLUTION NO. 2003-334**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 25 to the Nipomo Community Services District (Robertson); 4th District, **Adopted.**
- B-9 **RESOLUTION NO. 2003-335**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 23 to the Nipomo Community Services District (Tract 2499); 4th District, **Adopted.**

Auditor-Controller Items:

- B-10 Unannounced cash count of the Law Library conducted on August 20, 2003, **Received and Filed.**
- B-11 Audit report of an unannounced cash count and limited review of the Probation Department conducted on August 25, 2003, **Received and Filed.**
- B-12 Unannounced cash count of the Information Technology Department conducted on August 20, 2003, **Received and Filed.**
- B-13 Investigation report for the July 2, 2003 theft of \$177 from the Clerk-Recorder's Atascadero Office, **Received and Filed.**
- B-14 Re-establish prior year unspent appropriations funded by restricted revenues, **Approved.**

Behavioral Health Items:

- B-15 A retroactive step increase for Victoria Wolf due to a late performance evaluation, **Approved.**
- B-16 Various medical staff appointments for the Psychiatric Health Facility, **Approved.**
- B-17 Health Insurance Portability and Accountability Act (HIPAA) business associate agreements (Clerk's File) with Behavioral Health Services' contractors and network providers, **Approved.**
- B-18 An annual performance contract (Clerk's File) with the State Department of Mental Health to establish county-wide community mental health services, **Approved.**
- B-19 Contracts (Clerk's File) with Youth Connection of Ventura County, dba Casa Pacifica, Families First, Inc., Rebekah Children's Services, Seneca Residential and Day Treatment Center for Children, Inc., Summitview Child Treatment Center and Victor Treatment Centers, Inc., to provide group home services for Mental Health, **Approved.**

General Services Items:

- B-20 Contract (Clerk's File) with Coffman Associates, Inc., to update the Airport Master Plan at the San Luis Obispo County Regional Airport, **Approved.**
- B-21 Bid opening report upgrading the fuel storage tanks at Lopez Lake, **Approved and the Chairperson is instructed to sign contract documents with West Star Environmental, Inc., in the amount of \$110,500.**
- B-22 **RESOLUTION NO. 2003-336**, amending the position allocation list for Budget Unit 4125 - Parks, deleting one contract Planner I position and adding one Planning I/II/III position, **Adopted.**
- B-23 **RESOLUTION NO. 2003-337**, authorizing execution of a notice of completion and acceptance for the road and parking lot paving and sealing at Lopez Lake Recreation Area, **Adopted.**

Public Health Items:

- B-24 **RESOLUTION NO. 2003-338**, commending Carol Grosse upon her retirement after 24 years of service, **Adopted.**
- B-25 **RESOLUTION NO. 2003-339**, commending Connie Pestrello upon her retirement after 16 years of service, **Adopted.**

Public Works Items:

- B-26 Bid opening report for the widening of Los Berros Road at El Campo Road near Arroyo Grande; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Specialty Construction, Inc., in the amount of \$438,642.**
- B-27 Bid opening report for the installation of a cathodic protection system on the Salinas Pipeline near San Luis Obispo; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with CORRPRO Companies, Inc. in the amount of \$58,600.**
- B-28 Approve an agreement with the Olde Towne Nipomo Association for the purchase and installation of vintage style street lights in the Olde Towne Nipomo Planning Area; 2) authorize the purchase of forty vintage street lights at a cost of \$91,673 from Consolidated Electrical Distributors, Inc.; and 3) approve a budget adjustment in the amount of \$146,474 from the Nipomo Lighting District; 4th District, **Approved.**
- B-29 **RESOLUTION NO. 2003-340**, vacating a portion of an offer of dedication south of 16th

Street by summary vacation in the community of Oceano; 4th District, **Adopted.**

- B-30 **RESOLUTION NO. 2003-341**, authorizing execution of notice of completion for the asphalt concrete overlay of various county roads; 3rd, 4th and 5th Districts, **Adopted.**
- B-31 **RESOLUTION NO. 2003-342**, for the acceptance of road improvements on Megan Court in Templeton; 1st District, **Adopted.**
- B-32 **RESOLUTION NO. 2003-343**, amending the traffic regulation code with regard to stop intersection control at various location in the community Oceano; 4th District, **Adopted.**
- B-33 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 95-055 a proposed subdivision resulting in 4 lots by Sherman and Katherine Starr, Bayview Heights Drive, Los Osos, reject the offer of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2003-344**, to approve an open space easement agreement; 2nd District, **Adopted.**
 - B. COAL 01-0367, a proposed lot line adjustment of 2 lots by Una May Maclean Todd, J Street, Santa Margarita; 5th District, **Approved.**
 - C. Tract 2355, a proposed subdivision resulting in 10 condominium units by Avila Oaks, LLC, Avila Beach Drive, Avila Beach, reject the offer of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2003-345**, to accept the relinquishment of access rights along Avila Beach Drive; 3rd District, **Adopted.**

Sheriff-Coroner Items:

- B-34 Budget adjustment in the amount of \$10,325 from the Civil Disbursement Fee Trust Fund to Budget Unit 2590 - Sheriff-Coroner and amend the fixed asset list, replacing the system database server and associated operating software and vendor costs, **Approved.**
- B-35 Agreements (Clerk's File) with the Cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo for services provided by Animal Services, **Approved.**
- B-36 **RESOLUTION NO. 2003-346**, authorizing the execution of an agreement with the California Highway Patrol to conduct a driving under the influence traffic safety project, **Adopted.**

Other Items:

- B-37 Appointment of Ken Sauret as a District One Representative to the Fish and Games Fine Committee, **Approved.**
- B-38 Request by Supervisor Pinard to Appoint MaryAnn Vasconcellos to the Agricultural Liaison Advisory Committee, **Withdrawn.**
- B-39 Minutes of the August 5, 12 and 19, 2003 Board of Supervisors' meetings, **Approved.**
- B-40 Amended contract with Nisha Abdul Cader, M.D., to continue providing Suspected Abuse Response Team physician services, **Approved.**
- B-41 Contract with MTG Management Consultants to provide technology framework consulting for a criminal justice information systems integration and a request to approve a budget adjustment in the amount of \$215,000 from Automation Replacement Reserves, **Approved.**
- B-42 The County's portion of the settlement for the Bernales lawsuit (91-010597-GB-01), **Approved.**

- B-43 Contracts (Clerk's File) with the San Luis Obispo Child Development Center, Boys and Girls Club of North San Luis Obispo County, Inc., and the Economic Opportunity Commission for child abuse prevention, intervention and treatment services, **Approved.**
- B-44 Civil Service Commission Annual Report for fiscal year 2002-2003, **Received and Filed.**
- B-45 **RESOLUTION NO. 2003-347**, approving the forestry and fire protection grant award contract and a request to approve a corresponding budget adjustment in the amount of \$12,000, **Adopted.**

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

- B-46 Allocation of \$1750 (District One - \$250, District Five - \$1,500) from District Visitors Services Grant Funds to the Atascadero Colony Days Committee to be used to advertise the Annual Atascadero Colony Days on October 18, 2003, **Approved.**
- 9 C-1 This is the time set for hearing to consider a resolution imposing revised road improvement fees in the Templeton area; 1st District.

Mr. Larry Rohloff: Public Works, presents the staff report; addresses the purpose of the circulation study; the transportation improvements including Las Tablas interchange, Route 46W/101 interchange Vineyard Drive interchange, and the Main Street Widening; the future transportation improvements; the non-impact fee projects; highlights the reasons for the impact fee changes; discusses the proposed impact fees and staff's recommendation.

Supervisor Ovitt: questions the traffic model, with Mr. Dave Flynn, Public Works, responding.

Supervisor Ovitt: states Templeton Area Advisory Group is not completely happy with this proposal; addresses his concern for the Highway 101/46 exchange and the cost; discusses the Las Tablas and 101 interim project; feels the estimate should include this interim project; recommends leaving the Route 46W/Hwy 101 I/C at the \$1.18 million and the Main Street/Hwy 101 I/C at \$1.417 million plus the 4.9% Caltrans Construction Cost Index; states he would like to include the Las Tablas Rd/101 I/C interim in the total of the Las Tablas Rd/Hwy 101 I/C Ultimate; questions County Counsel regarding the noticing requirements if the Board continued this item, with staff responding.

Chairperson Ryan: states he would like to move forward with this; indicates staff has the ability to come back with modifications.

Supervisor Achadjian: states his concerns relating to Nipomo Circulation Study, indicating when he wanted to postpone that item his motion died for lack of a second; states he will support a continuance.

Supervisor Bianchi: agrees with Supervisor Ovitt that the community of Templeton should not bear the brunt of improving the interchange of Route 46W/Hwy 101; questions what the estimate of the fees are that would be coming out of area "C".

Mr. Rohloff: states staff envisions all Route 46W/Hwy 101 County contributions would come out of area "C."

Chairperson Ryan: questions if area "C" is paying fees now encompassed in area "A", with staff responding, yes.

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

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

the Board directs staff to leave Route 46W/101 IC at \$1.18 million and the Main

Street/Hwy 101 I/C at \$1.417 million plus the 4.9% Caltrans Construction Cost Index and the 2003 estimate for the interim Las Tablas Rd/101 is to be combined, for a total amount of \$3.083 million for Las Tablas Rd/Hwy 101 at this time and the Board continues this hearing to October 28, 2003, with area "C" being brought forward to investigate the other two interchanges at Main and Hwy 101.

10 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) *Vetter v. City of Atascadero, et al.*, and 5) *County of San Luis Obispo v. Spinelli, et al.*

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. 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: 8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*

III. 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: 9) *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.

Mr. Michael Kovacs: states the PG& E Bankruptcy has been on the Closed Session agenda for awhile and there has been no report out; questions why there is never a report on the Closed Session items.

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.

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, October 7, 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/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 10/10/03
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