

Tuesday, January 25, 2005

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, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

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

Rev. C. Hite: speaks to the new Supervisors and wanting a meeting with her new Supervisor; discusses ADA Compliance needs and requirements.

Mr. Eric Greening: comments on the meeting scheduled at The Inn in Morro Bay for the Supervisors on February 1, 2005 regarding Team Building; addresses his concern to the agenda for this meeting and the subject matter; would rather see it called an "ensemble." **No action taken.**

2 B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Rev. C. Hite: comments on Item B-11 and wants to see improvements on how immunizations are presented to the public; wants equitable treatment for all people. **No Action taken.**

3 B-1 thru B-25 Consent Agenda Item B-3 is amended to correct the cover sheet and transmittal page to reflect that the bid opening date is February 24, 2005 not February 10, 2005. Item B-17 is withdrawn. Item B-21-B&C are amended to include the correspondence from Planning and Building recommending approval of Open Space Agreements for Maria Vista Estates and further the Board directs that the maps cannot record until the signed Subordination Agreements are received.

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

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi
NOES: None
ABSENT: None

Consent Agenda Items B-1 through B-25 are approved as recommended by the County Administrative Officer, and as amended by the Board.

Consent Agenda Items B-1 through B-25, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing/bid opening:

B-1 Introduction of an ordinance amending water service charges and connection fees in County Service Area No. 10A, Cayucos Water System; 2nd District, **Approved and the Clerk is instructed to notice the hearing set for February 8, 2005 at 9:00 a.m..**

B-2 Introduction of an ordinance amending County Ordinance No. 301, (Southern California Gas Company's pipeline franchise) one year to February 7, **Approved and the Clerk is instructed to give notice of hearing date set for February 8, 2005 at 9:00 a.m..**

B-3 Plans and specifications (Clerk's File) for the Orcutt Road Widening Phase II Overlay Contract, Avocado Lane; 4th District, **Approved as amended and the Clerk is instructed to give notice of bid opening date set for February 10-24, 2005 at 3:00 p.m.**

Administrative Office Items:

B-4 **RESOLUTION NO. 2005-15**, resolution reviewing the conflict of interest codes for the Cambria Community Healthcare District, **Adopted.**

B-5 1) Accept a Federal Grant to offset the costs of development of a Local Hazard Mitigation

Plan; and 2) approve a corresponding budget adjustment in the amount of \$35,000 from unanticipated revenue, **Approved**.

Auditor-Controller Items:

- B-6 Submittal of an unannounced cash count of the County Treasurer's Office conducted on September 29, 2004, **Received and Filed**.
- B-7 Submittal of an unannounced cash count report of the County Agricultural Commissioner's Office in San Luis Obispo and Arroyo Grande on December 10, 2004 and at the Paso Robles office on December 14, 2004, **Received and Filed**.

General Services Items:

- B-8 1) An amendment to the fixed asset list for the Golf Course Enterprise Fund to include a new greens mower; and 2) a corresponding budget adjustment in the amount of \$34,000 from unanticipated greens fee revenue, **Approved**.
- B-9 **RESOLUTION NO. 2005-16**, to surplus and sell County-owned real property in the unincorporated area of California Valley, located within the borders of the Carrizo Plain National Monument, to the Bureau of Land Management; and approve a corresponding budget adjustment in the amount of \$20,000 from unanticipated revenue, **Adopted**.
- B-10 Lease agreement (Clerk's File) with Children's Health Initiative for improved office space located at 3433 South Higuera Street, San Luis Obispo, **Approved**.

Public Health Items:

- B-11 Renewal agreement (Clerk's File) with the State Department of Health Services/Immunization Branch to provide funds for continued implementation of the County-wide immunization registry, **Approved**.
- B-12 1) A renewal agreement (Clerk's File) with the State Department of Health Services for the AIDS Master Grant; 2) a related Memorandum Of Understanding (Clerk's File) for FY 2004/05, 2005/06 and 2006/07; and 3) authorize the Health Agency Director to sign future amendments under this agreement, **Approved**.

Public Works Items:

- B-13 Amended agreement (Clerk's File) with T.Y. Lin International extending the agreement to provide engineering services required for the Vineyard Drive and State Route 101 interchange improvements project (P12A175) to March 1, 2006; 1st District, **Approved**.
- B-14 Agreement reassigning water allocation to Ben Chiu within County Service Area No. 12; 3rd District, **Approved**.
- B-15 Agreement reassigning water allocation to Brad Arnott within County Service Area No. 12; 3rd District, **Approved**.
- B-16 **RESOLUTION NO. 2005-17**, amending the Traffic Regulation Code, by: 1) restricting turning movements at the intersections of Tank Farm Road and Santa Fe Road with a private driveway; 2) restricting turning from Los Osos Valley Road onto Doris Avenue in selected hours; and 3) deleting the left turn restriction at Avila Beach Drive and Front Street; 2nd and 3rd Districts, **Adopted**.
- B-17 **RESOLUTION NO. 20045-18**, forming the San Luis Obispo County Cable TV Public Access Funds Distribution Advisory Committee; All Districts, **Adopted**.
- B-18 **RESOLUTION NO. 2005-19**, approving an application for grant funding from the Caltrans Office of Traffic Safety Grant Program for bicycle safety & driver education programs at various County schools; All Districts, **Adopted**.
- B-19 **RESOLUTION NO. 2005-20**, approving the intention to issue Tax Exempt Obligations (Certificates of Participation) for the Lopez Water Treatment Plant Upgrade Project; 3rd and 4th District, **Adopted**.
- B-20 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 03-0107, a proposed subdivision resulting in 2 lots, by Jelmer & Bonnie Jean Miedema, Venice Road, east of Templeton; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

B. Tract 2548, a proposed subdivision resulting in 6 condominium units, by Omkar Investments, Las Tablas Road, Templeton; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

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. COAL 03-0458, a proposed lot line adjustment of 2 lots, by Maria Vista Estates, Hutton Road, Nipomo Mesa; 4th District, **Approved**.

B. Tract 1802 Phase II, a proposed subdivision resulting in 52 residential lots and 7 open space lots, by Maria Vista Estates, Hutton Road, Nipomo Mesa; 1) reject the offer of dedication without prejudice to future acceptance, **Approved as amended**; and **RESOLUTION NO. 2005-21**, to approve an open space easement agreement; 4th District, **adopted**.

C. Tract 1856 Phase II, a proposed subdivision resulting in 25 residential lots and 1 open space lot, by Maria Vista Estates, Hutton Road, Nipomo Mesa; 1) reject the offer of dedication without prejudice to future acceptance, **Approved as amended**; and **RESOLUTION NO. 2005-22**, to approve an open space easement agreement; 4th District, **Adopted**.

Other Items:

B-22 Request by Board Members to allocate \$3,000 from Community Project Funds (District One - \$500, District Five - \$2,500) to the Atascadero Chamber of Commerce to be used towards the March 24th educational seminar and the creation of the "visitascadero.org" web site, **Approved**.

B-23 Contract with the Children's Health Initiative of San Luis Obispo County, Inc. for the Department of Social Services to provide administrative support for the Children's Health Coverage Initiative in the County for October 1, 2004 through December 21, 2004, **Approved**.

B-24 **RESOLUTION NO. 2005-23**, commending Nancy Smee upon her retirement after 27 years of service to the County, **Adopted**.

B-25 **RESOLUTION NO. 2005-24**, authorizing the Chief Probation Officer to sign a renewal contract with the California Youth Authority for juvenile diagnostic services, **Adopted**.

4 C-1 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by M. McIntosh located on Sunnydale Drive, Nipomo; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report outlining the issues raised by the Appellant; recommends denial of the appeal.

Mr. Michael McIntosh: Appellant, addresses the purchase of the property to build a home and suggests that the roads are improved in this area; states they are not developers but rather just trying to build a home and asks for a reduction in these fees as the roads are already improved in this area.

Mr. Michael Winn: urges the Board to support the staff recommendation for denial indicating that while one development does not impact the roads each one of these single developments add up to road impacts.

Mr. Marshall: gives his closing comments.

Mr. McIntosh: gives his closing comments.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and unanimously carried, the Board denies the appeal.

5 C-2 This is the time set for hearing to consider an appeal by Joseph Kelly of a County staff decision denying abandonment of Sagebrush Road near Linne Road at Dresser Ranch, community of Linne; 1st District.

Mr. Tim Smith: Right-of-Way Agent, presents the staff report; addresses the request by the Appellant to abandon the road in order to consolidate the vacated road area into his property for possible future development; indicates staff reviewed the request and also received petitions from neighboring property owners opposing the proposed vacation;

addresses the Department's policy to have neighborhood consensus regarding a vacation in order to proceed, therefore the request was denied due to the community opposition; the Appellant is appealing the staff denial; indicates staff is recommending that the Board hold a public hearing to consider the appeal of the denial for processing by staff.

Mr. Fred Strong: representing Mr. Kelly, states they are requesting that the Board at least proceed with the hearing on the vacation issue; presents an aerial photograph and outlines the area they are trying to abandon; states there is currently a gate going across the road that denies access to anyone; addresses the options he believes are before the Board for their consideration today and what can occur; asks that the Board grant their appeal and hold a hearing on the issue of the abandonment request.

Mr. Joe Kelly: Appellant, states he is representing the Dresser/Freeman Estate, presents a color-coded map indicating the area in yellow is the area they are proposing for abandonment; the areas in red (pink) are what is currently closed and the area in green is the road that is opened; questions why this departmental procedure isn't in the Road Abandonment policy.

Mr. Scott Nash: neighboring property owner, presents several maps of the area showing where the paper road is and that it has been abandoned; shows a map of the original subdivision and that it doesn't even show the lot referenced by Mr. Kelly.

Ms. Susan Nash: urges support of the staff recommendation; states there are no permanent structures in the roadway (paper road); presents a letter from a neighbor, Barry Rice, in support of the staff recommendation.

Mr. Jim Martinez: representing his parents who live on Linne Road, indicates his parents oppose the abandonment.

Mr. Jerry Allingham: Linne Road resident, states the fencing that is in was done prior to him moving there 22 years ago; asks that the Board uphold the staff recommendation.

Mr. Raymond Reid Allen: states he has lived in this area for 29 years and believes this road is too narrow and is opposed to the vacation.

Mr. Terry Schmitz: states he is in the process of moving to this area and opposes the abandonment.

Mr. B. Swinburn: speaks in opposition to this abandonment request indicating it is a very narrow strip of land through this area.

Mr. Smith: makes his closing comments.

Mr. Stong: states that the map Mr. Nash presented is showing a collector road area; indicates the question today is regarding the staff policy; feels many are already encroaching into the roadway and they are just asking for a full hearing on the requested vacation.

Mr. Kelly: addresses the various options that the family is looking at with respect to the property and requests that if this is not approved then they want to see the fencing, etc. removed from the roadway.

Supervisor Patterson: questions whether non-abandonment will preclude Mr. Kelly's options for the property with Mr. Kelly responding.

Supervisor Ovitt: states the only issue today is regarding the staff policy and is not about the actual abandonment.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Patterson and unanimously carried, the Board denies the appeal.

D-1 This is the time set for presentation of the County of San Luis Obispo's Audited Comprehensive Annual Financial Report (CAFR)(Clerk's File) for the fiscal year ended June 30, 2004.

Mr. Gere Sibbach: Auditor-Controller, presents the report indicating it is available on CD and downloadable from their website; thanks various members of his staff for their work on this; presents a brief overview of the document.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board receives and files the staff report

dated January 25, 2005.

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E-1 This is the time set for a request for a Land Use Element amendment application (LRP2004-00006 – Hideo Kaminaka) to: 1) amend the South County Area Plan by changing the land use category on an approximately 59 acre site from Agriculture to Recreation and extending the Urban Reserve Line to include the subject property; and 2) disestablish the agricultural preserve on the site located on the south side of Pomeroy Road, between Calle Fresa and Camino Caballo, northwest of the community of Nipomo. The purpose of this request is to allow development of 30 single-family residences with the remainder to be used for community recreational fields and trails; 4th District.

Mr. Brian Pedrotti: Planning, presents the staff report, presenting an aerial photograph, site maps; highlights the major issues raised regarding consistency with the Land Use Element; whether this is appropriate conversion of agricultural land; concerns about the need to designate more land in the Recreation category; whether this creates a conflict in the Memorandum of Agreement (MOA) between the County and the Nipomo Community Services District (NCSD); and the issue of extending the Urban Reserve Line (URL); highlights the four options before the Board.

Board Members: address various issues, comments and concerns regarding: assurances to the community that there will be a park; allowable uses in Rural Residential zoning; the number of residential units and what is restricted through the change; whether there is a recommendation or not to change the URL, with Mr. Chuck Stevenson, Planning, responding.

Mr. Mike Isensee: Agricultural Commissioner's Office, addresses their concerns to the proposal as it relates to Ag and Open Space Policy AGP 24 and taking land out of agricultural zoning.

Mr. Greg Nester: representing the Kaminaka family, speaks to their desire to leave something for this community; the need for sports fields in the Nipomo area; states there have been approximately ten public meetings on this; they are not proposing to move the URL; addresses the features of the agreement with the community and providing onsite water and 30 homes would be built along with the sports parks; states they have a petition with over 300 signatures on it in support of their proposal.

Mr. Larry Vierheilig: President of the NCSD, states they support the staff not pursuing moving the URL; addresses concerns regarding a private water company; urges that this occur in concert with the MOA.

Mr. Vince McCarthy: representing Save the Mesa, states they can support the limit of 30 houses and the playing fields.

Mr. Ed Eby: Nipomo Community Advisory Council (NCAC), agree to the compromise of 30 homes, playing fields and not moving the URL; presents a copy of the NCAC minutes, for the record, showing their support for the project as long as the URL is not moved.

Ms. Susie Hermreck: NCAC Chairperson, speaks to their history and involvement with this project and reaching the agreement for 30 homes, parkland and the need to preserve the greenbelt.

Mr. Dan Bridgman: states he thought in the beginning this was a very good project; has concerns if the URL is moved.

Mr. Michael Winn: states that agricultural issues are important in this area but this property is already surrounded by 1 and 2 acre parcels; urges that supplemental water be required for this project.

Mr. Jesse Hill: NCAC Vice Chairperson, addresses their concerns to this project only if the URL is moved.

Ms. Janet Pelkey: neighboring property owner, states she likes the final plan and only has concerns if there are any changes to the agreed upon plan.

Supervisor Patterson: speaks to moving forward on this proposal; as concerns based on the issues raised by the Agricultural Commissioner's Office; also has concerns that affordable housing is not being offered.

Chairperson Bianchi: addresses her concerns to the issue of urban sprawl; comments on the proposal and there not being a need for more "estate-type housing" and believes this is still viable agricultural land and she doesn't support this proposal.

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

AYES:	Supervisors	Achadjian, Lenthall, Ovitt, Patterson
NOES:	Supervisor	Chairperson Bianchi
ABSENT:	None	

the Board authorizes for processing changing the land use category on the 59-acres site to Recreation from Agriculture, changing the Ag/OS Element designation from Small-Lot Rural to Multi-Use Public, and disestablishment of the agricultural preserve on the site, without the extension of the Urban reserve line; this would allow a cluster subdivision of 1-acre parcels, thus a fewer number of lots. Further, the Board directs that there will be no changes to the URL, there will be a limit of 30 homes and incorporated into the proposal will be recreational areas for daytime use and trails.

8 F-1 This is the time set for discussion of the Roads budget status and policies (Clerk's File).

Mr. Noel King: Public Works Director, presents the staff report; states the current funding status cannot maintain the roads that are currently in the system; addresses the current policy on how money is used for roads with the first priority being maintenance and the second being safety improvements and the third is for betterments of the roads; there are two types of funding, non-discretionary and discretionary; addresses the STIP program funds and the availability of the same; previously there were two other funding options that were moved to the General Fund; addresses the gas tax versus the growth rate and it not keeping up; TDA funding; property tax revenue to the roads; addresses Proposition 42 money and why they are not getting this money; discusses expenditures and the increases due to County Overhead, Risk Management, Workers Compensation, curb/gutter/sidewalk requirements, traffic engineering, right-of-ways, new road yard, bridge replacement matches; indicates they are looking at consolidating the two road yards in Paso Robles and Atascadero and originally looked at a new yard in Templeton, now they will just be looking at remodeling the Paso Road Yard; highlights some of the tasks that have already either been eliminated or reduced in this year's budget including; addresses the pavement management program and improvements and/or changes they have made to this; legislative efforts they are looking for support for funding and what those include; outlines the future actions that staff will be asking the Board to consider.

Mr. Eric Greening: speaks to the Governor's reduction of the vehicle registration fees and believes these fees should be restored to their full level; addresses TDA funding; and suggests that if local funding is pursued suggests a local gas tax.

Mr. Ron DeCarli: SLOCOG, states they are looking at a report that will address the next 20 years of transportation issues and has a lot of the same information as outlined in the staff report including funding losses and capacity increases on programs; supports the issues addressed in the staff report.

Board Members: address the report and concerns regarding a tax increase.

Mr. David Edge: County Administrative Officer, addresses a recent meeting of the city mayors and an upcoming city managers meeting concerning a sales tax increase; highlights the issues that will need to be looked at with respect to budgeting.

Mr. King: addresses discussions regarding a sales tax initiative and what is being looked at; suggests it might be prudent to do a survey to see whether they should move forward with a ballot measure or not.

Chairperson Bianchi: addresses the recommendations and suggests adding the word "consider" to the beginning of the second recommendation.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board: (1) conducts a public discussion of the Road Program status; (2) consider support of any future proposals by the San Luis Obispo Council of Governments staff to survey the public's interest in a sales tax for transportation, with the stipulation that a significant portion of the revenue, should such a measure ever come to pass, be earmarked for maintenance of the existing road system; and, (3) consider the five policy and budget related actions listed on page 31 of the attached report during the June 2005 Budget Hearing.

9 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) *South San Luis Obispo County Sanitation District v. County of San Luis Obispo, et al.*, (2) *Deputy Sheriff's Association v. County of San Luis Obispo*, (3) *South San Luis Obispo County Sanitation District v. County of San Luis Obispo, et al.*, (4) *Maria Vista Estates v. County of San Luis Obispo, et al. (CV050021)*, (5) *Nipomo Community Services District v. County of San Luis Obispo, et al.*, (6) *Gurican v. County of San Luis Obispo, et al.*, (7) *Building a Better Environment, et al. v. County of San Luis Obispo*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (14) *County of San Luis Obispo v. Andre* and (15) *Save the Mesa . County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (8) *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. (9) *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: (10) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers Association*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (12) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*; (13) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

Chairperson Bianchi: opens the floor to public comment.

Rev. C. Hite: addresses the issue of the number of significant exposure issues listed and suggests the number is always the same; speaks to the need for equal treatment for those with disabilities.

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.

10 G-1 & This is the time set for discussion to review the progress, accept the schematic design and
G-2 provide further direction on the design and construction of the new passenger terminal at the San Luis Obispo County Regional Airport and Presentation of the final draft Airport Master Plan Update (Clerk's File).

Mr. Duane Leib: Director of General Services, introduces the item.

Ms. Klaasje Nairne: Airport Manager, addresses the model for the new passenger facility at the Airport.

Mr. Ron Price: Odell Associates Architects, addresses what they reviewed when developing the plan for the new facility; provides an overview of the proposed changes for the roadway, parking structure; provides a schematic of how the building will be designed, showing the different levels of the proposed structure.

Ms. Nairne: states recommendation is to continue forward and addresses the funding sources they will pursue.

Board Members: question whether this will be a phased project; whether customers provided input on this; whether the aviation community was consulted, with Ms. Nairne responding.

Ms. Nairne: presents the staff report highlighting the updated Plan.

Mr. James Harris: Coffman Associates, Inc., addresses the Updated Plan they have prepared and what was included in the preparation; public outreach on the document and how the document was made available; highlights the document including the: primary development issues; Capital Improvement Program and the time frames for the same; the Economic Benefit Study and the results from the same.

Mr. Bert Forbes: pilot and hangar owner, questions the 46 foot doors proposed for aircraft

and hopes this figure is flexible; commends the proposal for the runway extension.

Mr. Robert DeVries: President of the SLO Flyers Association and owns hangar site P, speaks to the need for a larger hangar area; feels lucky to have the services they have had to date.

Mr. David Garth: San Luis Obispo Chamber of Commerce, states they keep the Airport at the forefront of all they do.

Mr. Mike Kunde: pilot, speaks to the need for a larger terminal; addresses Runway 7-25 and believes this should be widened first.

Supervisor Achadjian: questions the design and roofing with Mr. Price responding.

Matter is discussed and thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall and unanimously carried, the Board revised the schematic design phase for the development of a new passenger terminal at the San Luis Obispo County Regional Airport, and directs staff to proceed with procurement of consultant services to produce Design Development and Construction documents.

Ms. Nairne: responds to questions regarding the shortening of runway 7-25 and why this is occurring.

Matter is discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board: (1) considered the presentation and took public comment on the draft final of the Airport Master Plan update for the San Luis Obispo County Regional Airport; (2) accepts the submittal of the draft final of the Airport Master Plan document with final approval pending the Environmental Assessment/Environmental Impact Report; (3) directs the Environmental Coordinator to continue with the environmental assessment of the Airport Master Plan Update as outlined in the Scope of Work as prepared by the Environmental Division of the Department of Planning and Building and previously approved by your Board in a contract with Environmental Science Associates; and, (4) accepts and approves the recommendations as presented in the draft final Airport Master Plan update relative to a 1,000-foot (+/-) pavement extension on the northwest end of Runway 11-29 and directs staff to continue forward with the process regarding this project.

12 H-1 This is the time set to consider the request to approve: 1) initiate the process to determine support for the development of a benefit assessment that will provide permanent annual funding for the vector control program; and 2) waiving the Request For Proposal process on a sole source agreement with Shilts Consultants, Inc. to conduct a benefit assessment rate analysis, mail out ballot initiative and provide an engineering assessment report to assist in pursuing a new financing source to fund a vector control program in the County for the FY 2005-06 budget cycle; and 3) submittal of a resolution amending the position allocation list for fund center 160 – Public Health, by adding three FTE’s limited Term Environmental Health Aides to convert existing temporary help dedicated to vector/mosquito control; and 4) a corresponding budget adjustment in the amount of \$272, 078 from the General Fund Contingencies.

Mr. Curt Batson: Environmental Health Director, presents the staff report; indicates that mosquitoes are a problem throughout the State now; outlines their recommendations and recommends moving forward with a ballot measure that would be a mail-out ballot to property owners; addresses the issue of larvicide use.

Dr. Greg Thomas: Public Health Officer, presents maps of the United States showing where cases of West Nile virus occurred in 2001, 2003 and by 2004 the entire country has the virus; presents charts showing numbers of those people infected, and the numbers that have the illness or have died.

Mr. Batson: addresses a correction on page H-1-3 and the table corrects the reference to July 18, 2005 to July 25, 2005 and the July 26, 2005 to August 2, 2005.

Mr. Dave Wilson: addresses his concern to the creation of a Vector Control District; states he was poisoned by a neighbor using pesticides legally; addresses problems because of this and his concern to the serious impacts spraying could have on him.

Ms. Melanie Sachs: speaks to how wonderful this County is but that will change if we live under a “pesticide fog”; believes that spraying is not the answer and asks the Board to reject the creation of this District.

Ms. Nancy Reinstein: resident in the Laguna Lake area, is very concerned about comments that pesticides are harmless and urges the Board to not approve the staff

recommendation.

Mr. Greg LeVeille: addresses his concern to the proposal and doesn't believe the budget for this will kill all the mosquitoes that will need to be destroyed.

Mr. Randall Blair: states he is "appalled" that this discussion is even being held; comments on the history of this problem; suggests the need for a public health education program.

Ms. Sally Spears: speaks against the creation of this district; states pesticides are harmful.

Ms. Linda Ikeda: speaks to the health issues she has from pesticide use; urges the Board to not support the staff recommendation.

Ms. Jean Peck: states she is chemically sensitive and addresses the effects on her of pesticide use; states she is against the District.

Mr. Daniel P. Neumann: states he and his wife are both chemically sensitive; states the proposed spraying is irresponsible and believes there are alternatives to spraying; is opposed to this proposal.

Ms. Linda McElver: Canaries Foundation, speaks to public access television shows they are airing on this issue; presents a packet of information for the record in support of her comments.

Mr. Garrett McElver: states he is chemically sensitive from products used at school and that he received no help from the Health Department; urges the Board to vote against this proposal.

Ms. Kelda Wilson: urges the Board to not approve this item; addresses her concern to pesticide use and the negative impacts on kids.

Mr. Richard Davis: works for the State Vector Control Department and is a resident of the County, comments on the seven counties he works for on vector control issues and only one doesn't have a special district; suggests there is a need to have an educational program; urges support of the proposal by staff.

Ms. Annie Steel: states she is ill from pesticides; doesn't want anything done until there is a better education program out there; suggests the need to protect all species.

Mr. Eric Greening: does not want this approved; asks for a list of folks that called in both for and against this request; if this is approved does not want the "sole source" agreement approved as he believes this is a travesty of the democratic process.

Ms. Willow Walking Turtle: presents her comments for the record; addresses her concern to the people who live on the streets and the impacts this spraying would have on them.

Chairperson Bianchi: states they received 33 calls against the Vector Control District and 1 call in support.

Rev. C.Hite: suggests there is no crisis today; addresses the treatment she and her son received at Public Health; urges the Board to vote against creating this District.

Ms. Richelle Cash: speaks to the need for education and non-lethal use of pesticides and is glad to hear that is what Public Health is proposing; does not want the Shilts group hired as she does not believe they are unbiased.

Ms. Joy Fitzhugh: Farm Bureau, presents a letter for the record in support of the staff recommendation and suggests that spraying is not the main issue.

Ms. Susan Lara: speaks in objection to the ballot measure only being for property owners.

Mr. David Murray: supports efforts to show where the problem could occur and believes this district needs to be in place.

Dr. Paul Christensen: emergency room physician, speaks in support of the creation of the Vector Control District; speaks to how quickly the West Nile Virus has spread across the United States.

Mayor Dave Romero: City of San Luis Obispo, urges the Board to support staff and allow this to move forward; addresses the larvae program they used at Laguna Lake this past year.

Ms. Diana Schmielt: speaks against a Vector Control District; feels the health concerns that were raised today are real; her concerns to bypassing the RFP process.

Ms. Pam Heatherington: ECOSLO, doesn't believe there is an immediate need for this District but there is a need for education on prevention measures.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..

Ms. Miranda Leonard: ECOSLO, presents a copy of an article titled *Lessons of the West Nile Virus Response* and cites from the same; speaks to the importance of education.

Mr. Charles Donovan: addresses the issue and believes the Board should be listening to their staff on this matter; believes this should go to the electorate for a vote.

Ms. Karen Mansfield: Executive Director for the Agricultural Task Force, suggests if this District is created it will then be in place for other problems should they occur.

Chairperson Bianchi: reads written comments from Peggy Wilson, who had to leave, in support of comments by Mr. Greening and to the use of bats and more bat habitat.

Supervisor Ovitt: addresses his concern to sole-sourcing; states he could support this District if the funding came from somewhere other than the General Fund and suggests this could come back if staff can find a private source of funding for the program.

Supervisor Patterson: addresses his concern about the type of election proposed; concerns about the people at risk; suggests funding the program from existing money to support the current program in place; and, looking at educating the public on alternatives if an outbreak occurs.

Supervisor Lenthall: supports the program; addresses his concern to sole sourcing of the contract; concerns regarding the cost of the election and he needs more information.

Supervisor Achadjian: questions the legality of sole source contracts, with Mr. James Lindholm, County Counsel, responding.

Supervisor Bianchi: questions how an outbreak would be handled if there is no program in place.

Mr. Batson: states if this request doesn't go forward their "Plan B" is what is currently in place with one exception, they will not have the three temporary employees to assist if their positions aren't converted to limited term positions.

Dr. Thomas: states if the position allocations aren't approved today the people will be gone as their temporary work hours will run out.

Mr. Batson: states the Center for Disease Control (CDC) has evaluated the risks to folks both inside and outside of a Vector Control District and the results showed a greater risk to those outside the District; states they are requesting that the voters be allowed to determine whether they want to fund a District.

Dr. Thomas & Mr. Batson: speak further indicating the program would be under the control of the Board and not a separate district board; and if the measure passed on the ballot the funding from the County would be reimbursed.

Dr. David Edge: County Administrative Officer, addresses this issue as to why this is here again today; regarding giving staff some general direction to change the positions from temporary to permanent; believes if the Board give staff the latitude to make this happen prior to the next Board meeting and then bring the necessary approvals for the limited term positions back to the Board, staff can make that happen.

Supervisor Achadjian: questions the goals on page H-1-7 regarding prevention, with Mr. Batson responding.

Ms. Julie Rodewald: County Clerk-Recorder, addresses the differences in a Countywide election versus a property owner election.

A motion by Supervisor Achadjian, seconded by Supervisor Ovitt to approve the funding through June of this year, to keep the employment for the temporary positions being converted to limited term positions and bring this matter back on February 8, 2005, is discussed.

Chairperson Bianchi: addresses her views on this proposal and the need for this program.

The motion maker and second amend their motion to authorize the CAO to implement whatever actions are necessary to authorize the limited term positions before this matter comes back to the Board as the temporary positions will run out of time to work prior to the next meeting.

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, Lenthall, Patterson, Chairperson Bianchi
NOES:	None	
ABSENT:	None	

the Board authorizes the County Administrative Officer to implement actions necessary to continue the current vector control program staffing and bring back the necessary paper work, on February 8, 2005, to convert the three temporary positions to limited term positions and the funding to support the positions through June of this year.

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 to The Inn at Morro Bay, on February 1, 2005 at 9:00 A.M. for a team building session.

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, January 25, 2005, 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: February 17, 2005
vms