

Tuesday, March 8, 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 Add **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 determines that the need to add an item to the agenda arose subsequent to the 72-hour noticing requirement of the Brown Act and adds (7) *In PUC Application of the County of San Luis Obispo v. U.P.R.R.* to the Closed Session.

2 A-1 **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

RESOLUTION NO. 2005-61, a resolution recognizing the San Luis Obispo Chamber of Commerce Centennial Celebration, adopted.

Supervisor Patterson: reads the proposed resolution and presents the same to Mr. Dave Garth of the Chamber of Commerce.

Mr. Garth: thanks the Board for the recognition; introduces the Chamber Board Members that are present; acknowledges the good relationship between the Chamber and the Board.

Mr. Bob Wacker: Chamber President, thanks the Board for recognition states they are proud of their relationship with the County.

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

Ms. Teresa Campbell: speaks regarding Genetically Engineered (GE) crops and the concerns regarding cross-contamination; requests the Board direct the Agricultural Commissioner to notify neighboring farms of GE crops.

Mr. Eric Michielssen: speaks regarding the need for regulating and controlling GE crops; the fastest growing and the most popular segment of agriculture today is organic; corporate giants buying up small organic businesses; corn is not the only crop to be concerned about, broccoli and squash are also at risk of contamination; urges the Board to direct the Agricultural Commissioner to establish monitoring, registration and regulations to adequately control planting of GE crops in the County.

Mr. Jesse Arnold: presents the Board members organic Indian corn seed and corn bread; speaks to the historical and practical value of heirloom crops; urges Board to direct Agricultural Commissioner to protect heirloom crops from genetic pollution.

Ms. Barbara Spencer: Windrose Farm, speaks regarding 90-95% of crops are heirloom and open seed; there is a need for notification of GE crops to protect her certified organic farm; presents seeds to the Board members and reads a letter from Mr. Spencer regarding the impacts of GE crops.

Mr. Eric Greening: agrees and supports the organic corn growers; speaks to the need of drought tolerant corn and the importance of protecting organic crops. **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: comments on Item B-3 and questions if the funding to clean up the mess is being paid for by those responsible for making it; and questions the conflict in the deadlines listed.

Mr. David Edge: County Administrative Officer, responds that the funding for the Environmental Impact Report is being paid for by Chevron Pipeline Corporation. **No action taken.**

5 B-1 Consent Agenda Item B-4 is amended by correcting the coversheet to reflect the thru budget adjustment amount of \$537,066 from \$522,816. Items B-9 and B-10 are B-10 added to the Consent Agenda.

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

AYES: Supervisors Achadjian, Ovitt, Lenthall, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-10 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-10, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for Bid Opening:

B-1 Letter transmitting plans and specifications (Clerk's File) for the construction of Camborne Place and Burton Drive Cooperative Road Project in Cambria, **Approved and the Clerk is instructed to give notice of Bid Opening Date set for April 7, 2005 AT 3:00 P.M..**

Other Items:

B-2 Request by Behavioral Health to approve a contract (Clerk's File) with Victor J. Perez Preciado, M.D. to provide psychiatric services for Mental Health clients, **Approved.**

B-3 Request by Planning and Building to approve an amended agreement (Clerk's File) with Rincon Consultants, Inc. to prepare an Environmental Impact Report for the Chevron Marine Terminal Clean Up Development Plan, **Approved.**

B-4 Request by County Fire to: 1) accept a grant for safety equipment and training in the amount of \$594,066; 2) approve a budget adjustment in the amount of \$522,816 (\$415,847 from unanticipated revenue, 106,969 from the County Fire Department Equipment Replacement Reserve, and \$14,250 from the significant value account); and 3) amend the fixed asset list adding 19 commercial clothing washers and 14 building emission systems, **Approved as amended.**

B-5 Request by General Services to approve a contract (Clerk's File) with Dondra and Associates Corporation for the lease and management of the marina and store at Santa Margarita Lake, **Approved.**

B-6 Request by Social Services to approve a contract with the San Luis Obispo In-Home Supportive Services (IHSS) Public Authority to establish an employer of record for the IHSS Caregivers, **Approved.**

B-7 **RESOLUTION NO. 2005-62**, submittal by the Auditor-Controller a resolution adopting the Countywide Cost Allocation Plan for 2005-2006, **Adopted.**

B-8 **RESOLUTION NO. 2005-63**, submittal of a resolution amending the position allocation list for the Victim/Witness Assistance Division deleting one full-time Victim/Witness Assistance Coordinator position and adding one half-time Victim/Witness Assistance Coordinator position, **Adopted.**

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

- B-9 Request by Supervisor Lenthall to appoint Penny Rappa as District Three representative to the San Luis Obispo County Planning Commission, **Approved.**
- B-10 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its Tentative map:

A. CO 04-0215, a proposed subdivision resulting in 8 lots and one remainder lot, by S.P. R. R. and Butterfield McClory LLC, Mission Street, San Miguel; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

- 6 C-1 This is the time set for hearing (Introduced March 1, 2005) to consider an ordinance amending certain sections of Chapters 2.44 and 2.48 of the County Code concerning the civil service system; All Districts.

Mr. Gere Sibbach: County Auditor-Controller, presents the staff report; discusses the new accounting system and changes being made to streamline accounting procedures; the amendments have been presented to the various labor organizations with no objections; recommends adoption of the proposed ordinance changes.

No one appearing 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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3061, ordinance amending certain Sections of Chapters 2.44 and 2.48 of the San Luis Obispo County Code concerning the Civil Service System, adopted.

- 7 C-2 This is the time set for hearing (Introduced March 1, 2005) to consider ordinances amending certain chapters of Title 24-Airport Rules and Regulations and Title 1-General Provisions of the County Code; All Districts

Mr. Martin Pell: Assistant Airport Manager, presents the staff report and recommendations.

Chairperson Bianchi: opens the floor to public comment without response.

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

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3062, ordinance amending Title 24 of the San Luis Obispo County Code concerning Airport Rules and Regulations, adopted.

- 8 C-2 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and on the following roll call vote:**

AYES: Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3063,

amending Title 1 of the San Luis Obispo County Code concerning General Provisions, adopted.

9 C-3 This is the time set for continued hearing (continued from January 11, 2005) to consider an appeal by Thomas and Gail Ferrell of the Subdivision Review Board's denial of a reconsideration of the conditions of approval for parcel map CO 90-0054 (S020383P) to authorize a reduction of an agricultural buffer from 400 feet to 100 feet, for property located at 1450 Eureka Lane, in the community of Templeton; 1st District.

Ms. Karen Nall: Planning, presents the staff report and recommendations based on the Board's direction at the prior hearing.

Mr. Eric Greening: speaks to his concerns regarding the effectiveness of the landscape screening and setting a precedent.

Supervisor Patterson: speaks to the Subdivision Review Board's recommendation of a 200 foot agricultural buffer with a 15 foot landscape screening; and believes there are other locations on the property more appropriate for the secondary dwelling; does not support the item.

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

AYES: Supervisors Ovitt, Lenthall, Achadjian, Chairperson Bianchi

NOES: Supervisor Patterson

ABSENT: None

the Board adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act Public Resources code Section 21000 et seq. and RESOLUTION NO. 2005-64, Partially Upholding the Appeal by Tom Ferrell of the Decision of the Subdivision Review Board Disapproving a Reconsideration of the Conditions of Approval of Parcel Map CO 90-0054 (S020383P) to Authorize a Reduction of an Agricultural Buffer, adopted.

10 D-1 This is the time set for consideration of a request by Bradley Orrison for a Land Use Element amendment application (LRP 2004-00010), to amend the Salinas River Area Plan by changing the land use category on approximately 3.5 acres from residential suburban to residential single family, located on the southeast corner of Bonita Place and Crispin Ave., in the community of San Miguel; 1st District.

Ms. Kami Griffin: Planning, presents the staff report and recommendations.

Mr. Scott Stokes: RRM Design Group, thanks the staff for their help through this process; the project is a cluster development for smaller lots consistent with the neighborhood.

Mr. Eric Greening: states this project is an appropriate use in an appropriate place and well designed; questions whether the native people were included in this process; speaks to the cultural sensitivity of the area.

Ms. Griffin: states meetings will be scheduled once the item is approved.

Supervisor Patterson: appreciates the design being consistent with the neighborhood and feels this is a good project.

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

AYES: Supervisors Ovitt, Lenthall, Achadjian, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

the Board authorizes LRP2004-00010 for processing.

11 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 - Anticipated Litigation (Gov. Code, § 54956.9.) (2) *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. (3) *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: (3) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge, Name of employee organization: San Luis Obispo County Probation Peace Officers Association;* (4) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: District Attorney Investigators Association;* (5) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: Sheriff's Management;* (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: Deputy Sheriffs Association.*

Chairperson Bianchi: opens the floor to public with no 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 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, March 8, 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/C.M. Christensen,
Deputy Clerk-Recorder

DATED: March 14, 2005
cmc