

Tuesday, March 22, 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 times set for members of the public wishing to address the Board on matters other than scheduled items.

Rev. C. Hite: asks that the Board withhold funding for Public Health and Social Services until they stop discriminating against people; addresses issues and concerns relating to ADA compliance. **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.

Mr. Eric Greening: speaks to Item B-1 and is glad to see this item moving forward to address the problem lots in this area and retiring them from any building. **No action taken.**

3 B-1 Consent Agenda Item B-6 is amended to replace pages 4, 5 and 6 of the staff report due thru to technical corrections. Item B-8 page 3 of the staff report is amended due to a technical B-12 correction.

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-12 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-12, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Hearing:

B-1 **RESOLUTION NO. 2005-72**, of intention to surplus and sell County-owned real property in the unincorporated area of Cayucos to a qualified land conservancy, **Adopted and the Clerk is instructed to give notice of hearing date set for May 3, 2005 at 9:00 a.m..**

Administrative Office Items:

B-2 Memorandum of Understanding with the Administrative Office of the Courts transferring all Court Workers' Compensation claims received after January 1, 2001 to their office for administration, **Approved.**

- B-3 1) A notice to commence negotiations for the exchange of property tax revenue and annual tax increment; and 2) **RESOLUTION NO. 2005-73**, accepting the exchange of property tax revenue and annual tax increment for the detachment of property from the Nipomo Community Services District (Gascho Property), **Adopted**.
- B-4 Request by the Office of Emergency Services (OES) for approval to apply for Federal Fiscal Year 2005 Homeland Security Grant Programs Funds and Emergency Management Funding on behalf of the San Luis Obispo Operational Area and to approve a related governing body resolution, **Approved**.

Public Works Items:

- B-5 Contract with F. B. Leopold for special services for the San Luis Obispo County Flood Control and Water Conservation District Zone 3's Lopez Water Treatment Plant Upgrade Project in the community of Arroyo Grande; 4th District, **Approved**.
- B-6 **RESOLUTION NO. 2005-74**, approving 15 committee appointments and 12 alternate member appointments for the Flood Control and Water Conservation District – Water Resources Advisory Committee; All Districts, **Adopted as amended**.
- B-7 **RESOLUTION NO. 2005-75**, for 4 regular appointments and 3 alternate member appointments to the San Luis Obispo County Flood Control and Water Conservation District – Zone 3 Advisory Committee; 3rd and 4th District, **Adopted**.
- B-8 Revised By-Laws for the Flood Control and Water Conservation District – Zone 9 Advisory Committee; 2nd, 3rd, 4th and 5th Districts, **Approved as amended**.
- B-9 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:
 - A. CO 03-0256, a proposed subdivision resulting in 2 lots, by Drew & Erin Munster, Hidden Springs Road, south of San Luis Obispo, **Approved**; **RESOLUTION NO. 2005-76**, to accept an Avigation Easement; 3rd District, **Adopted**.
 - B. CO 03-0058, a proposed subdivision resulting in 2 lots, by John & Sue Einolander, Nacimiento Lake Drive, north of Nacimiento Reservoir, **Approved**; and **RESOLUTION NO. 2005-77**, to approve an Open Space Easement Agreement; 1st District, **Adopted**.

Other Items:

- B-10 Request from County Fire to apply for a Volunteer Fire Assistance Grant from the California Department of Forestry and Fire Protection to purchase portable radio equipment in the amount of \$20,000 with a requirement of fifty percent matching funds from the regular operating budget of County, **Approved**.
- B-11 Bid opening report for the asphalt paving, sealing and re-striping of runway, taxiways and apron at the County Airport in Oceano; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Union Asphalt, Inc. in the amount of \$919,342**.
- B-12 1) A budget adjustment in the amount of \$403,942 from unanticipated revenue and trust account; and 2) an amendment to the fixed asset list and to acquire and replace specialized equipment that will train and evaluate staff in decision making while using firearms, and upgrade the ballistic rating of the rescue vehicle, **Approved**.

4

- C-1 This is the time set for hearing to consider the submittal of a resolution to vacate a portion of Willow Drive, a purported public road in the community of Los Osos; 2nd District.

Mr. Tim Smith: Right-of-Way Agent, presents the staff report; indicates the adjoining owners petitioned for this vacation to extinguish a cloud on the title and to

clarify the boundary of their property; presents an aerial photograph of the site; recommends approval of the vacation request.

Mr. Eric Greening: asks that the relevant portions of the Planning Commission meeting regarding this item be included with the report; suggests this should only be done if there is a conservation easement placed here.

Ms. Linda Hall: speaks in support of Mr. Greening's comments and the conservation easement.

Ms. Pam Heatherington: speaks in support of the conservation easement.

Mr. James Lindholm: County Counsel, addresses the issue of the conservation easement and not being able to exceed what was originally offered.

Matter is discussed and 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

RESOLUTION NO. 2005-78, resolution vacating a portion of Willow drive, a purported public road in the town of Los Osos, Supervisorial District No. 2, adopted.

4 C-2 This is the time set for hearing to consider an appeal by the Santa Ysabel Improvement Committee (David Dubbink) of the Planning Commission's approval of Minor Use Permit/Coastal Development Permit, D000131P, to modify Santa Ysabel Avenue, approximately between South Bay Boulevard and 7th Street, for the purpose of slowing vehicular traffic and increasing pedestrian safety; 2nd District.

Mr. Mike Wulkan: Planning, presents the staff report; states that Public Works is the Applicant on this project; addresses the project features; outlines the issues of the appeal and that they want more landscaping required; Public Works concern is that there isn't anyone to maintain the landscaping should the improvements be more than what is currently being proposed; states this project has limited funding from a grant that needs to be used soon or there is the potential of losing the money; outlines the recommendation to deny the appeal.

Board Members: address various comments, issues and concerns regarding: landscaping and maintenance until it is established; watering by truck versus irrigation systems, with Mr. Dave Flynn, Public Works, responding.

Mr. David Dubbink: Appellant (Santa Ysabel Improvement Committee), states they want the features of the project restored as they originally envisioned them when they started this proposal; speaks to the newly created Trees, Landscaping Committee (TLC) which is a subcommittee of the Los Osos Community Advisory Council and would like for them to have an opportunity to become involved in the landscaping here; addresses a letter from Jeffrey Loring and presents the same for the record; addresses a packet of support letters he has from a number of years ago, that include the request for beautification of this area; asks that the project be made better by restoring their original items.

Mr. Eric Greening: supports the Appellants as long as it doesn't delay this project or the funding; addresses covered bus stops and making sure they really cover a person and have rain gutters on them; comments on Condition #16 and believes the language is written backwards to how it should occur.

Mr. Keith Wimer: speaks in support of the appeal as this has changed from what the public wanted; questions why there is a hurry now to get this processed; feels the issues raised by the public need to be addressed before this is approved.

Mr. Bud Stocking: presents his letter for the record and highlights the same, addressing his concerns to the project.

Ms. Julie Tacker: speaks in support of the project and the need for traffic calming; states she has encouraged the community to support these types of projects.

Mr. Eugene Jud: addresses the original drawing and proposal for this site and presents drawings showing that the landscaping was always included.

Ms. Linde Owen: states it was her understanding that 20% of the funding was for landscaping maintenance and now there is no money dedicated to this; suggests that some money be put aside for future equipment, etc. for this project instead of using it for project inspections.

Rev. C. Hite: addresses here concern to ADA compliance and the pedestrian needs of the disabled; expresses her views of the County's history of ignoring people who are disabled.

Ms. Pam Heatherington: ECOSLO, believes this is the beginning of a grassroots community effort to take care of the landscaping and she offers their assistance in moving this forward.

Mr. Wulkan: responds to public comment; states the public was always told there was a need to maintain any landscaping that occurred here; additional landscaping can be added in the future if some group/person comes forward to do the maintenance.

Mr. Richard Murphy: SLOCOG, addresses the grant funding they are providing for this project and the need to encumber the funds by the end of May.

Fire Marshall Robert Lewin: County Fire/CDF, comments on the concerns they raised during the design phase of this project with respect to turning movements and restrictions for their fire trucks.

Mr. Flynn: addresses the existing road width and working in the islands to meet emergency vehicle requirements; addresses the landscaping and further improvements to this.

Mr. Dubbink: gives his closing comments; thanks Mr. Flynn for all his help even though he doesn't agree with him; urges the Board to allow for outside entities to help with landscaping maintenance.

Board Members: address various issues, comments and concerns regarding: moving the island back from the intersection; looking at future issues so this doesn't have to come back to the Board; involving ECOSLO to help the new TLC group with potential maintenance issues; whether there is a possibility of setting some monies aside for community efforts, with Mr. Flynn responding.

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

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

NOES: None

ABSENT: None

the Board denies the appeal and RESOLUTION NO. 2005-79, resolution affirming the decision of the Planning Commission and conditionally approving the application of the San Luis Obispo County Public Works Department for Minor Use Permit/Coastal Development Permit D000131P, adopted.

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 PUC Application of the County of San Luis Obispo v. U.P.R.R.*, (2) *Gulf Underwriters Ins. Co. v. County of San Luis Obispo*, (3) *Nipomo Community Services District v. County of San Luis Obispo* (4) *Santa Margarita Area Residents Together 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.)** (11) *Heritage Ranch Owners Association v. County of San Luis Obispo* and (12) *Borsotti v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases* 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases* 2.

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: (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

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 Tuesday, March 29, 2005 at 10:00 a.m. at the San Luis Obispo County City-County Library, for the purpose of a Board of Supervisors' Workshop.

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 22, 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: March 25, 2005
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