

Tuesday, April 5, 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 A-1-A **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

RESOLUTION NO. 2005-80, resolution proclaiming April 2005 as "Sexual Assault Awareness Month" and April 23, 2005 as "Walk a Mile in Her Shoes Day" in San Luis Obispo County, adopted.

Supervisor Lenthall: reads the resolution and presents the same to Ms. Jenny Adams, Executive Director for the Sexual Assault Recovery and Prevention Center.

Ms. Adams: thanks the Board for the recognition; presents each Board member with the teal colored pin that is the national color for Sexual Assault Awareness Month; addresses efforts to stop sexual assaults from occurring; comments on the events that will be take place this month.

2 A-1-B **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

RESOLUTION NO. 2005-81, resolution proclaiming April 7, 2005 as "CASA Child Advocate Day" in San Luis Obispo County, adopted.

Chairperson Bianchi: reads the resolution and presents the same to Ms. Wendy Most, Director for CASA.

Ms. Most: thanks the Board for the recognition; reads a note from Judge Teresa Estrada-Mullaney, outlining her views on the invaluable service CASA provides.

Ms. Christine Cornejo: Board member for CASA, addresses the program and the positive support this has on children's lives.

3 A-1-C **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

RESOLUTION NO. 2005-82, resolution proclaiming April 2005 as "Month of the Child" "Children's Opportunities - Our Responsibilities" in San Luis Obispo

County, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Ms. Beth McDonald, Head Start.

Ms. McDonald: thanks the Board and introduces five children from the Head Start program that give each Supervisor a drawing.

Ms. Karen Mulhall: Cal Poly, gives each Supervisor a T-shirt regarding the Month of the Child.

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

Mr. Jesse Arnold: speaks to Bt Corn being a genetically engineered (GE) crop; concerns to the use of insecticides for worms and the worms being resistant, in the future, to this; wants labeling to occur on these types of crops.

Mr. F. K. Dawson: speaks to the traffic signal at Main and Pineknolls, in Cambria, that was installed; the concern that this was installed on an inaccurate and outdated traffic study.

Mr. Mark Phillips: addresses HR 2916 regarding the requirement to label GE crops and presents a copy of the same for the record.

Mr. Eric Greening: comments on the Board meeting held last Tuesday away from the Board Chambers, without the benefit of KCBX radio or AGP Video; states that while this was a good meeting, feels the public didn't know about it and that these should be aired and held in the Board Chambers in the future.

Ms. Teresa Campbell: presents a letter for the record and outlines her concerns regarding a company that makes GE corn announcing they had put corn, not approved for release, in with Bt11 corn.

Mr. Mike Zelina: continues with the comments started by Ms. Campbell and states that Cal Poly used this corn last year; comments on an Assembly Bill that would address some of these concerns.

Ms. El-Jay Hansson: speaks to the increased safety concerns at the Callendar-Garrett intersection; addresses increased impacts due to development.

Ms. Marianne Buckmeyer: states she is the Chairperson for the Traffic Subcommittee of the Nipomo Community Advisory Council, addresses traffic concerns at Tefft and now at Halcyon and Highway 1; speaks to the need to address these problems.

Mr. Rick Auricchio: comments on the traffic signal at Main and Pineknolls, in Cambria and believes it was put in based on a "flawed" traffic study; asks that a new study be conducted which he believes will remove the need for this signal.

Chairperson Bianchi: directs staff, with the concurrence of the Board members, to add to a future agenda the issue of the traffic signal at Main and Pineknolls in Cambria. **No action taken.**

5 A-2 This is the time set for presentation of the First 5 San Luis Obispo County Children and Families Commission 2004 Community Report.

Ms. Susan Hughes: Executive Director for the First 5 Children and Families Commission, presents the report; outlines the membership of the Commission; highlights their focus areas for programs and funding; provides figures as to the number of children that have received services through the various programs; highlights the "mini-grants" they were able to fund for a total of \$391,589; speaks to the school readiness program through two elementary schools in the County; the project REWARD Initiative; the Health Initiative; Perinatal Substance Abuse Initiatives; direct service programs; transition program to kindergarten; the Raising a Reader program; discussed the Health

Kids Monthly Update programs with a focus on prevention and to reduce child abuse; comments on the staffing for First 5; concludes by addressing the importance of the programs they are providing to children.

Board Members: thank Ms. Hughes for the job she does, the other staff for all their work; not forgetting the smaller communities in the County when providing programs; the meeting in Chicago on this issue.

Mr. Eric Greening: thanks Ms. Hughes for the report and the good job they are doing with these programs; reminds everyone to remember “involuntary exposures” to children, such as pesticides, and addressing these also.

Ms. Biz Steinberg: EOC and Commission member, speaks to the Children’s Health Initiative; thanks the Board for their ongoing support of insurance programs for children more than 5 years of age. **No action taken.**

6 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-9 and requests clarification of the money in this request. **No action taken.**

7 B-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and**
thru **on the following roll call vote:**
B-19

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-19 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-19 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items Set for Bid Opening:

B-1 Plans and specifications (Clerk’s File) for construction of a carbon absorption unit for County Service Area 10/10A at the Cayucos Water Treatment Plant Contract No. 300203; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for May 5, 2005 at 3:00 p.m..**

B-2 Plans and specifications (Clerk’s File) for the construction of a bridge over the Salinas River on Las Pilitas Road, near the community of Santa Margarita, Contract No. P12A204; 5th District, **Approved and the Clerk is instructed to give notice of bid opening set for May 5, 2005 at 3:00 p.m..**

Board of Supervisors Items:

B-3 Request by Supervisor Bianchi to appoint Bob Semonsen to the Citizen’s Transportation Advisory Committee, **Approved.**

B-4 Request by Supervisor Lenthall to appoint Sandra Ogren as a District Three Representative to the Children’s Services Network Council, **Approved.**

Clerk-Recorder Items:

B-5 Minutes of the Board of Supervisors meetings on February 1, 8, and 15, 2005, **Approved.** (RECOMMEND APPROVAL.)

B-6 Destruction of various files including expired registrations for process servers, professional photocopiers and Unlawful Detainer Assistants, **Approved.**

General Services Items:

- B-7 Bid opening report for the new bullet containment trap for the Sheriff's Weapons Range at the County Operations Center and request to approve a corresponding budget adjustment in the amount of \$120,000, **Approved and the Chairperson is instructed to sign contract documents with Brinar Construction, Inc. in the amount of \$92,574.**
- B-8 Amended lease agreement with the Brown Family Trust for office space used by the Department of Social Services that is located at 2975 McMillan Avenue in San Luis Obispo, **Approved.**
- B-9 1) Creation of a project, the Parks and Recreation Element, Project # WBS 300235 (formerly knows as P5164, PREC, and 305RP5164); and 2) a corresponding budget adjustment in the amount of \$101,500 from unanticipated revenue, **Approved.**
- B-10 1) New project entitled "Johnson Avenue Property Analysis" Project # 300128; 2) a corresponding budget adjustment in the amount of \$354,000 from Facilities Planning Reserves; 3) work with the land use planning and engineering consultants to develop plans, obtain agency entitlements, secure an environmental determination and process the land use plans with local jurisdictions to increase its value for potential surplus and sale of approximately 28 acres; and 4) waiving the formal selection process policy for Planning and Engineering consulting services related to this project, **Approved.**

Public Works Items:

- B-11 Amended contract (Clerk's File) with Black and Veatch of Concord, CA, for specialized engineering services to make final design changes to the Lopez Water Treatment Plant Upgrade; 2nd, 3rd, 4th and 5th Districts, **Approved.**
- B-12 Agreement with the State to exchange Federal Highway funds for State Highway Account funds; All Districts, **Approved.**
- B-13 1) Environmental services agreement (Clerk's File) with the Environmental Science Association for design phase environmental consulting services for the Nacimiento Water Project; 2) authorizing the Director of Public Works to issue a Notice to Process for Tasks 4.1, 5.1 and 6.1 in the amount of \$168,630; and 3) authorizing the Director of Public Works to issue a Notice to Proceed on remaining contract work once the total design phase budget for the project obtains Board approval; All Districts, **Approved.**
- B-14 **RESOLUTION NO. 2005-83**, authorizing the execution of notice of completion for the construction of the widening of a portion of Nacimiento Lake Drive, Contract No. P12A249; 1st District, **Adopted.**
- B-15 **RESOLUTION NO. 2005-84**, accepting conveyance to the County from the Hansen Family Trust for Shandon Water Pipeline Loop Project; contract no. 300209; 1st District, **Adopted.**
- B-16 **RESOLUTION NO. 2005-85**, amending the position allocation list for Public Works - 405 establishing the salary range for the unclassified position of Nacimiento Project Manager; and 2) **RESOLUTION NO. 2005-86**, approving an employment contract with John Hollenbeck; All Districts, **Adopted.**
- B-17 The following parcel map has been received and has satisfied all the conditions of approval that were established in public hearing on its Tentative Map: CO 03-0027, a proposed subdivision resulting in 4 lots, by Richard & Janice Kelley, Grande Avenue, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-18 Submittal from the Auditor-Controller of a cash procedures review at San Luis Obispo County Health Department in San Luis Obispo, Grover Beach, Paso Robles, Morro Bay, and Atascadero clinics, **Received and Filed.**

- B-19 Amended contract (Clerk's File) with the State for fiscal year 2004-05, designating County Behavioral Health Services as the provider of Medi-Cal services, **Approved.**
- 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) *Maria Vista Estates v. County of San Luis Obispo*, (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*, (5) *Save the Mesa, Inc. v. County of San Luis Obispo*, (6) *County of San Luis v. Equilon Enterprises. LLC.*, (7) *San Luis Obispo Coastkeepers v. County of San Luis Obispo*, (8) *Knollenberg, et al. v. County of San Luis Obispo* and (9) *Concerned Citizens of Los Osos v. County of San Luis Obispo*.

B. Conference with Legal Counsel – Anticipated Litigation (Gov. Code, § 54956.9.) (10) *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. (11) *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: (12) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*; (13) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (14) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*; (15) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Management*.

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

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

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, April 5, 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: April 6, 2005
vms