

Tuesday, April 12,
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 Jerry Lenthall, K.H. ‘Katcho’ Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: Supervisor Harry L. Ovitt

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

SUM **AGN**

1 A-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and on the following roll call vote:**

AYES: Supervisors Achadjian, Patterson, Lenthall,
 Chairperson Bianchi

NOES: None

ABSENT: Supervisor Ovitt

RESOLUTION NO. 2005-87, resolution proclaiming the week of April 10-16, 2005 as “San Luis Obispo County Crime Victims’ Rights Week,” adopted.

Chairperson Bianchi: reads the resolution and presents the same to Mr. Gerald Shea, District Attorney and Ms. Cindy Marie Absey of the District Attorney’s office.

Mr. Shea: thanks the Board for the recognition; states the County’s Victim’s Witness Program was recognized by the Governor and other State officials at the Reagan Library for 25 years of excellence and commitment to Victim’s Rights.

Ms. Cindy Marie Absey: Victim’s Witness Department, thanks Board for the recognition; discusses the longevity of her staff; the theme of this year’s Crime Victims Week is “Justice is not served until crime victims are served”; presents a video regarding crime victims and gift bags to each Board member.

SUPERVISOR HARRY L. OVITT IS PRESENT.

Ms. Kelly Wilson: volunteer, discusses the rewarding experience she has had working with victims; states this is not just a job but a mission to help victims; indicates she is learning a lot about our justice system and the different types of victims; states she is proud to be a part of this program.

Supervisor Achadjian: congratulates the Department on their recognition by the Governor and thanks the department for all their hard work.

Rev. C. Hite: thanks the District Attorney’s Office for their work; discusses being a victim in Sacramento where she and others were terrorized; addresses her concerns regarding victim witness information at the District Attorney’s Office; believes the District Attorney’s Office has been un hospitable after she filed a complaint with the County Administrator, as she was not satisfied with how the complaint was handled; asks the District Attorney to send her subpoena for the Grand Jury downstairs.

Supervisor Patterson: crime victims should only suffer once, thanks staff and volunteers who work to ease the pain of crime victims.

Supervisor Lenthall: thanks Ms. Absey and her staff for all their work; remembers when the Victim’s Witness Office didn’t exist; states that remarkable work has been done over the past 25 years; reminds them they are making a difference every day.

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

Mr. Larry Vierheilig: discusses the proposed Negative Declaration for the Los Berros Area - Sierra General Plan Amendment that would rezone a parcel from Agriculture to Rural Residential, has concerns about this being precedent setting; addresses his concerns regarding groundwater in this area.

Mr. Bob Dockery: American Star Tours, states he appeared before the SLOCOG Board regarding rail fee or service for AMTRAK and the proposed changes the SLOCOG staff may present; addresses daily State law violation's AMTRAK is making when allowing folks to ride without making a connection with a bus; and restrictions the SLOCOG staff is making his business comply with; presents the Board with a handout.

Rev. C. Hite: requests the Board phone the District Attorney's Office and request that they serve her with her subpoena today before she leaves; finds the DA Office un hospitable; reads a letter she wrote to the Grand Jury regarding her complaint.

Mr. Eric Greening: supports what Jesse Arnold will say today; discusses the Vision 2050 project meeting; the need to control pesticides; questions how are we preparing for the effects on the ecosystem.

Mr. Jesse Arnold: invites the Board to attend Earth Day on April 23rd; requests that the Board put the issue of Genetically Engineered (GE) crops on their agenda; and wants to make three requests to Congress: 1) all GE crops to be labeled; 2) end patenting of seeds; and 3) have an anti-trust action taken.

Chairperson Bianchi: states that the issue of GE crops will be on a future agenda when the Agricultural Task Force and the Health Commission Task Force reports are complete.

Ms. Wendy Disch: discusses recent apartment fire damage and the restoration of the apartment with recyclable materials; states she is a member of the SLO Green Belt, a newly formed organization which supports sustainable development in the building industry; reminds the Board or their representative of their invitation to attend a workshop with David Johnson on April 13th. **No action taken.**

3 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. Larry Vierheilig: supports Item B-4; warns the Board that AB1259 is going through the process; quotes Mark Twain.

Mr. Eric Greening: agrees with the prior speaker; wants to see legislative update on Bills affecting the County; is glad to see that the transit service for Shandon is being restored; questions the requirements for riders.

Rev. C. Hite: supports Item B-13 and the Board should congratulate themselves for addressing this issue.

Mr. Mark Sullivan: Public Works, addresses Mr. Greening's concerns and the reasons the transit service was terminated; service will be available 3 days a week to provide service for medical services in the Paso Robles and the Templeton area; information on specific dates and times will be available by the end of the week. **No action taken.**

4 B-1 Item B-13 is added to the Consent Agenda.
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B-13 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, and on the following roll call vote:**

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

ABSENT: None

Consent Agenda Items B-1 through B-13 are approved as recommended by the County Administrative Officer and as amended by this Board, as amended.

Consent Agenda Items B-1 through B-13 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 road paving at Prefumo Canyon; 2nd and 3rd Districts, **Approved and the Clerk is instructed to give notice of bid opening set for May 12, 2005 at 3:00 p.m..**

Public Works Items:

B-2 **RESOLUTION NO. 2005-88**, approving the Nacimiento Project Commission Conflict of Interest code and direct that required statements of economic interest be filed with the County Clerk; All Districts, **Adopted.**

B-3 **RESOLUTION NO. 2005-89**, accepting an offer to dedicate for Winery Road, County Road No. 5161, west of the community of Templeton; 1st District, **Adopted.**

B-4 Letters of support for Assembly Bill 1590 (Lieber and Cohn), which reduces the amount of property taxed shifted from San Luis Obispo County Board governed special districts to the State for fiscal year 2005-06; All Districts, **Approved.**

B-5 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. COAL 04-0305, a proposed lot line adjustment of 2 lots, which will not result in any new lots, by Kathryn L. Sterling, Pineridge Drive, Cambria; 2nd District, **Approved.**

Sheriff's Department Items:

B-6 **RESOLUTION NO. 2005-90**, to permit the destruction or disposal of certain records, documents and papers, **Adopted.**

B-7 Request to: 1) amending the fixed asset list by adding a surveillance system; and 2) a corresponding budget adjustment in the amount of \$16, 500 from the Marijuana Suppression Grant, **Approved.**

B-8 Application for partial reimbursement assistance from the Office of Justice Programs and State Criminal Alien Assistance Program for costs incurred in incarcerating undocumented criminal aliens, **Approved.**

Other Items:

B-9 1) Joint powers agreement (Clerk's File) among participating counties for standard data record development; and 2) a corresponding budget adjustment in the amount of \$3,000 from unanticipated revenues, **Approved.**

B-10 Contract (Clerk's File) with Dale Magee, dba Catalyst Consulting, to provide consulting services for the Mental Health Services Act Planning Project, **Approved.**

B-11 **RESOLUTION NO. 2005-91**, from the District Attorney's office approving a grant application the State Workers Compensation Insurance Fraud Prosecution and Investigation Program for 2005-2006, **Adopted.**

B-12 **RESOLUTION NO. 2005-92**, from the Planning and Building Department to approve an agreement for mitigations for Lot Line Adjustment COAL 04-0184 with Russell H. Hall; 1st District, **Adopted.**

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

B-13 **RESOLUTION NO. 2005-93**, from Public Works to approve: 1) an agreement with UCP Ride-On, Inc., to provide senior, handicapped, and limited lifeline transit services in the community of Shandon; and 2) establishing transit fares; 1st District, **Adopted**.

- 5 C-1 This is the time set for hearing to consider approval of the 2005 Consolidated Plan and Action Plan of the San Luis Obispo Urban County for the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Shelter Grant (ESG), and American Dream Downpayment Initiative (ADDI) programs and proposed amendments to the 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Action Plans.

Mr. Tony Navarro: Planning, presents the staff report and recommendation; presents an amended resolution to delete the second word “community” in the title; adds additional text regarding the Continuum of Care; describes the programs and their priorities.

Mr. Maurice Priest: representing Resident Owned Parks, a non-profit housing corporation, states they are looking for support of the HOME funds application submitted for the purchase of Sunny Oaks Mobile Home Park.

Ms. Elsie Dietz: discusses the need for affordable housing; believes residents will be able to purchase Sunny Oaks Mobile Home Park with the County’s help; asks the Board for support of the HOME funds application.

Ms. Mary Hart: Sunny Oaks resident, asks the Board for support of the HOME loan application.

Ms. Kayla Wilburn: thanks the Board for their support of senior and teen programs.

Ms. Linda Van Fleet: General Services, speaks regarding funding of improvements to bring the Shandon Senior Center into ADA compliance; presents handout showing photos of the existing center.

Ms. Jill Bolster-White: Transitions Mental Health Association Director, thanks the Board and County staff for their support for their transitional housing program for young people who are disabled by mental illness; states they are recommended to receive HOME funds for 2005 to complete renovations and retrofitting of the 1901 house; thanks the Board for their past and current support.

Ms. Phyllis Braiotta: representing the Children Services Network, the Economic Opportunity Commission and as an advocate of the homeless children and families in San Luis Obispo County; states they have seen a steady increase in the number of homeless families with children; discusses the impacts homelessness has on children’s health, mental health and education.

Ms. Catherine Manning: thanks the Board for their support of the Prado Day and Homeless Center; discusses the successes in the program and the number of clients they have helped; asks the Board to continue supporting these programs.

Mr. Lawrence Gibson: speaks to the help the Prado Day and Homeless Center was able to give him and his children and thanks the Center for that help; and asks the Board to continue their support this program.

Mr. David Ryal: Cuesta College Small Business Development Center, thanks the Board for their support of the various programs; discusses people’s desire for self employment and how they are assisting people in creating their own businesses.

Ms. Maureen Forsberg: Human Relation Commission member, discusses the huge homeless problem in the County; supports the use of the HOME funds for first time home buyers.

Mr. Doug Davidson: Housing Program Manager for the City of San Luis

Obispo, thanks County staff for their help with the CDBG program; asks for support of their request for HOME funds for first time home buyers; states they received received the Merit Award from Housing & Community Development.

Mr. Marc Herritte: Los Osos Community Services District Wastewater Project Coordinator, thanks the Board for their support; states there is a strong need for assistance with funds for the low income families impacted by the Wastewater Treatment Facility; asks the Board to approve the recommendations in the staff report.

Ms. Shirley Goetz: speaks to the Unocal renovations in Avila Beach, states she is waiting for the La Conterra homes to be built; supports the staff recommendation.

Mr. Scott Figenshow: speaks in supports of the staff recommendations.

Ms. Rachel Richardson: SLO Supportive Housing Consortium, supports the staff recommendations.

Ms. Cindy Marie Absey: Children's Services Network, thanks the staff and supports their recommendations.

Ms. Jerri Walsh: supports lending funds for Sunny Oaks Mobile Home Park.

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

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

the activities and CDBG, HOME, ESG and ADDI funding levels as shown in Exhibit A are approved and RESOLUTION NO. 2005-94, resolution approving and authorizing submittal of the 2005 Consolidated Plan and Action Plan of San Luis Obispo County for the Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Shelter Grants (ESG), and the American Dream Downpayment Initiative (ADDI) Programs and proposed Amendments to the 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Action Plans, adopted, as amended.

6 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) *Nipomo Community Services District v. County of San Luis Obispo*, (3) *Santa Margarita Area Residents Together v. County of San Luis Obispo*, (4) *Save the Mesa, Inc. v. County of San Luis Obispo* and (5) *County of San Luis v. Equilon Enterprises. LLC*.

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, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

Chairperson Bianchi: opens the floor to public comment.

Mr. Larry Vierheilig: Nipomo Community Services District President, requests the discussions regarding the Nipomo Community Services District item continue so a mutually satisfying outcome can be reached; hands out a copy of the March 8th settlement conference notes.

MR. JERRY LENTHALL IS NOT PRESENT.

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 12, 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: April 25, 2005
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