

Tuesday, July 26, 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. 2005-208, resolution honoring Dennis Moresco induction into the California Building Industry Foundation's Hall of Fame, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Mr. Dennis Moresco.

**Mr. Moresco:** states he has received recognition from other governmental agencies but this recognition means the most to him.

2            A-1-B Submittal of a resolution proclaiming August 2005, as "Clark Center Volunteer Appreciation Month", **Withdrawn.**

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. 2005-210, resolution commending Probation and Information Technology Departments upon receiving the Most Innovative Use of Technology Award from the Center for Digital Government for the handheld electronic route book, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Ms. Janette Pell, Information Technology Director, and Ms. Kim Barrett, Chief Probation Officer.

**Ms. Pell:** thanks the Board for the recognition and recognizes Mr. Brian Lopes for his work on this project.

**Ms. Barrett:** thanks the Information Technology Department for all their work; states the Handheld Electronic Route Book (HERB) is a great tool.

4            A-1-D **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. 2005-211, resolution of the Board of Supervisors of San Luis Obispo County commending Dairy Creek Golf Course staff and County Parks' Resource Advisory Committee for their work in achieving "Certified Audubon Cooperative Sanctuary" status for Dairy Creek Golf Course, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Pete Jenny, Mr. John Evans and Mr. Ray Festa.

**Mr. Evans:** Chairman of the Parks' Resource Advisory Committee, thanks the Board for the recognition.

**Mr. Ray Festa:** Golf Course Manager representing Dairy Creek Golf Course, thanks the Board, staff and volunteers for all their work to achieve this status.

**Mr. Jenny:** presents a powerpoint presentation which discusses how the Audubon Cooperative Sanctuary status was achieved.

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

**Mr. Michael Kovacs:** discusses the Space Shuttle launch and his hope for a successful return; discusses the County budget.

**Mr. Jesse Arnold:** discusses genetically engineered crops, specifically golden rice.

**Mr. Steve Mathieu:** AGP Video, states he is experimenting with streaming the broadcast of the Board and other meetings on the worldwide web; discusses some of the shortfalls, from a production standpoint, in the new building.

**Ms. Peggy Wilson:** thanks Mr. Mathieu for his contributions in getting information to the public. **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. Michael Kovacs:** speaks to Item B-12; expresses his concerns to amending contracts and suggests fixed price contracts. **No action taken.**

7 B-1 Consent Agenda Item B-10, the coversheet is amended to reflect that Item 3 is a  
Thru resolution accepting grant funding for the project.  
B-16

**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

**Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer, and as amended by the Board.**

Consent Agenda Items B-1 through B-16, 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 Plans and specifications (Clerk's File) for public bidding to install a pre-engineered metal building at Fire Station # 42 in the Carrizo Plain/California Valley,

**Approved and the Clerk is instructed to give notice of bid opening set for August 8, 2005 at 3:00 p.m..**

Auditor-Controller Items:

B-2 Re-establishment of budget revenues and appropriation adjustments per schedule, **Approved.**

B-3 Submittal a cash procedures review of the San Luis Obispo County Sheriff's Animal Services Division conducted on June 28, 2005, **Received and Filed.**

Behavioral Health Items:

B-4 Agreement with Mental Health Systems, Inc. to provide level II.5 treatment services to clients of Prop. 36, the Substance Abuse and Crime Prevention Act of 2000, **Approved.**

B-5 Appointments and re-appointments to the Drug and Alcohol Advisory Board, **Approved.**

Board of Supervisors Items:

B-6 Request by Supervisor Bianchi to allocate \$1,500 from District Two Community project Funds to the Los Osos Community Advisory Council for costs associated with holding monthly public meetings, **Approved.**

B-7 Request by Supervisor Lenthall to re-appoint James Gleim to the Airport Land Use Commission, **Approved.**

B-8 Request by Supervisor Ovitt to re-appoint Helen Dutra to the County Commission on Aging, **Approved.**

General Services Items:

B-9 **RESOLUTION NO. 2005-212**, authorizing the execution of a notice of completion and acceptance for the new restroom facility at Templeton Park in the community of Templeton, **Adopted.**

B-10 Creation of a new project for the preservation of the Rios Caledonia Adobe, WBS Project # 350014; 2) a budget adjustment in the amount of \$394,442 from unanticipated revenue, **Approved**; 3) **RESOLUTION NO. 2005-213**, acceptance of grant funding for the project, **Adopted as amended**; and 4) authorizing the General Services Director to negotiate and sign grant contracts to complete the project, **Approved.**

Public Works Items:

B-11 Amended agreement with Omni Means for engineering consulting services required to prepare the South County Traffic Model Update (245R12C121 and 245R12C122); 4<sup>th</sup> District, **Approved.**

B-12 Amended agreement extending the contract to June 30, 2006 and fee increase with Wood Rodgers for engineering services required to prepare final plans, specifications and estimates for the Halcyon Road/SR 1 intersection improvements (WBS 300132); and 2) a budget adjustment in the amount of \$218, 110; 4<sup>th</sup> District, **Approved.**

B-13 **RESOLUTION NO. 2005-213**, establishing the 2005-06 Special Tax Rate, and confirming the per parcel special tax amount to be placed on the 2005-06 tax roll for County Service Area No. 9, Zone I (east of Los Osos Creek); 2<sup>nd</sup> District, **Adopted.**

B-14 **RESOLUTION NO. 2005-214**, accepting conveyance to the County from Hidden Hills Mobilodge, L.L.C, for Tank Farm Road culvert replacement project, contract no. 300151; 3<sup>rd</sup> District, **Adopted.**

Other Items:

B-15 Administrative Office of the Public Health Department and its Environmental Health Division response to the final 2004-05 Grand Jury Report on “Food Establishments: Are They Safe?”, **Approved.**

B-16 **RESOLUTION NO. 2005-215**, accepting an avigation easement from Mike & Marla Clay for property located near the Paso Robles Municipal Airport, **Adopted.**

C-1

This is the time set for hearing (continued from June 14, 2005) to consider upholding an appeal by Byron Grant and submittal of a resolution reversing the decision of the Subdivision Review Board and conditionally approve lot line adjustment COAL 03-0286 (S030113L) for project located at 433 Carpenter Canyon Road across Highway 227 from the City of Arroyo Grande.

**Mr. Brian Pedrotti:** Planning, presents the staff report and recommendations based on the Board’s tentative action on June 14, 2005.

**Mr. Tom Vaughan:** representing the Applicant, is present and available for questions.

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

<b>AYES:</b>	<b>Supervisors Achadjian, Ovitt, Lenthall, Chairperson Bianchi</b>
<b>NOES:</b>	<b>Supervisor Patterson</b>
<b>ABSENT:</b>	<b>None</b>

**RESOLUTION NO. 2005-216, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Byron Grant for lot line adjust COAL 03-0286, adopted.**

C-2

This is the time set for hearing to consider an appeal by Mark Wampler of a denial of a request to waive curb, gutter, and sidewalk improvements for DRC2004-00221 and submittal of a resolution affirming the decision of the Planning Director & Public Works Director disapproving the application; 4<sup>th</sup> District

**Ms. Stephanie Fuhs:** Planning, presents the staff report and recommendation.

**Supervisor Patterson:** questions if neighboring lots are required to install curb, gutter and sidewalks.

**Mr. Richard Marshall:** Public Works, presents map showing the project site area, with highlighted areas indicating constructed or in the process of constructing curb, gutter and sidewalks.

**Mr. Mark Wampler:** Appellant, discusses zones in the drainage study; those flooding issues in the winter time; speaks to a letter from neighbor which discusses not being protected by curb, gutter and sidewalk; states there is no community drainage system and there is a need for one; states he is moving an old, not new, structure onto the property and states the added language to Page 21 of the staff report is inappropriate.

**Ms. Peggy Wilson:** President of the Oceano Halcyon Advisory Committee (OHAC), requests the transmittal be amended to show the OHAC under (11) Other Agency/Advisory Group Involvement, as they addressed this item; indicate OHAC has not recommended curb, gutter and sidewalks as stated on Page 21 of the staff report; discusses the impacts of curb, gutter and sidewalks; expresses her belief that fees are preventing people from upgrading their properties; invites Mr. Marshall to attend a OHAC meeting.

**Supervisor Patterson:** questions the status of the storm drain collection system recommended in the Flood Study for Oceano.

**Mr. Marshall:** states the study recommends that a storm drainage system and curb, gutter and sidewalks be installed but the Department has been unable to implement all the recommendations to date.

**Supervisor Patterson:** expresses his support for projects with curb, gutter and sidewalk requirements as long as there are no negative impacts on other property owners in areas where curb, gutter and sidewalks have not been installed.

**Supervisor Achadjian:** states the requirement to install curb, gutter and sidewalks is only when new construction exceeds the 25% increase of the total value of all the improvements on the site or when a new structure is moved onto the site; clarifies “new structure” could be any structure coming onto the property whether the structure is new or used; the request to require curb, gutter and sidewalks was developed based on the community’s desire for the requirement.

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

<b>AYES:</b>	<b>Supervisors Achadjian, Lenthall, Ovitt, Patterson, Chairperson Bianchi</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

**the Board denies the appeal and RESOLUTION NO. 2005-217, resolution affirming the decision of the Planning Director and Public Works Director and disapproving the application of Mark Wampler for a waiver of Curb, Gutter and Sidewalk Improvements for DRC2004-00221, adopted.**

D-1

This is the time set for a hearing to consider a policy intended to reduce energy related operating use by 10% in the 2005-2006 budget year and implement policies to reduce energy use over the long term.

**Mr. Duane Leib:** Director of General Services, introduces the item and Mr. David Clew.

**Mr. David Clew:** presents the staff report and recommendations regarding the Energy Policy Plan; discusses the prices charged during peak and off peak use, goals and strategies of the policy.

**Mr. Leib:** states that the most immediate effect will be resetting the thermostats in the departments; they will be set at 75N in the Summer and 68B in the Winter.

**Supervisor Lenthall:** asks how employees will be accommodated with their individual heaters and fans which are not allowed under this policy.

**Mr. David Edge:** County Administrative Officer, states in order to make this policy work the Board needs to lead the way and doesn’t suggest “wobble language” in the policy; suggests starting with the current policy and if changes are truly necessary they can be brought back to the Board.

**No one appearing, and thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and unanimously carried, the Board adopts the policy, as outlined in the staff report dated July 26, 2005, to reduce energy related operating use by 10% in the 2005-2006 Budget Year and implements the policies to reduce energy use over the long term.**

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) *Santa Margarita Area Residents Together v. County of San Luis Obispo*; and (2) *Santa Maria Water Conservation District v. City of Santa Maria*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (3) *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. (4) *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: (5) *Negotiator's Name: Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (6) *Negotiator's Name: Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

**Mr. John Snyder:** presents Santa Maria Times article regarding a water management agreement with the City of Santa Maria; states he opposes the agreement with the Santa Maria Water Conservation District and asks the Board not to approve it.

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

11 C-4 This is the time for a hearing to consider an environmental determination for tentative Tract 2251/Development Plan D990109D/Coastal Development Permit the project is located on the east side of Pecho Valley Road, approximately 350 feet south of Montana Way in the community of Los Osos; Anastasi Construction Co; 2<sup>nd</sup> District.

**Mr. Mike Wulkan:** Planning, states the Applicant has requested a continuance; and presents the staff report and recommendation.

**Board members:** discuss the appropriate time to take action on the item; and agree to listen to public comment before taking any action today.

**Mr. Jeff Edwards:** representing Anastasi Construction Co., discusses their current negotiations with Fish and Wildlife to resolve biological resources issues; states water use is not an issue, as California Cities Water Company has furnished a Will-Serve letter; the recommended Level of Severity is at none under the Resource Management System; domestic water use will not exceed the historical water use from agricultural uses of the property; they will abandon the high producing water well on property; discusses traffic impacts on Los Arboles Way and Montana Way which were determined to be insignificant; states a detention basin will be installed to address the drainage issues; requests the Board direct staff to prepare a mitigated Negative Declaration; states why a Negative Declaration is appropriate.

**Ms. Terry Farris:** reads a petition into the record supporting the staff recommendation to require an EIR.

**Mr. David Duggan:** expresses his concerns regarding wastewater and saltwater intrusion.

**Mr. Gary Orback:** expresses his concerns regarding the negative impacts of development on traffic, drainage and water use; supports staff recommendation to require an EIR.

**Ms. Linda Hill:** states she agrees with the previous speaker; urges the Board to proceed with caution; discusses water use and traffic issues in the neighborhood.

**Mr. Rick Nyznyk:** Applicant, requests a continuance, after public comment, until after the issues with Fish and Wildlife are resolved; discusses the availability of water for the

project; states his belief that an EIR is not necessary; discusses the abandonment of a high production well on the site; and states there has been no illegal activities on the site.

**Mr. Bill Garfinkel:** Vice President of the Los Osos Community Advisory Council, supports staff recommendation for an EIR.

**Mr. William Walters:** states EIR's for the Estero Plan Update and Los Osos Sewer Project should be made part of this record; the staff report is not looking at neighboring project EIRs that have previously been done.

**Mr. Nyznyk:** questions if the Board received a copy of the legal brief, with the Board acknowledging receipt.

**A motion by Supervisor Lenthall, seconded by Supervisor Achadjian, to continue this matter to a date specific, is discussed.**

**The motion maker and second amend their motion to continue this hearing to 30 days after the Fish and Wildlife response to the biological issues and to renotice this matter.**

**Mr. Tim McNulty:** Deputy County Counsel, asks Mr. Nyznyk to state for the record that he does agree with continuing the matter as currently proposed in the motion.

**Mr. Nyznyk:** agrees with continuing the matter but asks for a date not to exceed 6 months.

**The motion maker and second agree to the change by Mr. Nyznyk.**

**Matter is fully discussed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt, with Chairperson Bianchi casting a dissenting vote, motion carries and the Board continues this matter to 30 days after the Fish and Wildlife response to the biological issues and said matter is to be renotified; and the date be set for this matter is not to exceed 6 months.**

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, July 26, 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: 8/5/2005 cmc