

Tuesday, August 9,
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 time set for members of the public wishing to address the Board on matters other than scheduled items.

Rev. C. Hite: addresses her concerns regarding discrimination issues; addresses workshops being held in Santa Maria to help accommodate those with disabilities; she is here representing the Compassionate Coalition today.

Mr. Eric Greening: addresses his concern to the sewage spill by the City of San Luis Obispo and the additional impacts this had on the creek that took this out into the ocean.

Mr. Dave Duggan: addresses the grant that Congresswoman Capps is working on to assist the residents of Los Osos and his concerns regarding the same.

Mr. David White: Santa Maria resident, addresses his concern to the contaminated oil that is being hauled to Santa Maria landfill from Guadalupe; is concerned that adequate notice was not given regarding this transporting of contaminated oil.

Mr Dan Kirk: Santa Maria resident, addresses his concern to the transportation of the contaminated oil from this County to the Santa Maria landfill.

Mr. Thomas Gibbons: states he lives in Santa Maria, is an environmental specialist by trade and is concerned that there is no information in the Guadalupe Dunes EIR regarding this transport of contaminated oil. **No action taken.**

2 A-1 This is the time set for presentation of employee service recognition awards.

Mr. Richard Greek: Personnel Director, introduces the **20 year** employees that are present, with Ms. Mary York, Personnel, presenting each their service pin.

20 year employees present are: Kathy Solis - Health Agency, Kim Miramon - Health Agency, Linda Foster - Health Agency, Pattie Verdugo - Health Agency, Fred Yett - Planning & Building, Irina Starodubzew - Planning & Building, Kim Murry - Planning & Building, Nancy Abt - Planning & Building, Chris Clark - Probation, Gary Joralemon - Probation, Terry Morgan - Probation and John Bergmueller - Public Works.

20 year employees absent are: Louise Conway - Health Agency, Kathi Stanley - Information Technology, Lyle Sisteck - Information Technology, Ted Bench - Planning & Building, Antonia Herrera - Probation, Susan Foote - Probation, Frank Rak - Public Works, Jim Handeland - Public Works and Billy Isbell - Public Works.

25 Year Employees are presented.

Dr. Greg Thomas: Public Health Director, introduces Mr. Harry Holden, and provides a brief history of his employment with the Department; states Mr. Holden is well known for helping everyone; states he has only had two sick days in the past 25

years; presents him with his service award.

Mr. Holden: thanks the Board for the recognition and the County for giving him his job.

Ms. Kim Barrett: Chief Probation Officer, introduces Brett Sheffler and outlines his work history for the Department; states he developed the fire arms program for the Department; he is now a supervisor for the Probation; speaks to the classes he's given; presents his service award.

Mr. Scheffer: thanks the Board for the recognition; speaks to an incident that occurred early in his career and involved then Officer Jerry Lenthall; comments on the unsung heroes of drug court.

Supervisor Lenthall: commends Mr. Scheffer for all his work.

Mr. Noel King: Public Works Director, introduces Tom Spring and outlines his duties for the Department; comments on his outside interests that include being an artist and a softball coach.

Mr. Spring: thanks everyone for the recognition.

30 Year Employees are presented.

Chairperson Bianchi: introduces Jude Long, Library (Morro Bay branch); speaks to her service to the County and her dedication to libraries.

Mr. Brian Reynolds: Library Director, comments on Ms. Long's service to the library and presents her service award.

Ms. Long: thanks all she has worked with over the years; outlines what is happening at the library.

Chairperson Bianchi: introduces Chuck Stevenson, Planning, addressing his service and promotions over the years, including the creation of the Code Enforcement division.

Mr. Victor Holanda: Planning and Building Director, addresses Mr. Stevenson's thirty years of service and also his dedication to Poly students; the County has benefitted from his talents, and presents him with the service award.

Mr. Stevenson: thanks everyone; states it has been a great career and opportunity.

Chairperson Bianchi: introduces Doug Morris, Planning, outlines his history with the County, starting in General Services and moving into the Planning Department.

Mr. Holanda: speaks to what Mr. Morris has done for the Department over the years; presents his service award.

Mr. Morris: thanks everyone and states he has enjoyed his time with the County. **No action taken.**

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B-PC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Rev. C. Hite: comments on Item B-12 and comments on why the County shouldn't approve this Vector Control grant.

Mr. Eric Greening: comments on Item B-12 and his concern to spraying for vector control; asks that this item not be approved without conducting a full hearing.

Mr. Greg LeVeille: comments on Item B-12 and wants it withdrawn;

addresses why this item shouldn't be approved. **No action taken.**

- 4 B-1 Consent Agenda Item B-13 is amended to read: "Request from the Administrative Office thru to approve: 1) an agreement with the Private Industry Council to provide in-school youth, B-15 out-of-school youth, adult and dislocated worker program services; 2) designating the Private Industry Council as the Workforce Investment Act grant recipient and administrative entity for the County by extending the effective date to June 30, 2006; and 3) require the Private Industry Council, as the administrative entity to enter into an agreement with the Atascadero Community Link to provide in-school youth program services. (RECOMMEND APPROVAL AND INSTRUCT THE CHAIRPERSON TO SIGN.)."

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-15 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-15, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 **RESOLUTION NO. 2005-229**, setting a hearing date to consider a landowner petition from H.D. and Carol Perrott to change the boundary line between San Luis Obispo and Santa Barbara Counties; 4th District, **Adopted and the Clerk is instructed to give notice of hearing date set for October 4, 2005 at 9:00 a.m..**

Auditor-Controller Items:

B-2 Submittal of a cash procedures review of the San Luis Obispo County Planning & Building Department conducted on July 7, 2005, **Received and Filed.**

B-3 Submittal of a cash procedures review of the County of San Luis Obispo Sheriff's Civil Division conducted on June 30, 2005, **Received and Filed.**

Behavioral Health Items:

B-4 Renewal contract (Clerk's File) for Fiscal Year 2005-2006 with Echo Consulting Services of California, Inc. to provide software maintenance and support for the mental health billing and information management system, **Approved.**

B-5 Renewal contract (Clerk's File) with S. Friedlander, M.A., M.F.T to provide mental health crisis intervention, after-hours coverage for Adult Protective Services, Psychiatric Health Facility weekend case management/assessment and community services, **Approved.**

Clerk-Recorder Items:

B-6 Port San Luis Harbor District 2005-2006 Final Budget and implementing resolution, **Approved.**

B-7 Minutes of the Board of Supervisors meetings June 7, 14, 20, 21 and 28, 2005, **Approved.**

Public Health Items:

B-8 Renewal agreement (Clerk's File) with the State Department of Health

Services for the Childhood Lead Poisoning Prevention Program for Fiscal Years 2005-2008, **Approved.**

B-9 Renewal agreement (Clerk's File) with the AIDS Support Network for Fiscal year 2005-2007 to provide HIV education services to at-risk populations in the County and authorize the Health Agency Director to sign amendments to the agreement, **Approved.**

B-10 1) Renewal agreement (Clerk's File) with the State Department of Health Services to fund equipment and training for local area hospitals, ambulance companies, urgent care clinics, the Emergency Medical Services Agency, and the Public Health Department to enhance bioterrorism preparedness and response activities; and 2) a budget adjustment in the amount of \$112,287 from unanticipated revenue, **Approved.**

B-11 Two amended contracts (Clerk's File) with Community Health Centers of the Central Coast to clearly define the roles and responsibilities in the current contracts, **Approved.**

B-12 1) Acceptance of an award from the State Department of Health Services Vector-Borne Disease section to enhance and expand mosquito control in the County; 2) a corresponding budget adjustment in the amount of \$172,649 from unanticipated revenue to fund additional temporary help and associated abatement equipment and supplies; 3) an amendment to the fixed asset list in the amount of \$10,000 for the ULV sprayer; and 4) authorizing the Director of Environmental Health to sign the Acceptance of Award document and authorize any budget modifications pursuant to the provisions of the award, **Approved.**

Other Items:

B-13 Request from the Administrative Office to approve an amended agreement between the Board of Supervisors and the Private Industry Council to: 1) designate the Private Industry Council as the Workforce Investment Act grant recipient and administrative entity for the County by extending the effective date to June 30, 2006; 2) require the Private Industry Council, as the administrative entity to enter into an agreement with the Atascadero Community Link to provide in-school youth program services; and 3) enter into an agreement with the Private Industry Council to provide in-school youth, out-of-school youth, adult and dislocated worker program services, **Approved as amended.**

B-14 **RESOLUTION NOS. 2005-230, 2005-231, 2005-232, 2005-233, 2005-234, 2005-235 and 2005-236**, honoring the 2005 Wine Industry Person of the Year, the 2005 Winemaker of the Year, the 2005 Wine Grape Grower of the Year, the Wine Industry Lifetime Achievement Award, the 2005 Agriculturalist of the Year, the 2005 Cattleman of the Year, and the 2005 Cattlewoman of the Year at the California Mid-State Fair, **Adopted.**

B-15 Contract (Clerk's File) with Ravatt-Albrecht Associates for architectural/engineering services for the expansion of the Courts/Sheriff holding facilities at the County Courthouse Annex, **Approved.**

5 C-1 This is the time set for hearing to consider an appeal by Rosemary Carlon of the Subdivision Review Board's decision to approve 10 Conditional Certificates of Compliance (C03-0416, S030174C Rosemary Carlon, et al.) for property located along Honeygrove Lane between Story and Southland Streets in the community of Nipomo; 4th District.

Ms. Andrea Miller: Planning, indicates the request is to continue this matter.

Mr. Raymond Watson: addresses his concern as to how this will affect the character of the neighborhood if it is changed.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board continues this hearing to October 18, 2005 at 9:00 a.m..

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C-2 This is the time set for hearing to consider a request by Resident Owned Parks, Inc. to: 1) approve borrowing of funds by the Housing Authority of the City of San Luis Obispo to enable Resident Owned Parks, Inc. to purchase Sunny Oaks Mobilehome Park; and 2) approve a related joint powers agreement; 2nd District. (This item was amended at the beginning of the meeting to change the recommendation to open the hearing and adopt a resolution approving the borrowing of funds by the Housing Authority of the City of San Luis Obispo.)

Mr. Dana Lilley: Planning, presents the staff report; indicates that 73% of the residents support this with 27% being either against or have not responded; recommends adoption of the resolution.

Board Members: address various issues, comments and questions regarding: whether the public is being “misled” with the revised recommendation; whether the County has any liability with respect to this, with both Mr. Lilley and Mr. James Lindholm, County Counsel, responding.

Mr. Maurice Priest: Executive Director for Resident Owned Parks Inc., thanks everyone from the County staff for all their work; states there will not be an increase in rents due to the sale; addresses how future rents will be handled.

Mr. Kerry Semonsen: Loan Officer for Los Padres Bank, states they are glad to be able to provide loans for this type of purchase and explains.

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

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

the Board conducted a public hearing regarding the proposed borrowing of funds by the Housing Authority of the City of San Luis Obispo to enable Resident Owned Parks, Inc. to purchase the Sunny Oaks Mobilehome Park and RESOLUTION NO. 2005-237, resolution approving the borrowing of funds by the Housing Authority of the City of San Luis Obispo for the purpose of financing acquisition by resident Owned Parks, Inc. of Sunny Oaks Mobile Home Park, and approving related joint powers agreement, adopted.

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C-3 This is the time set for continued hearing (continued from June 28, 2005) to consider an appeal by Helen Hale of the Planning Commission’s endorsement of a request by Plains Exploration (PXP) for a conditional use permit to expand oil production activities at the Price Canyon Oilfield, located east and west of Pismo Creek, approximately 3 miles northeast of the City of Pismo Beach, midway between Highway 101 and Highway 227, D010386D; 3rd District.

Mr. Keith Miller: Planning, presents the staff report; shows a site map and aerial of the property; addresses the prior hearing and the direction of the Board at that meeting; outlines the concerns raised by the City of Pismo Beach regarding the truck trips on Hinds Ave. and Price St.; presents a letter dated August 9, 2005 that amends the recommendation reference to the exhibits; amends: Condition #35 and Mitigation Measure HAZ-1D in Exhibit C, Section VI.J; Condition #41 and Mitigation Measure HAZ-45 in Exhibit C Section VI.J; Mitigation Measure GEO-3 in Section VI.J; language added to Section I “Project Description” regarding water reuse project feasibility; language is added to Section III “The Record” regarding letters that were received; language is added to Section VB regarding Supportive Evidence regarding truck trips/day; and recommends an added Condition #43 regarding payment to the City of Pismo Beach.

Mr. Steve McMasters: Environmental Specialist/Planning Department, addresses the staff report further and the findings.

Ms. Rachel Kovesdi: representing the Appellant, speaks to the changes to the

conditions and their support for the same; addresses the issue of capacity.

Mr. Steve Rusch: representing PXP, presents a packet of emails/correspondence they received; responds to comments by Ms. Kovesdi; comments on their discussions with the City of Pismo Beach.

Mayor Mary Ann Reis: City of Pismo Beach, speaks to the letter they sent on their concern to the impacts of the increased truck traffic on City streets.

Mayor Pro Tem Arlene Gonzales-Gee: City of Pismo Beach, speaks to the new condition #43 that seems to address their concerns regarding traffic; there is still a concern about the hours for trucks and refers to the language in Condition #9.

Board Members: discuss amending Condition #9 and the hours for trucks.

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

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

NOES: None

ABSENT: None

the Board denies the appeal; approves the amended and added conditions as outlined in the staff memo dated August 9, 2005 and titled “Response to Recent Correspondence and Recommended Modifications to Conditions and Approval Language”; Condition #9 is amended to read “. . . the A.M. and P.M. peak period (7:00 to 9:00 A.M. and ~~4:00 to 6:00~~ 5:00 to 7:30 P.M.) . . . ”; and, Condition #43 is added to read: “Prior to issuance of the first Notice to Proceed or grading permit, the applicant shall provide evidence of payment to the City of Pismo Beach that provides \$1,000/year contribution for the first 5 years and \$2,500/year for the following 15 years to fund its fair share of maintenance and replacement costs associated with the use of Pismo City streets.”; and, RESOLUTION NO. 2005-238, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Plains Exploration and Production for Conditional Use Permit D010386D, adopted as amended.

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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) *Los Osos Community Services District v. Julie Rodewald*, (2) *Santa Maria Water Conservation District v. City of Santa Maria*, (3) *Santa Margarita Area Residents Together v. County of San Luis Obispo* **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** and (9) *Maria Vista Estates v. County of San Luis Obispo, et al.* (CV050242).

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (4) *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. (5) *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: (6) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (7) Negotiator’s Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*; (8) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*.

Chairperson Bianchi: opens the floor to public comment.

Mr. John Snyder: addresses the proposed settlement with Santa Maria Water Conservation District and asks the Board to not approve this agreement.

Mr. Eric Greening: addresses the Los Osos Community Services District v. Julie Rodewald and the election process; feels it is always valuable for any decision making body to know what the “people’s” opinion is, whether it is a binding or non-binding vote and wants assurances that the voters will have their say.

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, August 9, 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: August 22, 2005
vms