

Tuesday, October 25, 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, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: Supervisor Jerry Lenthall

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 Patterson and on the following roll call vote:**

AYES: Supervisors Achadjian, Patterson, Ovitt, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

RESOLUTION NO. 2005-325, resolution commending D.J. Andersen on her 33 years of dedicated service to San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Donna J. Andersen.

Ms. Andersen: thanks the Board for the recognition and speaks to the wonderful staff she has worked with at the County.

Dr. Greg Thomas: Public Health Officer, highlights Ms. Andersen's work with the County, her program to provide 24-hour health staff at the Jail; her current temporary work with Drug and Alcohol Services.

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

AYES: Supervisors Achadjian, Patterson, Ovitt, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

RESOLUTION NO. 2005-326, resolution commending the County Underground Utility Coordinating Committee for its efforts for the beautification of scenic views along Highway One, adopted.

Mr. Timothy Smith: Right-of-Way Agent, introduces the members of the County Underground Utility Coordinating Committee; highlights the work the Committee did to beautify Highway 1.

Chairperson Bianchi: reads the resolution and presents the same to the Committee members.

Supervisor Ovitt: discusses the difficulties with undergrounding utilities and thanks the Committee.

Ms. Marshon Quiram: PG&E representative and Committee member, thanks the Board for the recognition and states it was a rewarding experience.

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

Mr. Eric Greening: expresses his opposition to Propositions 76 and 77.

Ms. Lori Heizer: expresses her concerns regarding the In-Home Supportive Services (IHSS) Public Authority Board; the lack of an employee representative on this Board; states the IHSS Board won't share information with employees or the Union; urges the Board to dissolve the IHSS Public Authority.

Mr. Dan Kirk: addresses the appeal they filed for the Guadalupe restoration project that was scheduled for hearing today, but was not noticed and had been continued to January 10, 2006; thanks the Board members for meeting with the Appellants.

Mr. David Duggan: urges Los Osos water basin users to conserve water; discusses threats to the water supply; acknowledges the death of Rosa Parks.

Mr. Michael Winn: makes some suggested language changes to Planning Department processes; with a cluster development the parcel left over should be called a "remainder parcel" instead of an "open space parcel"; the two residential zoning types, single family dwellings are still built in multi-family zone areas; suggests changing the requirements for Residential Multi-Family to be under one roof or allow smaller lots in Residential Single Family areas. **No action taken.**

4 A-2 This is the time set for a presentation by Mr. Don Peterson, the County's Legislative Advocate.

Mr. Peterson: states he will provide a written report to the Board within the next couple of weeks; discusses SB 826, SB 282, SB 287, and SB 1100; the replacement of State Reclamation Board members and the impacts they may have on our County; comments on upcoming Legislative items to watch. **No action taken.**

5 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. Bruce Gibson: speaks in support of Item B-1. **No action taken.**

6 B-1 Consent Agenda Item B-5 the coversheet and staff report are amended to return the Parcel Thru Map the Recorder. Item B-11 is amended to correct the coversheet to reflect a budget B-14 adjustment amount from \$116,621 to \$116,622.

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

AYES: Supervisors Achadjian, Ovitt, Patterson, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

Consent Agenda Items B-1 through B-14 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-14, 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 Introduction of amendments to the Land Use Ordinance Section 22.92.020 – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "Critical Viewsheds" for Highway 1 and the "Cayucos Fringe" together with development standards to protect scenic views; 1st and 2nd Districts, **Approved and the Clerk is instructed to give notice of hearing date set for November 1, 2005 at 9:00 a.m..**

Auditor-Controller Items:

- B-2 Extended contract with Velocity Performance, Inc. from November 30, 2005 to February 28, 2006 to provide change management and training for the County's Enterprise Financial System (EFS) implementation, **Approved**.
- B-3 Audit report on the restaurant concessionaire at Dairy Creek Gold Course for the period of January 1, 2002 through January 31, 2004, **Received and Filed**.
- B-4 Audit report on the Chalk Mountain Golf Course concessionaire for the period of September 1, 2004 through August 22, 2005, **Received and Filed**.

Clerk-Recorder Items:

- B-5 Return Parcel Map CO 03-0069 to the Subdivider pursuant to the requirements of Government Code Section 66466(b), **Approved as amended**.
- B-6 Return Tract 2662 to the Recorder based on evidence received from the Subdivider, **Approved**.

General Services Items:

- B-7 Agreement (Clerk's File) with Airport Network Solutions, a wholly owned subsidiary of ICOA, Inc., for deploying, managing and operating a wireless local area network at the San Luis Obispo County Regional Airport allowing airport terminal patrons fee access to the internet wirelessly, **Approved**.
- B-8 Use Permit with Code 7 Meals Inc, dba Higher Groundz Snack Bar & Gift Shop, for operating a snack bar and gift shop service for airport patrons at the San Luis Obispo County Regional Airport, **Approved**.
- B-9 **RESOLUTION NO. 2005-327**, amending the Position Allocation List for Fund Center 305 – Parks, by deleting one Senior Park Gate Attendant position and adding one Administrative Assistant I/II/III position, **Adopted**.

Planning and Building Items:

- B-10 **RESOLUTION NO. 2005-328**, approving an amended agreement for mitigations for Tract 1694 with David R. & Carolyn A. Scheeff, trustees of the David R. and Carolyn A. Scheeff Trust located on the west side of Earhart Road, north of the City of Arroyo Grande; 3rd District., **Adopted**.
- B-11 Budget adjustment in the amount of \$116,621 from the South County Air Quality Mitigation Program to: 1) pay for paving a section of Sandydale Drive in the community of Nipomo; and 2) purchase a clean diesel-fuel school district bus; 4th District, **Approved as amended**.
- B-12 Authorize the use of alternative publication procedures for amendments to the Land Use Ordinance Section 22.92.020 – Areawide Standards, Adelaida Planning Area – of the County Land Use Ordinance, Title 22 of the County Code. The proposed amendment establishes "Critical Viewsheds" for Highway 1 and the "Cayucos Fringe" together with development standards to protect scenic views; 1st and 2nd Districts, **Approved**.

Other Items:

- B-13 Public Works' request to proceed with re-designing and re-bidding of the Operations Center Sewer line Replacement Project along Kansas Avenue near the city of San Luis Obispo (Contract No. 405R990646); All Districts, **Approved**.
- B-14 **RESOLUTION NO. 2005-329**, the Treasurer-Tax Collector to adopt a five-year tax default requirement for Power of Sale of nonresidential commercial property pursuant to Revenue and Taxation Code Section 3691, **Adopted**.

- 7 C-1 This is the time set for hearing to consider expenditure proposals for the use of State Citizens' Option for Public Safety Programs (COPS) funds.

Under-Sheriff Steve Bolts: presents the staff report and recommendations.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:

AYES: Supervisors Ovitt, Achadjian, Patterson, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

the Board approves the proposed expenditures for Citizens' Option for the Public Safety Program, amends the Fixed Asset List in the amount of \$8,285, and RESOLUTION NO. 2005-330, resolution amending the Position Allocation List resolution for Fiscal Year 2005-06, adopted.

- 8 C-2 This is the time set for hearing to consider: 1) the 2005 Update Report of the North Coast Circulation Study; and 2) a resolution to increase the Road Improvement Fees for the North Coast Area; 2nd District.

Mr. Dave Flynn: Public Works, presents the staff report and recommendation.

Mr. Bruce Gibson: suggests when Circulation Study's are being done that they really assess the true traffic impacts.

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

AYES: Supervisors Achadjian, Ovitt, Patterson, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

the Board receives and adopts the attached 2005 Update Report of the North Coast Circulation Study and RESOLUTION NO. 2005-331, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all developments within the North Coast Planning Area of the County of San Luis Obispo and adopting the required annual report, adopted.

- 9 C-3 This is the time set for hearing to consider: 1) the 2005 Update of the Los Osos Circulation Study; and 2) a resolution revising the Road Impact Fees for the community of Los Osos; 2nd District.

Ms. Rosemarie Gaglione: Public Works, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Patterson and on the following roll call vote:

AYES: Supervisors Achadjian, Patterson, Ovitt, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Lenthall

the Board receives and adopts the attached 2005 Update of the Los Osos Circulation Study and RESOLUTION NO. 2005-332, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all developments within portions of the Estero Planning Area of the County of San Luis Obispo and adopting the required annual update, adopted.

10 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) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo*; and (2) *County of San Luis Obispo v. Level 3 Communications, LLC*.

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*, Name of employee organization: *Deputy County Counsel Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs' Association*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

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 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, October 25, 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: October 26, 2005

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