

Tuesday, January 10, 2006

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

CHAIRPERSON BIANCHI CALLS FOR A MOMENT OF SILENCE IN MEMORY OF OFFICER RICK MAY WHO DIED IN THE LINE OF DUTY.

1 SP This is the time set for reorganization of the Board of Supervisors and election of Chairperson for 2006.

Chairperson Bianchi: calls for nominations for Chairperson for 2006.

Supervisor Lenthall: nominates Supervisor Achadjian, with Supervisor Patterson seconding the nomination.

There being no further nominations, nominations are closed and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board nominates Supervisor Achadjian to serve as the Chairperson of the Board of Supervisors for 2006.

[CHAIRPERSON BIANCHI TURNS THE "GAVEL" OVER TO SUPERVISOR ACHADJIAN.]

2 SP This is the time set for presentation of a plaque to Supervisor Bianchi in appreciation for her services as Chairperson of the Board during 2005.

Chairperson Achadjian: thanks Supervisor Bianchi for her service as Chairperson for 2005 and presents her with a plaque.

Supervisor Bianchi: thanks the Board's support staff, her Legislative Assistant, Richard Macedo, and Mr. David Edge, County Administrative Officer, for all their help this past year. **No action taken.**

3 SP This is the time set for election of Vice Chairperson for 2006.

Chairperson Achadjian: calls for nominations for Vice Chairperson for 2005.

Supervisor Ovitt: nominates Supervisor Lenthall, with Supervisor Patterson seconding the nomination.

There being no further nominations, nominations are closed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Patterson and unanimously carried, the Board nominates Supervisor Lenthall to serve as the Vice Chairperson of the Board of Supervisors for 2006.

The Board adjourns sine die.

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K. H. 'Katcho' Achadjian

ABSENT: None

- 4 A-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and on the following roll call vote:**
AYES: Supervisors Ovitt, Lenthall, Bianchi, Patterson, Chairperson Achadjian
NOES: None
ABSENT: None

RESOLUTION NO. 2006-1, resolution expressing support for the California Space Authority's Space Center, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Andrea Seastrand, Executive Director of the California Space Authority.

Ms. Seastrand: thanks the Board for recognition; discusses the construction of the Space Center; highlights the benefits of the Space Center which includes: space-related visitor attractions; launch viewing site; space education multi-purpose area; conference center; Mission support complex; and, increase in State tourism.

- 5 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: highlights the Board's progress last year with the adoption of the Smart Growth Principal and updating the Conservation Element to incorporate the Master Water Plan; expresses his concern regarding the remaining challenges left for the Board to address.

Rev. C. Hite: states her belief that the County is hostile towards disabled individuals.

Mr. David Duggan: discusses the September 27, 2005 Recall Election in Los Osos; expresses his belief that the results of the absentee ballots counted on September 20 were shared with the State Water Board; discusses the poor road conditions in Los Osos and urges the County to repair them. **No action taken.**

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

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

the Board approves the presentation of the Employee Service Awards.

Ms. Mary York: Personnel, introduces the 25 years employees.

Mr. Tom Bordonaro: County Assessor, introduces Ms. Daina Leary and highlights her employment history; states she is an employee who "goes the extra mile"; and shares personal character stories.

Ms. Leary: thanks Mr. Bordonaro and the Board for the recognition.

Mr. Brad Sunseri: Behavioral Health Clinical Program Manager, introduces Mr. Eric Burt and highlights his employment history; comments on his electronic problem solving abilities; states he officiated at his own daughter's wedding; thanks him for all his hard work, dedication and friendship.

Mr. Burt: thanks the Board of the recognition; states when he was hired he was warned this was a "go nowhere position" and he has gone "nowhere."

Mr. James Lindholm: County Counsel, introduces Mr. James Orton and highlights his employment history; states he is a valuable resource for Land Use Law; discusses some of his world travels.

Mr. James Orton: states it is a pleasure to work for the Board and County Counsel.

Mr. Duane Leib: General Services Director, introduces Mr. Spence Grafft, Jr. and highlights his employment history; comments on the National recognition the County Fleet Operations received under his leadership; speaks to Mr. Grafft's motor cross, mountain bike and automotive racing career.

Mr. Grafft: thanks the Board and Mr. Leib for the recognition; thanks Mr. Rosenberger, fellow co-workers, staff and his wife for all of their support.

Mr. Brian Reynolds: Library Director, introduces Ms. Judy Horner and highlights her employment history and eagerness to help the public.

Ms. Horner: thanks the Board for the recognition.

Mr. Reynolds: introduces Ms. Phyllis Lynch and highlights her employment history and dedication to her job.

Ms. Lynch: speaks to her love for the library and thanks the Board for the recognition.

Sheriff Pat Hedges: introduces Mr. Steve Tate and highlights his employment history; comments on his work as a Lead Investigator in two murder investigations; his involvement with the Crawford and Newhouse murder investigations; the pride he takes in training new officers; discusses the gold and silver medals he won at the Police Olympics.

Officer Steven Tate: thanks the Board for the recognition.

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

Ms. Teri Prince: County Laboratory Manager, discusses her experience at the laboratory working on its budget, creating a billing process and the work her staff has accomplished; questions if a private team of experts had been hired for the billing process whether they would have had a different result; discusses the decisions the Board will have to make regarding the closure of the clinical laboratories; urges the Board to keep an open mind and assist employees in seeking new employment if the closure occurs.

Mr. Gere Sibbach: speaks in opposition of Item B-1; urges the Board to postpone the Beilensen hearing; comments on the people who use of the clinical laboratory and the need for a convenient location for County residents; states he uses the laboratory because of their superior service.

Ms. Debra Farwell: expresses her opposition to Item B-1; discusses her personal use of the laboratory; urges the Board to not hold the Beilensen hearing; discusses her employment with the County; comments on the convenience and service provided by the laboratory as it relates to her job.

Rev. C. Hite: speaks to her support of Item B-5; discusses the City of San Luis Obispo's efforts with fund-raising to support the arts.

Mr. Al Barrow: questions Item B-13 and the process regarding the modifications suggested by the California Coastal Commission. **No action taken.**

- 8 B-1 Consent Agenda Item B-18 is amended by replacing the staff report and the title of the
thru coversheet to read as follows: "Request to: 1) approve the Disadvantaged Business
B-24 Enterprise (DBE) for the Department of Public Works; and 2) authorize the submittal of
this plan to the California Department of Transportation. (RECOMMEND
APPROVAL.)" Items B-22, B-23, and B-24 are added to the Consent Agenda.

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

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-24 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-24, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Hearing:

B-1 Introduction of notice of a hearing to consider closure of the County's Clinical Laboratory, **Approved and the Clerk is directed to give notice of a Beilensen Hearing Date set for January 26, 2006 at 9:00 a.m..**

Auditor-Controller Items:

B-2 Cash procedures review of the County Lopez Lake Recreational Area conducted on November 9, 2005, **Received and Filed.**

B-3 Cash procedures review at Drug and Alcohol Services in Arroyo Grande, Atascadero and San Luis Obispo offices conducted on November 29, 2005, **Received and Filed.**

General Services Items:

B-4 Lease agreement with the Shandon Valley Lions Club to lease and manage the County-owned Shandon Community Building in the community of Shandon, **Approved.**

B-5 Lease agreement with the Friends of the Adobes, Inc., a non-profit corporation for the Rios-Caledonia Adobe located in the community of San Miguel, **Received and Filed.**

B-6 **RESOLUTION NO. 2006-2**, authorizing the execution of a notice of completion and acceptance for the project entitled El Chorro Park – Construct Maintenance Building (P5329/300035), **Adopted.**

B-7 **RESOLUTION NO. 2006-3**, authorizing the execution of a notice of completion and acceptance for the project entitled Los Osos – Construct Skateboard Park and Tennis Courts (P5342/300039), **Adopted.**

B-8 **RESOLUTION NO. 2006-4**, intention to surplus and sell a 0.78-acre easement in County-owned real property in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company, **Adopted.**

B-9 Bid opening report for the Job Order Contract PJOC6; All Districts, **Approved and the Chairperson is instructed to sign contract documents with T. Simons Company, Inc.**

Health Agency Items:

B-10 Amended Managed Care/Mental Health Plan Contract (Clerk's File) with the State Department of Mental Health for Fiscal Year 2005-2006 to increase County Mental Health's Managed Care allocation by \$30,549; and a corresponding budget adjustment in the amount of \$30,549, **Approved.**

B-11 Renewal contract (Clerk's File) with Maxim Healthcare Services, Inc. to provide nursing and psychiatric technician services to Mental Health, **Approved.**

Planning and Building Items:

B-12 **RESOLUTION NO. 2006-5**, accepting an avigation easement from Montgomery E. Hilton for property located at 1730 17th Street near the Oceano County Airport; 4th District, **Adopted.**

B-13 **RESOLUTION NO. 2006-6**, acknowledging receipt of certification and agreeing to the modifications suggested by the California Coastal Commission of Part 1 Local Coastal Plan Amendment # 1-04- Flood Hazard Ordinance Amendment; 2nd and 3rd Districts, **Adopted.**

Public Works Items:

B-14 **RESOLUTION NO. 2006-7**, accepting road widening on Belridge Street (County Road No. 1108) in the community of Oceano; 4th District, **Adopted**.

B-15 **RESOLUTION NO. 2006-8**, accepting conveyance to the County from Soderstrom/Alford for Turri Road Bridge Replacement (Contract No. 300181) and **RESOLUTION NO. 2006-9**, accepting conveyance from Hilton Trust for the Los Berros Road Channelization Project (Contract No. 300143); 2nd and 4th Districts, **Adopted**.

B-16 **RESOLUTION NO. 2006-10**, authorizing execution of notice of completion for the construction of Prefumo Canyon Road Paving (Contract No. 300130); 3rd District, **Adopted**.

B-17 Budget adjustment to appropriate \$104,782 from Capital Projects Facility Planning Reserves to complete construction of a temporary structure and design of permanent pipe bridge to support utility lines serving the County's operational facilities (WBS 300077); All Districts, **Approved**.

B-18 Disadvantaged Business Enterprise (DBE) Program for the Public Works Department; authorize the Director of Public Works to sign and execute the plan for the County; and authorize staff submitting the plan to the California Department of Transportation; All Districts, **Approved**.

Other Items:

B-19 Minutes of the Board of Supervisors meetings of November 1, 8, 15 and 22, 2005, **Approved**.

B-20 **RESOLUTION NO. 2006-11**, amending the position allocation list for Fund Center 137 – Animal Services by deleting one Supervising Administrative Clerk position and adding one Senior Account Clerk position, **Adopted**.

B-21 Annual agreements with the Women's Shelter Program of San Luis Obispo and the North County Women's Resource Shelter; and disbursement of designated revenues to fund these contracts, **Approved**.

B-22 **RESOLUTION NO. 2006-12**, extending the proclamation of Local Emergency that was ratified by the Board of Supervisors on January 5, 2006, **Adopted**.

B-23 **RESOLUTION NO. 2006-13**, recognizing Rick TerBorch for more than 37 years of service in law enforcement, **Adopted**.

B-24 **RESOLUTION NO. 2006-14**, recognizing Heather Jensen for 23 years of service to the Arroyo Grande Chamber of Commerce, **Adopted**.

9 C-1 This is the time set for continued hearing (continued from October 18, 2005) to consider an appeal by Rosemary Carlon, et al. of the Subdivision Review Board's approval of 10 conditional Certificates of Compliance (C03-0416, S030174C) for property in the Residential Single Family land use category located on Honey Grove Lane southeast of the intersection of Honey Grove and Story Street in the community of Nipomo; 4th District.

Ms. Andrea Miller: Planning, presents the staff report; discusses the Board's prior action on this item; addresses the issues raised by the Appellant; modifies Condition 1B to read as follows: "The owners of each individual lot shall ~~offer grant~~ the County a 25-foot Right of Way fronting the individual properties to complete a ~~1050~~-foot Right of Way section."; and, presents staff recommendations.

Supervisor Patterson: questions the payment of the Quimby fees and the access between lots 73 and 74.

Mr. Richard Marshall: Public Works, addresses the history of the area as it relates to the old 1911 map; states there is enough other circulation in the area to not require additional access; Public Works is trying to retrofit the area to the newer standards.

Mr. Harrell Fletcher: representing the Carlon's, states he is pleased with the changes; questions Condition #3 and the requirement for a road in front of the property.

Chairperson Achadjian: confirms the requirement is only in front of the property being developed.

Ms. Rosemary Carlon: Appellant, expresses her belief that once the permit is issued she has a legal lot; discusses the pressure and harassment she believes she received by the Planning staff; expresses her frustration with the restrictions imposed on the Certificates of Compliance; states she shouldn't have to move her fence back 10 feet and objects to the 3 foot height limit; discusses phone calls and letters from Marie Cohen, Code Enforcement, stating if she doesn't move her fence that fines will be imposed; states she wants what's right and fair.

Chairperson Achadjian: discusses his conversation with Ms. Cohen and states she will not be enforcing the fines for the fence until after this hearing.

Mr. Warren Hoag: Planning, states the fence height and setbacks are set by the County Land Use Ordinance.

Mr. Al Barrow: expresses his sympathy for the Appellant; discusses Condition 18 regarding the affordable housing fee.

Mr. Fletcher: expresses his concern to taking 20 feet from private owners without compensation and to Condition #14.

Mr. Marshall: suggests amending the language to Condition #14 to read as follows: "Prior to further development of any property, partial lots 65 to 67, these lots shall be tied into the sewer system and the existing septic tanks formally abandoned."

Supervisor Bianchi: suggests amending the language to Condition #6 from "any of the lots" to "any one of the lots on that lot".

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

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

the Board amends Conditions #3 and #6 to add to the beginning of each to read as follows: "Prior to the issuance of construction permits on any of the lots single lot,"; Condition #1-B is amended to read as follows: "The owners of each individual lot shall offer the County a 25-foot Right of Way fronting the individual properties to complete a 10-foot Right of Way section."; Condition #14 is amended to read as follows: "Prior to further development of partial lots 65 to 67, these lots shall be tied into the sewer system and the existing septic tanks formally abandoned."; and RESOLUTION NO. 2006-15, resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C), adopted as amended.

10 C-2 This is the time set for hearing to consider: 1) ordinances repealing the County Code: Section 2.20.060 which consolidates the duties of the Health Agency Director and Public Guardian; 2) amending 2.20.030 to allow the Health Agency Director to recommend the appointment of the Public Guardian to the Board of Supervisors; and 3) upon the effective date of the ordinance, the Board approve the appointment of Gregory Thomas, M.D., as the Public Guardian for the County.

Dr. Greg Thomas: Public Health Officer, presents the staff report and recommendation.

Rev. C. Hite: reads from an article in today's paper regarding health care costs; expresses her concern with combining the two positions and feels it is a conflict of interest.

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

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

ORDINANCE NO. 3078, an ordinance repealing Section 2.20.060 of the County Code, adopted.

11 C-2 **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt, and on the following roll call vote:**

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

ORDINANCE NO. 3079, an ordinance amending Section 2.26.030 of the County Code, adopted.

12 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) *Joshua D., et al. v. County of San Luis Obispo, et al.*; (2) *In re PUC Application of the County of San Luis Obispo v. U.P.R.R.*; (3) *San Luis Obispo County Land Conservancy v. Greenhart Farms, et al.*; **ADDED (All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)** (9) *Nipomo Community Services District v. County of SLO, et al.*

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*, Name of employee organization: *Sheriffs Management*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

ADDED (All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, §54956.8) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (10) *Property Description: 417 ½ Orchard Avenue, Arroyo Grande*; Parties with whom negotiating: *Camp Fire Boys and Girls/ Joey Hughes*; Instructions to Negotiator will concern: *Terms and Conditions*.

Chairperson Achadjian: opens the floor to public comment.

Mr. Michael Winn: urges the Board to continue the momentum from previous Board meetings regarding the Level of Severity for water in the Summit Station area; states he would like to see the *Nipomo Community Services District v. County of SLO, et al.* lawsuit resolved.

Rev C. Hite: suggests the Board quit making decisions that open the County to significant exposure and discusses examples of the County's existing significant exposure to litigation.

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.

- 13 D-1 This is the time set for consideration of a letter supporting the California Energy Commission's recommendation concerning the accumulation of spent fuel at California's operating nuclear power plants.

Supervisor Bianchi: states she wants to modify the letter as follows by changing: the last paragraph to read as follows: "San Luis Obispo County stands ready to work with the CEC, the State, the CPUC, PG&E and NRC for our State's energy needs and planning for worse-case scenarios from a radioactive release due to an act of terrorism, malice or insanity, or to earthquake or age-related accidents."; the signature be change to K.H. "Katcho" Achadjian and add the NRC to receive a copy.

Mr. Bruce Gibson: expresses his support of the letter; discusses the importance of the information to be obtained from the study.

Mr. Rodger Anderson: expresses his support of the letter; highlights discussions that occurred 35 years ago when the community was told Diablo Canyon would only be allowed short term storage.

Ms. Judy Vick: urges the Board to support the letter, look for renewable resources and review the County's Energy Plan.

Ms. Rochelle Becker: Executive Director for Alliance for Nuclear Responsibility, discusses the Pilgrim Nuclear Power Plant; there is no NRC definition of the word "temporary" as it relates to storage at Diablo Canyon; urges the Board to support the analysis for alternative energy sources.

Mr. David Weisman: urges the Board to support this item; reads from articles in *Standard & Pours* regarding power plants and articles in *The Tribune and San Diego Union Tribune* regarding alternative energy sources.

Mr. Tom Jones: PG&E Regional Manager, urges the Board to remove the political quotes from the letter; comments on some of the previous speakers remarks; and thanks the Board for adding the NRC to receive a copy of the letter.

Mr. Eric Greening: expresses his support of the letter with the quotes as amend by Supervisor Bianchi; states he agrees with previous speakers; urges the Board to be open to developing construction standards using thermal design to create less energy dependent homes and buildings.

Mr. Andrew Christie: Sierra Club Chapter Coordinator, discusses problems with Yucca Mountain and expresses his support of the letter.

Ms. Jane Swanson: Mothers for Peace, urges the Board to support this letter.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board amends the last paragraph of the letter to read as follows: "San Luis Obispo County stands ready to work with the CEC, the State, the CPUC, PG&E and NRC for our State's energy needs and planning for worse-case scenarios from a radioactive release due to an act of terrorism, malice or insanity, or to earthquake or age-related accidents."; the signature is to be changed to K.H. "Katcho" Achadjian and add the NRC to receive a copy of the letter and directs the Chairperson to sign the same, as amended.

- 14 E-1 This is the time set for presentation of: 1) the County Treasury Oversight Committee Annual Investment Policy Compliance Audit Report for the Fiscal Year ended June 30, 2005; 2) the County Treasury Investment Policy for calendar year 2006; and 3) nominees to the County Treasury Oversight Committee for calendar year 2006.

Mr. Frank Freitas: Treasurer - Tax Collector, discusses the items before the Board today.

Ms. Mary Jarvis: Treasury Oversight Committee Chairperson, presents the staff report, highlights the duties of the Treasury Oversight Committee; discusses the audit performed by the County Auditor's Office and their findings; presents the staff recommendations.

Mr. Freitas: discusses the Investment Policy; highlights the objectives of the policy; discusses the revisions to the policy for clarification purposes only; the Fitch Ratings for the Treasury Pool rating is the highest possible rating available; presents the staff recommendation.

Supervisor Patterson: questions if social responsibility is considered when investing in mutual funds.

Mr. Freitas: states social responsibility is not a consideration when investing and no mutual funds are being used; further, discusses the nominees for the Treasury Oversight Committee and their qualifications; presents the staff recommendations.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board receives and files the Annual Investment Policy Compliance Audit Report; approves the Investment Policy for Calendar Year 2006 and confirms Clark Channing, Jim Grant, Mary Jarvis, Russell Miller, and Gere W. Sibbach as members of the County Treasury Oversight Committee for the 2006 calendar year.

- 15 F-1 This is the time set for presentation of an overview of: 1) the emergency management system; 2) the recently adopted Earthquake Emergency Response Plan; and 3) the recently adopted Tsunami Emergency Response Plan.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board agrees to continue the meeting past 5 p.m..

Mr. David Edge: County Administrative Officer, introduces the item and speaks to the importance of the public being prepared in case of emergency.

Mr. Ron Alsop: Office of Emergency Services (OES), provides an overview of emergency management and the "Operational Area" in the County; highlights the various agencies that work in conjunction with the County in the event of an emergency.

Ms. Tracy Vardas: OES, discusses the coordination efforts and training with the medical facilities in the event of an emergency.

Mr. Alsop: discusses the Standardized Emergency Management System and the Emergency Response Plan.

Ms. Vardas: highlights the Earthquake Plan Update; the Tsunami Plan; the coordination of the participants involved; impacts of an off-shore tsunami; and the emergency planning tools being used.

Mr. Alsop: provides an overview of the Local Hazard Mitigation Plan; discusses the plans that are tested and practiced; highlights *The Tribune* Series regarding preparedness for an emergency; the response to the San Simeon Earthquake, the Disaster Recovery Coordination and the 2006 Storm Response and the interagency coordination and cooperation that occurred during this event.

Ms. Vardas: addresses how the carless population in the County is assisted; the information regarding collection points being outlined in phone books and handouts; how special needs individuals can be entered into a database so local agencies can check to make sure they have been evacuated; how long-term care facilities are handled; provides an overview of the Disaster Preparedness Initiatives, CERT, special needs outreach, and County staff emergency management training.

Mr. Alsop: encourages special needs individuals who are unable to make arrangements for evacuation assistance to register with the County; the public needs to be prepared to be on their own for at minimum of 3 days.

Chairperson Achadjian: questions the coordination between the County, Cal Poly and other local State agencies during an emergency, with Mr. Alsop responding.

Mr. Edge: discusses the challenges of working with State agencies during an emergency; the opening of communications with local State agencies that Mr. Alsop and Ms. Vardas continue to develop.

Supervisor Lenthall: encourages individuals to fill out special needs cards when mailed out; questions how we measure the County's response to an emergency; states these plans are a work in progress and we learn from our experiences; commends OES & Public Works on their response to the recent storms.

Supervisor Patterson: questions the capacity of French Hospital in the event of a leak at Diablo Canyon.

Ms. Vardas: highlights the response to an exposure from Diablo Canyon and the hospitals, in the County, ability to provide an additional 250 beds if needed for hospitalization.

Supervisor Patterson: expresses his concern regarding the breakdown in communication that occurred during Hurricane Katrina; questions the steps the County has taken to address this potential problem, with Mr. Alsop discussing the alternative phone system in place.

Supervisor Bianchi: questions when the evacuation plan will be reviewed and who the official spokesperson is for the County in the event of a major disaster.

Mr. Alsop: speaks to the specialists in place to address the public during a major disaster.

Mr. Edge: speaks to the Chairperson having a seat at the Executive Command Table in the OES Command Center; the importance of having elected officials visible to their constituents during a disaster; addresses the County's desire to not designate one spokesperson.

Mr. Eric Greening: thanks the Board for having this presentation during the time when KCBX is broadcasting; expresses his concern with the 11 to 16 hours to evacuate in the event of a disaster of Diablo Canyon; concerns about bus drivers returning into harms way to evacuate individuals; and the elderly who potentially won't leave their pets.

Mr. Alsop: speaks to the changes made based on Mr. Greening's comments at the Board's November 1, 2005 meeting; addresses the evacuation time is based on census numbers; the training for bus drivers regarding possible secondary trips; during a disaster the California Highway Patrol would be the agency to determine if counter flow is used on local highways; the newly introduced State Assembly Bill addressing evacuating pets during a disaster.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board receives and files the overview of the Emergency Management System, the recently adopted Earthquake Emergency Response Plan, Tsunami Emergency Response Plan and Local Hazard Mitigation Plan.

16 C-3 This is the time set for hearing to consider the 2005 Update Report of the Templeton Circulation Study and a resolution imposing revised Road Improvement Fees in the Templeton Area; 1st District.

Mr. Richard Marshall: Public Works, introduces Mr. Frank Honeycutt.

Mr. Honeycutt: presents the staff report, highlights the transportation improvements for the Las Tablas Interchange, Bennett Road Extension, Route 46 West/101 Interchange, Vineyard Drive interchange, and Main Street; discusses non-impact fee projects; speaks to the 25.2% increase in the Construction Cost Index; discusses the proposed impact fees; presents the staff recommendations.

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

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

NOES: None

ABSENT: None

the Board receives and files the 2005 Update Report of the Templeton Circulation Study and RESOLUTION NO. 2006-16, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the Templeton Area of the County of San Luis Obispo and adopting the required annual update, adopted.

17 C-4 This is the time set for hearing (continued from November 8, 2005) to consider an appeal by Cathy MacGregor of a decision of the Planning Commission disapproving Minor Use Permit DRC2003-00043 for a winery building including wine processing, barrel storage and tasting room located at the northwest corner of the intersection of Price Canyon Road and Edna Road, south of Old Price Canyon Road at 1600 Old Price Canyon Road approximately 2.5 miles south of the City of San Luis Obispo; 3rd District.

Mr. Brian Pedrotti: Planning, presents the staff report; outlines the history of the item; discusses the staff preferred site locations; address his concern with the new landscaping plan; presents the staff recommendations.

Ms. Jamie Kirk: representing the MacGregor Winery, presents her report; highlights the re-survey that was done on the project site, the revised grading and drainage plans and the revised landscape plan as directed by the Board; discusses the land use category for the project site and neighboring area; addresses her concerns with the preferred sites staff is recommending; presents letters of support from neighbors and urges the Board to support the project.

Ms. Cathy MacGregor: Appellant/Applicant, discusses the history of her family's involvement with the winery; states she has neighborhood support; discusses the changes she has made to the project to accommodate the Planning staff; expresses her concern with the preferred staff sites being on prime soil; urges the Board to support the project as presented.

Mr. Charlie Yates: discusses the accommodations the MacGregor's have made to satisfy Planning staff; expresses his support of the project as presented by the MacGregor's.

Supervisor Patterson: questions if the prime soil is currently being used at the staff preferred sites, with Ms. Kirk responding.

Supervisor Lenthall: states he believes this project is a good fit and discusses the 37 letters of support from neighbors.

Mr. Chuck Stevenson: Planning, outlines the reasons for the alternative locations from staff; expresses his concern that if the project is approved it would be precedent setting.

Supervisor Bianchi: states she won't support the project at the top of the knoll; it's her belief that the project goes against County Ordinances; she could only support the use of the site if there was no other site on the property; expresses her support of the alternate sites proposed by staff.

Supervisor Patterson: echos Supervisor Bianchi's comments.

Supervisor Ovitt: discusses the importance of neighborhood support; expresses his support of moving the operation off the prime Ag land.

A motion by Supervisor Lenthall to tentatively deny the decision of the Planning Commission and approve the Minor Use Permit is discussed.

Mr. Warren Hoag: Planning, states to allow time to circulate the Environmental Impact Report.

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, Chairperson Achadjian

NOES: Supervisors Bianchi, Patterson
ABSENT: None

the Board tentatively upholds the appeal by Cathy MacGregor of the Planning Commission's disapproval of Minor Use Permit DRC2003-00043 and continues the hearing to March 21, 2006 at 9 a.m. for final action.

18 C-2 **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi, and on the following roll call vote:**

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

the Board brings item C-2 back on for reconsideration of the previously adopted Ordinance Nos. 3078 and 3079.

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

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

the reading of the previously adopted ordinance is waived and said ordinance is read by title only and Ordinance No. 3078, an ordinance repealing Section 2.20.060 of the County Code, adopted.

19 C-2 **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt, and on the following roll call vote:**

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

the reading of the previously adopted ordinance is waived and said ordinance is read by title only and Ordinance No. 3079, an ordinance amending Section 2.26.030 of the County Code, adopted.

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, January 10, 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: 2/8/2006