

Tuesday, March 21, 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, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.**

**SUM AGN**

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

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

**RESOLUTION NO. 2006-100, resolution commending County Jail Correctional Officers Brian Power, Dennis Dietz and John McDaniel and Correctional Sergeant Reann Schwiebert and County Health Agency staff, RN Bonnie Champion, and LVN John Mellor for providing lifesaving aid to a County Jail inmate, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Sheriff Pat Hedges, Correctional Officers Brian Power, Dennis Dietz and John McDaniel and Correctional Sergeant Reann Schwiebert and County Health Agency staff, RN Bonnie Champion, and LVN John Mellor.

**Sheriff Hedges:** thanks the Board for the recognition and highlights the training the correctional officers received.

**Ms. Vicky Price:** thanks the Board for acknowledging the officers involved with saving her life; speaks to the events of her heart attack and the kind officers at the County jail; expresses hers and her families thanks to the officers.

**Dr. Greg Thomas:** Public Health Officer, acknowledges the County staff involved with the emergency; speaks to the third hero being the automated electronic defibrillator (AED); commends Sheriff Hedges for putting them in patrol vehicles also; acknowledges San Luis Ambulance for donating the first AED to the County.

**Mr. Michael Kovacs:** speaks regarding Items A-1-A and A-1-C; questions why the Board is recognizing employees for doing their jobs; expresses his opinion that it is a waste of County money and staff time to acknowledge employees for years of service and for doing their job.

**Supervisor Lenthall:** states anyone who saves a life should be recognized for it.

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

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

**RESOLUTION NO. 2006-101, resolution proclaiming March "American Red Cross Month" in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Brian DuVaul, Red Cross Board member.

**Mr. DuVaul:** thanks the Board for the recognition; speaks to the 300 local volunteers who were trained and responded to areas affected by Hurricane Katrina.

**ADDED (All requirements of the Brown Act were met as these items were posted prior to the 72-hour noticing requirement.**

- 3 A-1-C **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt and on the following roll call vote:**

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

**RESOLUTION NO. 2006-102, commendation honoring nurses at the County Jail, adopted.**

**Supervisor Patterson:** reads the resolution and presents the same to Dr. Greg Thomas, Public Health Officer and the nursing staff present.

**Dr. Thomas:** thanks the Board for the recognition and highlights the duties of the nurses at the County Jail.

- 4 A-1-D **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt and on the following roll call vote:**

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

**RESOLUTION NO. 2006-103, commendation honoring nurses at the County Juvenile Hall, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Dr. Greg Thomas, Public Health Officer, Ms. Maralyn Shaw-Renken, Ms. Doris Summerville and Ms. Mary Collins.

**Dr. Thomas:** thanks the Board for the recognition and the staff for their hard work.

**Mr. Gary Joralemon:** Juvenile Hall Superintendent, thanks the Juvenile Hall nurses for all their hard work.

- 5 A-2 **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Ovitt and unanimously carried, the Board introduces Matt Jenkins, as the newly appointed Fire Chief, CDF/County Fire Department.**

**Mr. David Hillman:** highlights the long standing relationship between the County and California Department of Forestry; outlines the replacement process for Retired Fire Chief Dan Turner; speaks to the number of phone calls he received in support of Mr. Jenkins; states Mr. Jenkins was appointed to his position by the State Department of Forestry, yesterday March 20th.

Ms. Adrian Jenkins pins the new Fire Chief badge on her husband, Chief Matt Jenkins.

**Retired Chief Dan Turner:** presents Chief Jenkins a pair of his seasoned collar brass, which tradition states is to pass on wisdom to the new Chief; and presents newly appointed Fire Chief Matt Jenkins to the Board.

**Chief Jenkins:** thanks the Board; outlines his employment history with CDF which started in San Luis Obispo County; speaks to the wonderful staff, County departments and local fire departments he has the pleasure of working with.

- 6 A-3 **Thereafter, on motion of Supervisor, seconded by Supervisor and unanimously carried, the Board accepts the San Luis Obispo Downtown Beautification Award – Mayors Award for the construction of the new County Government Center.**

**Ms. Deborah Cash:** Downtown Association Administrator, expresses her appreciation to the Board for building the new Government Center in the downtown area and introduces Mr. Marshall Ochylski, Beautification Award Chairman.

**Mr. Ochylski:** outlines the 18 year history of the award and the selection process; states the key reasons for winning the award was the Government Center met the core goal of helping the downtown area and the energy conservation technology of the building; introduces Mr. Dave Romero, Mayor for the City of San Luis Obispo.

**Mr. Romero:** thanks the Board for building the Government Center in the center of town and presents the award.

**Supervisor Achadjian:** recognizes the various County employees involved with the project.

7 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:** speaks to his appreciation for the emergency planning the County has done; expresses his concern regarding an economic emergency, the national debt and its impacts; urges the Board to set time on their agenda, for planning, to address potential economic emergencies.

**Mr. Michael Kovacs:** states he wants a reduction in all County fees; questions why the Board doesn't recognize employees when they are injured on the job; discusses the Communitywide Results Report and the difference in the per capita rate from 1996 to present.

**Ms. Gwynn Taylor:** urges the Board to adopt a policy to not allow documents to be presented at hearings if they have not been presented to staff 3 days prior; discusses the impacts on staff when last minute documents are presented.

**Mr. Mark Wampler:** speaks to the Oceano Community Advisory Council (OCAC) meeting elections with District staff being elected to this Council and the potential conflicts; discusses the regular reporting agencies who are not appearing to make reports to the OCAC; urges the Board to look into this matter.

**Supervisor Achadjian:** states he will look into why the County reporting agencies are not appearing at the OCAC meetings; speaks to the Board having no control over who is elected to or the bylaws for any of the Advisory Councils.

**Mr. James Hill:** addresses his concern regarding the safety of Vista and Warner Street near Oceano Elementary School and the need for sidewalks in that area; expresses his hope that funding for the sidewalks will be considered in next year's budget; speaks to the adverse effects of having to raise rates to address the Lopez Dam retrofit costs; urges the Board to make contractors meet their bid amount; states his belief that the current OCAC is a self appointed Board of special interest individuals and urges the Board to take their recommendations lightly.

**Mr. Dave Duggan:** states the speakers from the last Board meeting who discussed their fear of appearing before the Los Osos Community Services District (LOCSO) Board as being false; expresses his concern regarding false information being given during signature gathering for the petition to dissolve the LOCSO.

**Mr. Paavo Ogren:** Public Works, states he will meet with Mr. Hill to address his concerns; outlines their work with the Flood Control Zone 3 Advisory Council and the rise in construction costs. **No action taken.**

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

**Ms. Biz Steinberg:** speaks on Item B-2 and urges the Board to support this item.

**Mr. Michael Kovacs:** expresses his concern that Consent Agenda items are preapproved;

speaks to Item B-8 and his concern that the Board is giving the Planning & Building Director a blank check with this action.

**Mr. David Edge:** County Administrative Officer, speaks to Consent Agenda items and that they are usually routine items that are non-controversial; addresses Mr. Kovac's concerns regarding Item B-8.

**Supervisor Bianchi:** speaks to the Board member's ability to review and meet with staff to address questions prior to the meeting on Agenda items.

9 B-1 **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and on the**  
thru following roll call vote:  
B-15

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-15 are approved as recommended by the County Administrative Officer.**

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

Administrative Office Items:

B-1 Agreement with the San Luis Obispo Community Foundation acting as fiscal agent to the Children's Health Initiative for other agency grant funds for Fiscal Year 2005-2006, **Approved.**

B-2 Amended contract with the Economic Opportunity Commission in which the County will contribute an additional \$30,000 to the operation of the Maxine Lewis Memorial Shelter; and a corresponding budget adjustment in the amount of \$30,000 from General Fund contingencies to Contributions to Outside Agencies, **Approved.**

Health Agency Items:

B-3 Contract (Clerk's File) with American Care Home II to provide social support services for Mental Health for the remainder of Fiscal Year 2005-2006 and for Fiscal Year 2006-2007, **Approved.**

B-4 Renewal contract (Clerk's File) with Catholic Healthcare West, dba French Hospital Medical Center to provide ancillary services to the County's Behavioral Health Psychiatric Health Facility for the remainder of Fiscal year 2005-2006 and for Fiscal Year 2006-2007, **Approved.**

B-5 Renewal agreement (Clerk's File) with the State Department of Health Services for the Women, Infant and Children (WIC) Supplemental Nutrition Program; authorizing the Public Health Administrator to sign subsequent amendments with the State Department of Health Services for the Women, Infants, and Children Nutrition Program that do not increase the level of General Fund support for the Department, **Approved.**

B-6 Requests to Re-appoint Robert Neumann and David Keil to fill two-year terms as consumer representatives on the Emergency Medical Services Agency, Inc. Board of Directors, **Approved.**

Planning and Building Items:

B-7 **RESOLUTION NO. 2006-104**, approving Amendment No. 1 (relating to Parcel 1) to the amended agreement for mitigations for Tract 1678, with Thomas L. & Doris J. Zwinger; 4<sup>th</sup> District, **Adopted.**

B-8 Request to authorize the Director of Planning and Building to approve amendments to the affordable housing finance agreements where appropriate, **Approved.**

Public Works Items:

- B-9 Bid opening report for the Lopez Lake Water Treatment Plant Domestic Water Storage Tank Rehabilitation and Repair (Contract No. 300188) and request to approve a corresponding budget  
adjustment in the amount of \$80,000; 3<sup>rd</sup> and 4<sup>th</sup> Districts, **Approved and the Chairperson is instructed to sign contract documents with Wellsona Iron & Engineering in the amount of \$109,663.**
- B-10 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its Tentative Map:  
A. CO 03-0330, a proposed subdivision resulting in 3 lots, by Oceano 15<sup>th</sup> Street Development LLC, 15<sup>th</sup> Street, Oceano; 4<sup>th</sup> District, **Approved.**

Sheriff-Coroner Items:

- B-11 Implementation of a Marijuana Suppression Program; a corresponding budget adjustment in the amount of \$193,333 from unanticipated revenue to Fund Center 136 – Sheriff Coroner; and amending the fixed asset list by adding an off-road all terrain vehicle and a thermal imaging system, **Approved.**
- B-12 Budget adjustment in the amount of \$262,272 from unanticipated revenue and trust accounts and amend the fixed asset list for Fund Center 136 – Sheriff-Coroner, **Approved.**
- B-13 Budget adjustment in the amount of \$610,000 and \$55,375 to Budget Unit 13602 – Sheriff Coroner – CAL ID and amend the fixed asset list by \$365,000 and maintenance contracts by \$245,000 to purchase Livescan equipment, **Approved.**

Other Items:

- B-14 Declaration of results of the March 7, 2006 Special Tax Elections in the various Road Improvement Zones of County Service Area No. 21, **Approved.**
- B-15 **RESOLUTION NO. 2006-105** commending CDF/County Fire employees: Fire Captains Steven Mello, **RESOLUTION NO. 2006-106**, Daniel Trabucco, **RESOLUTION NO. 2006-107**, David Gowan, **RESOLUTION NO. 2006-108**, Edward Dowling III, and **RESOLUTION NO. 2006-109**, Division Chief Stephen Heil upon their retirement, **Adopted.**
- 10 C-1 This is the time set for continued hearing (continued from January 10, 2006) 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; the project is 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; 3<sup>rd</sup> District.

**Mr. Brian Pedrotti:** Planning, amends the staff recommendation to continue this hearing to June 6, 2006 at 9 a.m..

**No one appearing and thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board continues the hearing to June 6, 2006 at 9 a.m. to allow the submittal and review of the additional requested information and the completion of the environmental determination.**

- 11 C-2 This is the time set for hearing to consider a resolution of annexation of certain parcels to Zone 1 of the San Luis Obispo County Flood Control and Water Conservation District Zone; 3<sup>rd</sup> & 4<sup>th</sup> Districts.

**Mr. Mark Sullivan:** Public Works, presents the staff report and recommendations.

**Mr. Rob Livick:** Cannon Associates, speaks to the elevation levels based on the hydrologic model prepared by Swanson Hydrology and Geomorphology; states the 20 year flood recurrence was used for the purposes of defining benefits from this additional assessment.

**Board members:** discuss the options for property owners who don't want to participate and the impacts if excluded from the assessment on the other participants, with Mr. Sullivan responding.

**Mr. Howard Mankins:** states in 40 years of ownership of his property it has never flooded; urges the Board to exclude his and his neighbor's property from the annexation as it is of no benefit to them.

**Mr. Norm Getty:** speaks to the complexity of the item; states his hopes the County will continue to maintain the channel locally; expresses his support for the staff recommendation.

**Mr. Jim Hill:** expresses his support of the item; states this assessment is a reasonable amount for the protection it will bring; commends the City of Arroyo Grande for prohibiting development within 25 feet of the creek and a moratorium on development that would cause runoff into the creek.

**Mr. Paavo Ogren:** Public Works, states they will revisit Mr. Mankin's property with Cannon Associates and do a survey; states other property owners can contact their office with any concerns but doesn't expect many due to the public outreach done on the item.

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

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

**RESOLUTION NO. 2006-110, resolution of the San Luis Obispo County Flood Control and Water Conservation District annexing certain parcels in the County of San Luis Obispo to Flood Control Zone 1, adopted. Further, the Board directs the Clerk to file with the County Assessor and State Board of Equalization a certified copy of this resolution and a map or plat of listed parcels.**

12 C-3

This is the time set for hearing to consider an appeal by Frank Parnel of the Planning Commission's denial of his request for a Variance/Coastal Development Permit DRC2004-00224 to allow a variance to rear and side setbacks for a 675 square foot enclosed patio structure with walls built on the property line; the site is developed with an approximately 2,846 square foot resident; the project is located at 1560 Strand Way in the community of Oceano; 4<sup>th</sup> District.

**Ms. Marsha Lee:** Planning, describes the property; outlines the issues of the appeal; speaks to the history of permits on the property; and presents the staff recommendation.

**Mr. Greg Connell :** Attorney representing the Appellant, highlights the issues of the appeal; outlines the history of permits on the property; presents photos of the subject and neighboring properties; addresses the neighbor's concern regarding storm water runoff, offering to install rain gutter's at the Appellant's expense; urges the Board to overturn the denial by the Planning Commission.

**Ms. Linda Austin:** expresses her concerns with the Parnel's property and the health and safety issues that she believes exist; urges the Board to deny the appeal.

**Mr. Jim Guiton:** speaks to existing and future problems with the Parnel property; states the denial of the appeal is supported by the Planning Department and Oceano Fire Department; urges the Board to deny the appeal.

**Mr. Matt Janssen:** Planning/Environmental Specialist, addresses the variance process; states walls can be built on the property line and this issue arose when the area was enclosed and attached to the structure.

**Matter is fully discusses and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Patterson and on the following roll call vote:**

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

**the Board denies the appeal and RESOLUTION NO. 2006-111, resolution affirming the decision of the Planning Commission and disapproving the application of Frank and Janet Parnel for Variance/Coastal Development Permit DRC2004-00224, adopted.**

13 CS Closed Session is cancelled.

14 D-1 This is the time set for consideration of a request to authorize the processing of applications for General Plan Amendment: 1) Request to authorize a Land Use Element amendment (LRP2005-00003 – Hayashi) by changing an approximate 2.5 acre portion of an approximately 56 acre site from Agriculture to Residential Suburban; the site is located at 4435 South Higuera, south of the City of San Luis Obispo; 3<sup>rd</sup> District. and 2) Request for a Land Use Element amendment application (LRP2005-00004 – Czekala) by changing the maximum number of allowable parcels for Assessors Parcel number 076-114-007 from three to four; the site is located at 3550 Meadowbrook Lane, on the east side of See Canyon Road, approximately five miles southwest of the City of San Luis Obispo; 3<sup>rd</sup> District.

**LRP2005-0003 - Hayashi, is presented.**

**Ms. Kami Griffin:** Planning, presents the staff report and authorization options.

**Mr. Ed Carson:** urges the Board to authorize the Hayashi amendment for processing as the amendment is a more appropriate use of the property.

**Thereafter, on motion of Mr. Lenthall, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes LRP2005-00003 for processing.**

**LRP2005-00004, is presented.**

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

**Mr. Casey Kempenaur:** Wallace Group representing the Czekala's, outlines the proposed ordinance language; states the amendment meets the General Plan Amendment criteria.

**Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes LRP2005-00004 for processing.**

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, March 21, 2006, 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: March 24, 2006  
cmc