

Tuesday, May 23, 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, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Shirley Bianchi

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

SUM AGN

1 A-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall, with Supervisor Bianchi being absent, motion carries and the Board approves the presentation of Employee Service Awards.**

25-Year Employee Service Awards are presented.

Chairperson Achadjian: introduces Julie L. Rodewald, County Clerk-Recorder, highlights her years with the County, starting off in Social Services, moving to the Clerk-Recorder's and moving up in positions until she was elected County Clerk-Recorder in November 1994; presents her with her service clock.

Ms. Rodewald: thanks the Board for the recognition.

Mr. Gerry Shea: District Attorney, introduces Michele Goula and highlights her history with the County and the District Attorney's Office; presents her with her service clock.

Ms. Goula: thanks everyone for the recognition and for all the years she has had this great job.

Sheriff Pat Hedges: introduces Leisa Marrs and highlights her history with the Sheriff's Department; addresses two incidents she was involved with and the positive outcomes; presents her with her service clock.

Ms. Marrs: thanks the County of the recognition.

30-Year Employee Service Awards are presented.

Chairperson Achadjian: introduces Mr. Denis Philbin, General Services and highlights his career with the County; states he is a lifelong resident of the County; he's the Safety Coordinator for the County; addresses the various changes/improvements he has implemented at the parks; presents him with his service watch.

Mr. Duane Leib: General Services Director, comments on the number of years he has worked with Denis and what he has accomplished; thanks him for his friendship and years of service.

Mr. Philbin: thanks everyone for the recognition; thanks all his coworkers and comments on his years with the County.

Chairperson Achadjian: introduces Scott McLaughlin, Information Technology; provides a brief history of his work service to the County.

Ms. Janette Pell: Information Technology Director, states that Mr. McLaughlin is not present today; indicates he is a well-respected employee and thanks him for his service.

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

Mr. Mark Wampler: addresses the Zone 1/1A area and issues raised with respect to the redlegged frog; addresses the impacts to the residents by not fixing the flooding issues in this area.

Ms. Julie Rodewald: County Clerk-Recorder, states there are two weeks until the election; indicates her office will be opened on June 3rd and 4th for voters.

Ms. Gail McPherson: asks the Board for help with respect to the proposed dissolution of the Los Osos Community Services District (LOCSD).

Mr. Alan Martyn: comments on the problems in Los Osos and that he is here to keep the Board updated as to what is occurring; speaks to prior, inaccurate reporting, by the media, with respect to Los Osos.

Mr. Keith Swanson: comments on the issues in Los Osos and asks the County to help in finding a location outside of town for the sewer.

Mr. Bill Moylan: comments on the definition of “recuse”; speaks to a letter by Supervisor Bianchi and his concerns that it was a “biased” letter.

Mr. David Duggan: addresses his concerns regarding bias and comments on an article by Paul Hood, Executive Officer for LAFCO; presents written comments for the record.

Mr. Richard Margetson: comments on the issues occurring out in Los Osos and additional reasons that changes on the LOCSD Board occurred. **No action taken.**

3 B-1 This is the time set for members of the public wishing to address the Board on items
thru set on the Consent Agenda.
B-16

Chairperson Achadjian: opens the floor to public comment without response.

Consent Agenda Item B-1 is withdrawn.

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

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

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

Consent Agenda Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items Set for Hearing/Bid Opening:

B-1 Introduction of a resolution to collect delinquent service charges on Property Tax Bills for County Service Area No. 16 (Shandon – Water Service), County Service Area No. 23 (Santa Margarita Water Service), County Service Area No. 10A (Cayucos Water Service), County Service Area No. 1 (Nipomo Sewer Service), and County Service Area No. 18 (San Luis Country Club Estates – Sewer/Waste Disposal) to the 2006-2007 County Property Tax Bills; All Districts, **Withdrawn.**

B-2 Plans and specifications (Clerk’s File) for the construction of east T-Hangars at the San Luis Obispo County Regional Airport (#330002), **Approved and the Clerk is instructed to give notice of bid opening set for June 22, 2006 at 3:00 p.m..**

Administrative Office Items:

- B-3 **RESOLUTION NOS. 2006-184 and 2006-185**, amending the Memorandum of Understanding between the County and the San Luis Obispo County Employees Association (SLOCEA) to increase compensation for certain classifications in: 1) the Supervisory Unit; and 2) Trades, Crafts and Services Unit, **Adopted**.
- B-4 Request from Risk Management to confirm settlement of a claim in the amount of \$50,000, previously approved in Closed Session, related to Behavioral Health division, **Approved**.

General Services Items:

- B-5 Contract with Comerford Inc., dba Fairway Management, for operation of the Pro Shop, Restaurant, Bar and Banquet Facilities at the Morro Bay State Park Golf Course, **Approved**.
- B-6 Contract with Comerford Inc., dba Fairway Management, for the operation of the Pro Shop, Restaurant, Bar and Banquet Facilities at Dairy Creek Golf Course, **Approved**.
- B-7 Bid opening report for the construction of new pavement areas, reconfigured taxiways and storm drainage at the San Luis Obispo County Regional Airport, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction, Inc. in the amount of \$2,768,764**.
- B-8 **RESOLUTION NO. 2006-186**, authorizing the execution of a Notice of Completion and Acceptance for the construction contract to build a new restroom/shower facility at Santa Margarita Lake Park; All Districts, **Adopted**.
- B-9 1) New maintenance project to install security measures at the entries to the Courthouse in San Luis Obispo; and 2) a corresponding budget adjustment in the amount of \$186,700 from unanticipated revenues, **Approved**.

Public Works Items:

- B-10 **RESOLUTION NO. 2006-187**, establishing the 2006-2007 Special Tax Rate and confirming the per parcel Special Tax amount in County Service Area No. 9, Ash Street Improvement Zone; 2nd District, **Adopted**.
- B-11 **RESOLUTION NO. 2006-188**, establishing the 2006-2007 Special Tax Rate and confirming the per parcel Special Tax amount in County Service Area No. 21, Ashby Lane Road Improvement Zone; 2nd District, **Adopted**.
- B-12 **RESOLUTION NO. 2006-189**, establishing the 2006-2007 Special Tax Rate and confirming the Per Parcel Special Tax amount in County Service Area No. 21, Pineridge Drive Road Improvement Zone; 2nd District, **Adopted**.
- B-13 **RESOLUTION NO. 2006-190**, to levy assessments for Flood Control Zone 4 (Santa Maria River Levees); 4th District, **Adopted**.
- B-14 Bid opening report for the construction of a left turn lane on Tank Farm Road at Santa Fe Road near San Luis Obispo, CA (Contract No. 300151) and recommend approval of a corresponding budget adjustment in the amount of \$1,166,146; 3rd District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction in the amount of \$812,378**.

Other Items:

- B-15 **RESOLUTION NO. 2006-191**, adding Section 2.12.5 Military Service Credit – Purchase of prior service; up to four years, to the San Luis Obispo County Employees' Retirement Plan for the following employee classifications: 1) Safety Members in

bargaining units 03, 14; and 2) Miscellaneous Members in bargaining units 21, 22, **Adopted.**

B-16 Budget adjustment in the amount of \$10,000 from the State Asset Forfeiture Trust Fund to Budget Unit 136-Sheriff – Coroner, and amend the operating budget to allow the improvement and repair of a rigid hull inflatable boat, **Approved.**

4 D-1 This is the time set for submittal of the Third Quarter Financial report for Fiscal Year 2005-2006.

Mr. Jim Grant: Deputy County Administrative Officer, presents the staff report and an overview of the County's financial performance; summary of the budget adjustments and the department's that includes; highlights the staff recommendations.

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

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

the Board receives, reviews and files the Fiscal Year 2005-2006 Third Quarter Financial Report; approves the budget adjustments totaling \$6,001,469 (Attachments A & B of the staff report dated May 23, 2006) for the year-end adjustments related to FY 05-06 prevailing wage adjustments and other year-end costs; of this amount, \$2,926,291 is to come from General Fund Contingencies; accepts the gift funds and donations on behalf of the Library totaling 39,406.06 and approves a budget adjustment to move the donations into the Library budget; approves a request to discharge bad debt from Mental Health totaling \$10,755.78; amends the Fixed Asset List for Child Support Services and the Planning Department; and, authorizes the Auditor-Controller to close the Enterprise Financial System Budget, Fund Center 265, returning \$500,000 to the Accounting System Development Designation, and using the remaining funds where needed to liquidate any outstanding obligations of the EFS Project.

5 D-2 This is the time set for introduction of the Fiscal Year 2006-2007 Proposed Budget.

Mr. Jim Grant: Deputy County Administrative Officer, presents the staff report; outlines the fiscal picture for the State Budget for 2006-07 and the "good news" those proposals have at this time; outlines the County's proposed Budget and the balancing strategies that are used; highlights the recommended increase in staffing positions; presents a graph outlining the cost to the County for services; comments on the Revenue picture for the County; Discretionary Revenues and Total Revenues; outlines the recommendations today.

Chairperson Achadjian: questions whether there is funding for ADA compliance issues at various County building/park locations and why there isn't a refund coming from the State for the special election, with Mr. Grant and Mr. David Edge, County Administrative Officer, responding.

Mr. Eric Greening: addresses the budget hearing and asks where copies of the proposed budget will be located; questions specifics regarding the Planning Departments five year plan; questions the hearing on the dissolution of the Los Osos Community Services District before LAFCO on June 15th and whether there are any contingency plans by the County.

Mr. Grant: responds providing the locations of copies of the proposed Budget.

Mr. Edge: responds to questions regarding issues relating to Los Osos and the proposed dissolution.

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

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

RESOLUTION NO. 2006-192, resolution approving the Proposed Budget for Fiscal Year 2006-07, adopted. Further, the Board schedules the hearing to start on the Proposed Budget on Monday, June 19, 2006 at 9:00 a.m. and orders the publication of the required legal notices scheduling the public hearings.

6 C-1 This is the time set for continued hearing (continued from April 4, 2006) to consider an appeal by Donald Carnine of the Subdivision Review Board disapproval of his request for a tentative parcel map CO 05-0090 using the Transfer of Development Credits program to subdivide an existing 40-acre parcel into two parcels of 20 acres each; the project is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton; 1st District.

Mr. Nick Forester: Planning, states they are requesting an additional continuance on this item.

Ms. Toby Osgood: EMK & Associates, states she is representing Mr. Carnine and agrees to the continuance.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall, with Supervisor Bianchi being absent, motion carries and the Board continues said hearing to September 12, 2006 at 9:00 a.m..

7 C-2 This is the time set for hearing to consider a resolution vacating a temporary easement and offer of dedication for Quicksilver Way, a purported Public Road in the town of Templeton; 1st District.

Mr. Tim Smith: Right-of-Way Agent, presents a revised legal description for the property; presents the staff report and the request to vacate a temporary easement.

Ms. Toby Osgood: EMK & Associates, states on behalf of her client they are in agreement with the staff report.

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

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

RESOLUTION NO. 2006-193, resolution vacating a temporary easement and offer of dedication for Quicksilver Way, a purported public road in the Town of Templeton, Supervisorial District No. 1, adopted as amended.

8 C-3 This is the time set for hearing to consider an appeal of the Templeton Road Improvement Fee by D. Wasserman for a building permit to construct a winery facility on El Pomar Drive; 1st District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation for denial of the appeal.

Mr. Donald Wasserman: Appellant, states he has been working on this for the past seven years; he has been allowed to build a portion of the winery and now has been stopped because of this fee; there are no other building or road improvements going on in this area; feels his building will be an asset to the area; if he is required to pay this large fee he will have to “turn his back” on completing this project.

Board Members: question the building under construction; whether the Appellant was notified on the fee increase; why the Appellant didn't apply for the permit when they were noticed of the fee increase.

Mr. Wasserman: responds to questions speaks to his purchase of the property and having to bring an existing residence into compliance as was built illegally.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall, with Supervisor Bianchi being absent, motion carries and the Board partially upholds the appeal and directed that staff to impose the fee based on those in effect in 2004.

9 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) *Almond Heights, LLC v. County of San Luis Obispo*, (2) *Los Osos CSD v. Golden State Water Company*, (3) *Gardner v. County of San Luis Obispo*, (4) *County of San Luis Obispo v. Equilon Enterprises, LLC* and (5) *Casmalia, Disposal litigation*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (6) *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. (7) *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: (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*.

Chairperson Achadjian: 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.

10 C-4 This is the time set for hearing to consider a resolution certifying the San Luis Obispo County Regional Airport Master Plan Update and final environmental assessment/environmental impact report (EA/EIR); All Districts. (At the beginning of the meeting this item was amended to attach additional information and is referenced as Attachment B in the resolution.)

Ms. Klaasje Nairne: Airport Manager, presents the staff report; outlines the five principle objectives which include continuing to provide aviation services at the Airport; highlights the Phase 1 construction, to occur between 2005 and 2010, at the airfield facilities and aviation support facilities and the Phase 2 construction (between 2011-2023); outlines the environmental impacts, indicating that eight issues were determined to be significant but mitigable to a level of insignificance and highlights the same; outlines the environmental impacts that were identified as significant and unavoidable impacts; comments on the Overriding Considerations for significant impacts; outlines the staff recommendations.

Mr. William Borgsmiller: owner of ACI/Jet Center located at the Airport, states he is here to support the staff recommendations; states this will make more flights available, lessen the cost and maximize the use of the Airport.

Clerk: reminds the Board that they received two resolutions which replace the one in the staff report.

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

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

RESOLUTION NO. 2006-194, resolution certifying the Final Environmental Assessment/Environmental Impact Report for the San Luis Obispo County Regional Airport Master Plan Update, adopted.

11 C-4 **Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and on the following roll call vote:**

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

RESOLUTION NO. 2006-195, resolution adopting the Final Master Plan for the San Luis Obispo Regional Airport, adopted.

12 C-5 This is the time set for continued hearing to consider adoption of resolutions to take final action on all the amendments tentatively recommended for approval on May 9, 16, 23, 2006 – Amendments to the Land Use Element (South County Area Plan), Title 19 (Building and Construction Ordinance), Title 22 (Land Use Ordinance), and Title 26 (Growth Management Ordinance) – Summer General Plan Amendment Cycle 2006; All Districts. (At the beginning of the meeting this item was amended to replace pages listed under Exhibit LRP2005-00011:1 (pages 23-27) these changes reflect action taken by the Board on May 16, 2006.)

Ms. Kami Griffin: Planning, presents the staff report and indicates today the Board needs to take final action on all of the tentative actions from May 9, 16 and 23rd.

Mr. Larry Vierheilig: Nipomo Community Services District, states they are here today to support the changes; feels these changes will affect all new development in the Nipomo area and that will be a positive thing; they are asking to be involved in the in-lieu fee process.

Mr. Jerry Bunin: Home Builders Association, states he hopes the Board will adopt the suggested changes he made last week; he still has a problem with a different growth standard being applied for different areas of Nipomo.

Mr. Ken Bornholdt: presenting the Woodlands Specific Plan, presents a letter for the record and supports the staff recommendations.

Mr. Jesse Hill: presents a packet of information for the record and states he is representing 50 property owners in the water litigation and explains the packet.

Ms. Istar Holliday: South County Advisory Council (SCAC), states they have approved the recommendations of staff; comments on their watch on Smart Growth issues.

Mr. Ed Eby: 2006-07 President for SCAC, feels this is as good as they can get for the year; addresses the various aspects of Smart Growth.

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

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

RESOLUTION NO. 2006-196, resolution of the Board of Supervisors of the County of San Luis Obispo approving the carry over of 10% of the maximum allotment from the previous year to make those unused allotments available for distribution in the Fiscal Year 06-07, resulting in an additional 110 units Countywide with none of these units available in the Nipomo Mesa Area or the Community of Cambria, adopted.

- 13 C-5 Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and on the following roll call vote:

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

RESOLUTION NO. 2006-197, resolution to amend the San Luis Obispo County General Plan, Land Use Element (South County Area Plan), the Building and Construction Ordinance, Title 19 of the County Code, the Land Use Ordinance, Title 22 of the County and the Growth Management Ordinance, Title 26 of the County Code and to adopt ordinances entitled “an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by amending Section 19.20.240 relating to the Water Conservation on the Nipomo Mesa,” “an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.112.020 relating to the Nipomo Mesa Water Conservation Area,” “an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance” and “an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code” and to approve environmental documents, adopted as amended.

- 14 C-5 Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3089, an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, by amending Section 19.20.240 relating to the Water Conservation on the Nipomo Mesa, adopted.

- 15 C-5 Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3090, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.112.020 relating to the Nipomo Mesa Water Conservation Area, adopted.

- 16 C-5 Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3091, an ordinance amending Title 26

of the San Luis Obispo County Code, the Growth Management Ordinance, adopted.

17 C-5 **Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Ovitt and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3092,an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 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, May 23, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: June 6, 2006
vms