

Tuesday, September 11, 2001

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, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Peg Pinard

Chairperson Achadjian requests a moment of silence in light of the tragedy that occurred in New York City and directs staff to fly the flag at half mast.

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

1 SP **Mr. David Edge:** County Administrator, addresses the New York City tragedy; states because we live in a free society it is hard to prevent these random acts of terrorism; indicates we can only plan for and practice effectively protecting the public when an emergency occurs; states it will be business as usual for the County; addresses procedures that will take place on the local level to insure safety; indicates all air traffic has been shut down including San Luis Obispo County Airport. **No action taken.**

2 BPC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Ms. Pam Marshall Heatherington: addresses a concern by Eric Greening relating to Item B-19 and the protection of the Steelhead; speaks to Items B-16 and B-17 indicating by approving these items it will be a big step forward. **No action taken.**

3 B-1 Consent Agenda Item B-18 is withdrawn. Items B-1 and B-23 are withdrawn for separate action. **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi, and on the following roll call vote:**

AYES: Supervisors Ryan, Bianchi, Ovitt, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

Consent Agenda Items B-1 thru B-33 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-33, 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 Submittal of a resolution of intention to terminate maintenance of a portion of Upper Lopez Canyon Road; 4th District, **Withdrawn for separate action.**

Administrative Office Items:

B-2 Contract with AGP Video to provide Board of Supervisors weekly meeting videotaping and cable casting services, **Approved.**

B-3 Agreement with the Boys and Girls Club of South San Luis Obispo County to provide a low cost after school program in South County, **Approved.**

B-4 **RESOLUTION NO. 2001-351**, approving the Conflict of Interest Code submitted by the Garden Farms Community Water District, **Adopted.**

Behavioral Health Items:

B-5 Agreement (Clerk's File) with the State Department of Mental Health to provide Conditional

Release Program services on behalf of the State, **Approved.**

- B-6 Contract (Clerk's File) with Paul Remis, M.D., to provide psychiatric services to Mental Health clients, **Approved.**

Board of Supervisor Items:

- B-7 Appointment of Joe Dutra as a District One Representative to the Citizens Transportation Advisory, **Approved.**
- B-8 Appointment of Ned Thompson as a District Five Representative to the Water Resources Advisory Committee, **Approved.**
- B-9 Reappointment of Charlotte Byrne as a District Five Representative to the Commission on Children and Youth, **Approved.**
- B-10 Allocation of \$1,000 from District Four Community Project Funds to the City of Arroyo Grande Police Department - D.A.R.E. Program to purchase educational display kits and videos, **Approved.**

Clerk-Recorder Items:

- B-11 Minutes of the July 10, 17, and 24, 2001 Board of Supervisors' meetings, **Approved.**
- B-12 Technical amendment to a motion by the Board of Supervisors on August 7, 2001, regarding the policy for private and quasi-private easements on public park and recreation lands, **Approved.**

General Services Items:

- B-13 Accepting a donation and a corresponding budget adjustment in the amount of \$4,000 to provide entry signs within the Elfin Forest; 2nd District, **Approved.**
- B-14 Amended joint powers agreement with California Men's Colony for use of water from Whale Rock Reservoir to irrigate Dairy Creek Golf Course, **Approved.**
- B-15 **RESOLUTION NO. 2001-352**, authorizing execution of a notice of completion and acceptance for the remodel of the Lopez Lake Campground Reservation Office, **Adopted.**

Medical Services Items:

- B-16 Contract with Elana Harway, M.D. to provide orthopedic physician services for General Hospital and the associated Family Care Clinics, **Approved.**
- B-17 Contract with Clinical One Healthcare Professionals to provide operating room technician staffing at General Hospital, **Approved.**
- B-18 Request to approve a contract with Mary McGillicuddy, R.N., to provide nursing services at General Hospital, **Withdrawn.**

Planning Items:

- B-19 Mitigated negative declaration for the Upper Los Berros Road Storm Damage Repair Project; 4th District, **Approved.**
- B-20 Mitigated negative declaration for the County Service Area No. 1 Wastewater System Improvement Project; 4th District, **Approved.**
- B-21 **RESOLUTION NO. 2001-353**, approving avigation easement from Andrea Donigan, for property located near the Ocean County Airport; 4th District, **Adopted.**
- B-22 **RESOLUTION NO. 2001-354**, avigation easement from Heinz and Ursina Naef, for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**

- B-23 Submittal of a resolution approving an agreement with Brian and Marilyn Webster exempting an affordable residential project located in the Ground Squirrel Hollow community from the Growth Management Ordinance; 1st District, **Withdrawn for separate action.**
- B-24 **RESOLUTION NO. 2001-355**, authorizing an application to the California Coastal Commission for preparation of the Coastal San Luis Bay Area Plan Update and participation in the Local Coastal Program Periodic Review; 2nd, 3rd and 4th Districts, **Adopted.**

Public Works Items:

- B-25 Bid opening report for the widening of Moonstone Beach Drive, Cambria and a request to approve a corresponding budget adjustment in the amount of \$159,003; 2nd District, **Approved and the Chairperson is instructed to sign contract documents with Herrera Engineering in the amount of \$275,845, Adopted.**
- B-26 **RESOLUTION NO. 2001-356**, authorizing the execution of a notice of completion for slurry seal of various county roads; 1st and 5th Districts, **Adopted.**
- B-27 **RESOLUTION NOS. 2001-357 and 2001-358**, accepting conveyance from the Dunn Family Trust and Cayucos-Morro Bay Cemetery District for County Service Area No. 10-A waterline project; 2nd District, **Adopted.**

Social Services Items:

- B-28 Contract (Clerk's File) with the City of San Luis Obispo Housing Authority to provide housing assistance services to CalWORKs, Children Welfare Services and Adult Services clients, **Approved.**
- B-29 **RESOLUTION NO. 2001-359**, adopting the General Assistance Standard of Aid for 2002, **Adopted.**

Other Items:

- B-30 Automatic-aid agreement for emergency response with the City of Pismo Beach, **Approved.**
- B-31 Contract with the State's Victim Compensation and Government Claims Board to provide direct payment of funeral/burial expenses for victims of crime, **Approved.**
- B-32 Unannounced cash count of the County Treasurer's Office, conducted on June 29, 2001 **Received and Filed.**
- B-33 **RESOLUTION NOS. 2001-360 thru 2001-362** amending the Memorandum of Understanding with Public Services, Supervisory, and Clerical Units represented by the San Luis Obispo County Employees Association, **Adopted.**

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- B-1 Submittal of a resolution of intention to terminate maintenance of a portion of Upper Lopez Canyon Road; 4th District, is presented.

Supervisor Ryan: states he does not support this item; indicates it will cut off access to the Los Padre National Forest; states this item sets the hearing for September 25, 2001 and hopes the public will attend.

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

AYES: Supervisors Ovitt, Bianchi, Chairperson Achadjian
NOES: Supervisor Ryan
ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-363, resolution of intention to terminate maintenance of a portion of Upper Lopez Canyon Road, County Road No. 2035 Supervisorial District No. 4, adopted.

5 B-23 Submittal of a resolution approving an agreement with Brian and Marilyn Webster exempting an affordable residential project located in the Ground Squirrel Hollow community from the Growth Management Ordinance; 1st District, is presented.

Supervisor Ovitt: indicates the issue is relating to a permit; states there are members of the public that would like to speak and then he would like to make some recommendations.

Ms. Catherine Turner: indicates this mobile home just appeared; there is no foundation or grading; a well has been put in; feels the application for a permit has not been done; questions if the exemption from the Growth Management Ordinance is granted will this project be exempt from the normal process of code regulations; indicates the neighbors are trying to form a Community Services District due to the building going on in the area.

Mr. Les Fox: describes the property; addresses the permit process; concurs with what Ms. Turner stated.

Mr. Ken Wolf: describes the area; states it appears someone is living in the mobile home; indicates the neighbors are concerned the process is not being followed.

Ms. Judith Johnson-Martinez: speaks to the problems with the roads in the area; addresses the enforcement of noncompliance with the codes; questions why the project hasn't been stopped.

Mr. Ian Webster: states they are in the process of applying for a permit; indicates he did not mean to upset the community; states they are working on the property to make a home for his family and didn't know they needed a permit to put a modular on his piece of property; apologizes to the neighbors.

Mr. Ted Bench: Planning, states the project qualifies for the exemption, however Mr. Webster jumped the gun by putting the modular on his property without a permit; indicates the Board has two options: 1) approve the agreement for the exemption which would allow the building permit to be issued today; inspections could then take place helping the applicant to bring the project into compliance; or 2) not approve the agreement for the exemption and the applicant would have to apply for an allocation to get a residential permit.

Board Members: discuss various issues, comments and concerns regarding: occupancy of the mobile home; if a septic system and other utilities have been installed; if there are restrictions for modular homes in the area; language missing in the contract for the exemption that would require the project to meet all planning area standards and building permit requirements; road improvements, with staff responding.

Mr. Jim Lindholm: County Counsel, suggests adding language to the motion that would direct the applicant to meet all County requirements to build.

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

AYES: Supervisors Ovitt, Ryan, Bianchi, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

the Board directs staff to ensure that the applicant meet all County requirements to build and, RESOLUTION NO. 2001-364, resolution approving an agreement to provide housing units for person and families of low or moderate income in order to qualify for an exemption from the requirements of the County's Growth Management Ordinance with Brian & Marilyn Webster, adopted.

6 C-1 Hearing to consider expenditure proposals for the use of State Citizens Option for Public Safety Program (COPS) funds, **Withdrawn.**

7 C-2 This is the time set for hearing to consider use of Local Law Enforcement Block Grant funding.

Mr. David Albrecht: Sheriff's Department, presents the staff report.

Supervisor Ryan: questions what a Trak System, a Powerverter, and a Easy Reel are, with staff responding.

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

AYES: Supervisor Ryan, Bianchi, Ovitt, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

the Board approves an appropriation transfer from Unanticipated Revenue in the amount of \$85,028 and amends the Fixed Asset List.

8 C-3 This is the time set for hearing to consider an ordinance establishing transit fare rates for the South Bay Dial-A-Ride Transit Service; 2nd District.

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

Board Members: discuss the proposed fare; the current year and the annual cost being consistent, with staff responding.

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

AYES: Supervisors Bianchi, Ryan, Ovitt, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2945, an ordinance establishing transit fare rates for South Bay Dial-A-Ride Transit Service, adopted.

9 C-4 This is the time set for hearing to consider an amendment to the Community Participation Plan of the Urban County of San Luis Obispo; All Districts.

Mr. Tony Navarro: Planning, hands the Board an amended staff report and resolution and highlights the same.

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

AYES: Supervisors Ryan, Bianchi, Ovitt, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-365, resolution approving the San Luis Obispo County Community Participation Plan as amended, adopted as amended by staff.

10 C-5 This is the time set for hearing to consider an appeal by Dr. Javad Sani of the Planning Commission's denial of a request to modify section 21.03.010(d)(1) of the Real Property Division Ordinance and the County's Standard Specifications and Drawings to allow a 40 foot offer of dedication for Tract 2389; 1st District.

Mr. John Busselle: Planning, presents the staff report and recommendation.

Supervisor Ovitt: states he met with staff and talked with the applicant; indicates the applicant objects to staff's recommendation; they received approval from the Templeton Advisory Group; the applicant feels special circumstances exist which justify this request; they ask for approval of the appeal and will comply with any special conditions which may be imposed with the approval of the adjustment; states he would like to add three conditions on page C-5-11, under number 20: c) The footprint of any new building(s) on lots 4 & 5 shall not exceed 9500 square feet; d) Parking for lots 1, 2, 4, & 5 shall be clustered adjacent to Sara Lane and the property lines between lots 1 & 2 and lots 4 & 5; and e) New development on parcel 4 and parcel 5 shall provide 7 additional parking spaces beyond what

would be required by the county Land Use Ordinance; indicates the applicant is in agreement.

Mr. Busselle: indicates staff can come back with a new resolution, conditions and findings this afternoon.

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

AYES: Supervisors Ovitt, Ryan, Bianchi, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

the Board tentatively upholds the appeal and directs staff to add the suggested conditions c thru d to Condition 20 and return this afternoon for final approval.

11 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) *In re Lum*, 2) *In re PG&E*, 3) *Dye v. Fleming*, and **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** 7) *Planning and Conservation League v. Water Resources*.

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, § 54956.9(c).) 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: *Dale T. Hanson, Santos Arrona, Sue Wilkison, Gene Bell*; Name of employee organization: *SLOCEA: Unclassified*.

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

Thereafter, pursuant to the requirements of the Brown Act, the Board goes into Open Public Session.

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

Chairperson Achadjian: provides information on how a member of the public can donate blood through the Red Cross; indicates they can call 543-4290 to make an appointment; states if anyone is interested in donating funds to help with the New York City crisis they can call 543-0696.

Mr. Richie Ray Walker: compares the attack on Pearl Harbor to the attack on New York City; addresses the poor security at airports; speaks to the Second Amendment; feels the Board looks at General Hospital as the hospital of last resort.

Ms. Nancy Barta: Health Commission, reports on a motion that was voted on to rescind the decision to terminate Dr. Neimark and Dr. Lanza at the Family Care Center; indicates the vote was eleven to one in favor of rescinding the decision.

Ms. Jane Gold: Health Commission, summarizes events of their meeting last night; addresses the negative impact of having family care practitioners versus pediatricians; speaks to the scope of practice and competence; feels this could be a potential liability; urges the Board to rescind the decision and possibly separate the pediatric issue from the viability of the Hospital.

Ms. Deborah Brunasso: states she is in opposition to the removal of the pediatricians; addresses the relationship a child and parent has with their pediatrician; speaks to the standard of care in this community; believes this decision will create more problems for children and the County will not be saving money in the long run.

Mr. Jesse Hill: hands the Board an e-mail relating to Negative Declaration Number 7; states the concerns regarding lot size and urges the Board to give this project some thought before it goes through with a Negative Declaration.

Mr. Patrick Considine: states he hopes the Board will reconsider the Family Care Center pediatrician contracts; addresses the impact on the foster children in the County.

Ms. Lori Anderson: speaks to the removal of the pediatricians; states these doctors have many special need patients; questions what affect the closure of the pediatric department will have on other departments; urges the Board to reconsider their decision.

Mr. Lester Goldfisher: addresses the financial status of the Hospital; feels Mr. Larry Hood will close General Hospital.

Dr. Barry Dorfman: feels the elimination of the pediatric component of the Family Care Center is ill-advised; pediatricians need to be the care-givers for children, especially for cases that are complex; states the need for pediatric care is greater for those children in the low income population as they have a higher rate of serious childhood conditions.

Dr. Miguel Lanza: donates a portion of his speaking time for a moment of silence in light of today's tragedy; indicates before he came on board, nurse practitioners were caring for children and many of their illnesses were improperly diagnosed; clarifies the process of their contract.

Ms. Becca Carsel: urges the Board to reinstate the pediatricians at the Family Care Center.

Ms. Lynn McCrudden: feels it was wrong that these pediatricians were fired; states the children need these doctors for quality care; indicates this was not a well thought out plan.

Ms. Anna Peat: feels a practitioner is someone in practice and she doesn't want anyone practicing on her children; urges the Board to reconsider their decision.

Ms. Nanette Windley: feels firing these doctors to save money is putting a price on her children.

Dr. Fred Vernacchia: San Luis Obispo Medical Society, states the Family Care Centers need to expand and services need to be brought to the patient; feels the termination of the pediatrician contracts was a step in the wrong direction; believes this action was based on flawed information.

Dr. Robert Naimark: states something terrible is happening to the County health care system: 1) the poor decision as to the direction of health care services for children; and 2) the process of the decision made was flawed; addresses the qualifications of the hospital CEO; feels the Board and the Interim Hospital Authority Board (IHAB) were given misrepresented information.

Ms. Linda Hall: states it's all about the money; compares the firing of the pediatricians to the \$40 million for the new government center; urges the Chairperson to look into a proposed expenditure at the federal level; states taxpayer's money is going toward a conservation easement for the Hearst Corporation; indicates she has information relating to this issue.

Ms. Gail Freiler: states she is in support of the pediatricians and the continuation of their contract.

Ms. Deirdre Pride: feels this termination comes with a big business attitude where money is the only thing that matters; indicates the low income are being targeted; there are many physicians in the private sector that don't accept medi-cal or CMSP patients; feels if this action is not rescinded it will be a reprehensible thing for the County.

Ms. Pam Marshall Heatherington: IHAB Chairperson, states on August 30, 2001 the IHAB held a special meeting and voted to send a letter to the Board concerning the decision to terminate the pediatricians; states she was the Health Commissioner that did not recommend a letter be sent to the Board; addresses cost efficiencies of General Hospital and the controversy of how health care services should be fulfilled; urges the Board to take the recommendation of the management company that has served the County well to this point.

Mr. John Stocksdale: IHAB, states the County hired the Casey Group to manage General Hospital; they brought in Mr. Hood and Mr. Skau to do a job; urges the Board to let them do their job and turn the hospital around. **No action taken.**

13 C-5 Appeal of Dr. Javad Sani is brought back for hearing.

Mr. John Busselle: Planning, hands the Board the revised resolution with amended findings and conditions; indicates staff also added a provision for sidewalks.

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

AYES: Supervisors Ovitt, Ryan, Bianchi, Chairperson Achadjian

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2001-366, resolution reversing the decision of the Planning Commission to disapprove the adjustment and conditionally approving the application of Javad Sani for a tentative Tract Map for Tract 2389 and approving the request for an adjustment in connection therewith, adopted.

14 CS 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 because no final action was taken.

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, September 11, 2001, 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/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 09/14/2001
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