

Tuesday, April 10, 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, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

1 B-1 This is the time set for members of the public wishing to address the Board
 thru on items set on the Consent Agenda.
 B-29

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

On motion of Supervisor Ryan, seconded by Supervisor Bianchi, and on the following roll call vote:

AYES: Supervisors Ryan, Bianchi, Ovitt, Pinard, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-29 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-29 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1 Plans and specifications (Clerk's File) for the final portion of the runway extension project at the San Luis Obispo County Regional Airport; 3rd District, **Approved and the Clerk is instructed to give notice of bid opening set for May 17, 2001 at 3:00 p.m.**

Administrative Office Items:

B-2 Notice to commence negotiations for Annexation No. 18 to the Templeton Community Services District, **Approved.**

B-3 Notice to commence negotiations for Annexation No. 64 to the City of San Luis Obispo (Volny), **Approved.**

B-4 Notice to commence negotiations for Annexation No. 82 to the City of Paso Robles (Roth), **Approved.**

B-5 **RESOLUTION NO. 2001-142**, approving a conflict of interest code for the San Luis Obispo County Financing Authority, **Adopted.**

Board of Supervisors Items:

B-6 Request by Supervisor Ovitt to allocate \$350 from District One Community Project Funds to the Paso Robles Chamber of Commerce to be used for printing, mailing and advertising expenses associated with the 2001 Agri-Business Tour, **Approved.**

B-7 Request by Supervisor Ryan to approve journal entry in the amount of \$45

from District Five Community Project Funds to Budget Unit 4126 - Parks to pay the rental fee of Heilman Park for the Atascadero High School Astronomy Club Stargazing Class, **Approved.**

General Services Items:

- B-8 Request to declare various items surplus for disposal, **Approved.**
- B-9 Termination of a lease agreement with the City of San Luis Obispo for rental of Carnegie City Library Building, **Approved.**
- B-10 Agreement with the San Luis Obispo County Historical Society for operation of the County Historical Museum, **Approved.**
- B-11 **RESOLUTION NO. 2001-141**, amending the position allocation list for Budget Unit 2180 - General Services deleting two Assistant/Associate Capital Projects Coordinators positions and adding two Senior Capital Projects Coordinators positions, **Adopted.**

Planning Items:

- B-12 Grant agreement (Clerk's File) with the Land Conservancy of San Luis Obispo County to provide funding up to \$17,000 for engineered plans for the Marre Dam Replacement Design Project; 3rd District, **Adopted.**
- B-13 Grant agreement (Clerk's File) with the Land Conservancy of San Luis Obispo County to provide funding up to \$55,000 for Black Lake Canyon Erosion Control Project; 4th District, **Approved.**
- B-14 Grant agreement (Clerk's File) with the Friends of the Elephant Seal to provide funding up to \$40,000 for the Beach Watch Program; 2nd District, **Approved.**
- B-15 **RESOLUTION NO. 2001-142**, amending the position allocation list for Budget Unit 2250 - Information Services Division adding one Departmental Automation Specialist (DAS) I, II, or III position for the Planning and Building Department and a request to approve a corresponding budget adjustment in the amount of \$9,300 to fund the position, **Adopted.**
- B-16 **RESOLUTION NO. 2001-143**, approving an agreement with James Dunn and Mark Legreid exempting an affordable residential project located at North 5th Street, Shandon from the Growth Management Ordinance; 1st District, **Adopted.**
- B-17 **RESOLUTION NO. 2001-144**, authorizing submittal of an application to the Air Pollution Control District for a grant from the Guadalupe Air Quality Mitigation Funding Program; 4th District, **Adopted.**
- B-18 **RESOLUTION NO. 2001-145**, accepting an avigation easement from Richard Gallup for property located near the Oceano Airport; 4th District, **Adopted.**
- B-19 **RESOLUTION NO. 2001-146**, accepting an avigation easement from Chester and Clella Jost, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**

Probation Items:

- B-20 Contract with the San Luis Obispo Legal Alternatives Corporation Conflict Resolution Program of the Central Coast to continue to provide conflict resolution sessions, **Approved.**
- B-21 Contract amendment with Life Steps Foundation, Inc., to continue providing

mental health counseling and support for crisis intervention, **Approved.**

Public Works Items:

- B-22 Agreement with Cypress Ridge Limited Partners authorizing payment for the acquisition of improvements within the North Mesa Road Improvement Assessment District, **Approved.**
- B-23 **RESOLUTION NO. 2001-147**, amending Resolution No. 2001-50 relative to the Los Osos Community Services District Wastewater Assessment District No. 1; 2nd District, **Adopted.**
- B-24 The following maps:
- A. Tract 2332, a proposed subdivision resulting in 8 lots by Maria Porticos, located at Sevada Lane, Nipomo Mesa, reject the offer of dedication for road widening without prejudice to future acceptance; 4th District, **Approved.**
- B. CO 97-0207, a proposed subdivision resulting in 2 lots by Spence and Deborah Graff, located at Bennett Way, Templeton, reject the offer of dedication for road widening without prejudice to future acceptance; 1st District, **Approved.**

Other Items:

- B-25 Contract amendment with the University of California at Davis to provide an additional day of strategic planning training for the Adult Services staff, **Approved.**
- B-26 Employee contract (Clerk's File) with Robert Latta, M.D. to provide physician services at the County Jail and Juvenile Services Center, **Approved.**
- B-27 Agreement (Clerk's File) with the Office of Statewide Health Planning and Development Administration Division to provide \$25,000 of grant funding to improve access to outpatient care in rural areas at the Paso Robles Family Care Clinic, **Approved.**
- B-28 Submittal by the Auditor-Controller of a status report on the General Hospital loan, **Received and Filed.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

- B-29 Request by Chairman Achadjian to endorse the formation of the San Luis Obispo City and North County Regional Water Agencies Planning Group and designate Supervisor Ryan to serve as the representative for the Board of Supervisors, **Approved.**
- 2 C-1 This is the time set for hearing to consider a resolution to lease County owned real property for a community building in the Avila Beach Community Park in the community of Avila Beach.

Mr. Duane Leib: General Services Director, introduces the item and indicates they are rescinding their request to have this matter continued and are asking that the Board proceed with the bid opening; they have one sealed bid and understands that the Board members have already seen this bid.

Ms. Caryn Maddalena: Property Manager, presents the staff report; states the subject property consists of a footprint of approximately 3,600 square feet and land appurtenant of approximately 14,400 square feet; the resolution of intention that was previously approved by the Board, intends to lease the park property to a lessee for the primary purpose of constructing, managing, operating and maintaining a public education, environmentally oriented institute and community building for the general public; the proposed lease term is for forty years; all sealed proposals were received by the Department

of General Services prior to 5:00 p.m. on April 6, 2001; presents the Clerk with two sealed bids.

Clerk: opens the two bids indicating they are both from Port San Luis Marine Institute, Inc. (an original and copy).

Chairperson Achadjian: opens the floor to oral bids without response.

Mr. Neil Tardiff: speaks in support of the bid received from the Institute, indicating it is a good proposal.

Mr. Seamus Slattery: Chair for the Avila Valley Advisory Council, endorses the bid by the Institute; states this is a project that is close to their hearts and will benefit children throughout the County.

Mr. Rob Ballay: agrees with the comments by Mr. Slattery and in support of children.

Ms. Carol Kiessig: Past President of the Institute, states there are a lot of folks here today in support of this proposal and urges the Board to also support it.

Mr. Charles Yates: representing Port San Luis Marine Institute, addresses what this will provide to school age children in the County; indicates they have the support of many groups and highlights several of the groups; speaks to the grants they have applied for and timing is critical for them.

Ms. Maridel Salisbury: Avila Beach Foundation, states the entire community is in support of the proposal by the Institute and urges the Board to also support this.

Supervisor Pinard: speaks to the pride that is coming from the community; this concept has been developing for a long time and is the first thing the community said they wanted when they were redefining what Avila Beach was to be; PG&E used to run this program and no longer does so someone had to pick up the ball on this; the theme of the park was developed based on this project; this was approved as part of the Specific Plan and has also been through the Coastal Commission.

A motion by Supervisor Pinard, seconded by Supervisor Ryan to tentatively approve the bid by the Port San Luis Marine Institute and direct staff to use this bid as the template for the lease, is discussed.

Supervisor Ovitt: asks for a friendly amendment to the motion to have the Chairperson notify Fish and Game that this project is going forward.

The motion maker and second agree to add Supervisor Ovitt's friendly amendment to the motion and also adds that this item be continued to the May 15, 2001 Consent Agenda.

Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Ryan and unanimously carried, the Board tentatively approves the bid by Port San Luis Marine Institute, directs staff to use this bid as the template for the lease, directs the Chairperson to send a letter to the Department of Fish & Game notifying them that this project is moving forward and continues this item to the May 15, 2001 Consent Agenda for final approval of the lease and adopting resolution.

Ms. Peggy Cox: Mobilehome Rent Review Board (MRRB) Staff Accountant, presents the staff report outlining the hearings held by the MRRB and the findings and decision they made.

Mr. Jim Buttery: attorney representing the Park Owner and Applicant, addresses the options before the Board today and indicates he will try to convince the Board to have a new hearing on this issue; speaks to their requested increase of \$50.33 and how this would impact current rents; states their principal objection deals with the capital investments/improvement items; speaks to the highway expansion improvements, indicating these were not required by the Planning Commission at the time of their approval of the development plan but were added by the Board of Supervisors at the request of the neighbors; addresses Title 25 and its requirements with respect to future improvements in any park; requests that the Board hold a new hearing on this hardship application.

Board Members: address various issues, comments and concerns regarding: whether any highway improvements would have been required of the owner prior to the park expansion approval; whether there were any requirements/mandates by any agency to upgrade the sewer system prior to the approved expansion; requirements for the new portion of the park versus the existing park; whether upgrading the sewer system would have been required without the expansion approval; questions regarding the drainage system.

Mr. Buttery: responds to questions indicating there were no highway expansion requirements prior to the final approval of the park expansion; with respect to the sewer system there were clean up orders and notices of violation but expansion would not have been required; addresses drainage problems downhill from this property.

Mr. John Belsher: attorney representing the Park Tenants, states they accept the decision of the MRRB even though most of the tenants can't afford any type of an increase; speaks to the hearings held by the MRRB and their decision; if this goes to a full hearing before the Board one of things they will want to see is the full income to the owners from both the old and new portions of the Park; states the original environmental determination showed no significant impacts for the Park; presents an overhead of the map that was originally submitted by John Wallace & Associates that outlines where all the improvements were to be and none of them were in the existing park; presents a letter from the California Regional Water Quality Control Board (RWQCB) addressing the wastewater treatment and disposal facility being regulated by the RWQCB and these requirements make a distinction between the existing and expansion areas of the Park; states without the expansion there would have been some upgrading of the sewer system required but there would not have been a new system; outlines what they will bring up if this goes to a full hearing before the Board.

Chairperson Achadjian: questions whether there were any flooding problems in this area in prior years and if the \$4.55 is based on the 25% the MRRB found for the sewer, with Mr. Belsher responding.

Mr. Buttery: states the road improvements in the area were required by the Board of Supervisors at the request of the neighbors; speaks to the new information presented by Mr. Belsher today and indicates he has not seen the letter from the RWQCB; requests that the Board hold a full hearing on this issue.

A motion by Supervisor Bianchi, seconded by Chairperson Achadjian to ratify and adopt the decision and findings of the Mobilehome Rent Review Board, is discussed.

Chairperson Achadjian: indicates he doesn't feel the Board heard anything new that would indicate the need to hold another full hearing on this issue.

Supervisor Ryan: questions the percentages found by the MRRB with respect to sewer, road and drainage improvements; states the existing park did receive a benefit from the sewer improvements but these were not “ordered” by any governmental agency.

Supervisor Ovitt: addresses the issue and feels the drainage and sewer improvements were due to the new project and he believes the cost for those improvements should be borne by the new section.

Thereafter, on motion of Supervisor Bianchi, seconded by Chairperson Achadjian and unanimously carried, the Board ratifies and adopts the decision and findings of the Mobilehome Rent Review Board.

4

C-3 This is the time set for continued hearing (continued from March 6, 2001) to consider an appeal by Albert Schoenfield/John Wallace and Associates of the Planning Director's decision to approve one certificate of compliance for property located at 2731 Pecho Valley Road in the community of Los Osos; 2nd District.

Ms. Pat Beck: Planning, introduces the item; outlines what has occurred on the property to date.

Mr. Larry Kelly: Planning, responds to questions regarding the Patent line.

Supervisor Ryan: questions whether the Patent line was ever used to establish a parcel line, with Mr. Kelly indicating it has not been used that way.

Mr. John Wallace: John Wallace & Associates, presents a letter dated April 10, 2001 for the record and apologizes for its lateness, indicating they did not receive the staff report until last Thursday and outlines the same; presents an overhead of the Patent line; speaks to the map on page C-3-13 of the staff report that shows six parcels, indicating this would be violation of the Subdivision Map Act and never occurred; addresses the map titled “Figure 1” in his letter that shows a 3.3 acre site and a 1 acre site; states they are convinced that two legal Certificates of Compliance can be issued; states the applicant wishes to clear up his estate as he is 88 years old; feels the Board can issue two straight Certificates of Compliance.

A motion by Supervisor Bianchi to deny the appeal and uphold the Planning Director's approval of Certificate of Compliance C00-0166 as one Certificate, is discussed.

Supervisor Pinard: addresses her concerns about supporting the staff recommendation; feels this proposal is consistent with the area.

Ms. Beck: responds addressing the various conveyances that were discussed for the property.

Mr. James Lindholm: County Counsel, states that if the Patent line is recognized now it needs to be recognized back in 1949.

Ms. Beck: states this was one parcel until the applicant's conveyance last year and if the Board agrees this is what occurred then there should be two Conditional Certificates of Compliance and what staff would look at.

Mr. Jim Orton: Deputy County Counsel, states that a new residence in the Coastal Zone would require a Minor Use Permit but could not look at the issues relating to a previously approved Certificate of Compliance.

Supervisor Ryan: questions why they would have to be Conditional Certificates, with Mr. Kelly responding.

Said motion by Supervisor Bianchi dies for lack of a second.

A motion by Supervisor Bianchi to uphold the appeal and approve two Conditional Certificates of Compliance, dies for lack of a second.

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

AYES: Supervisors Ryan, Ovitt, Pinard, Chairperson Achadjian

NOES: Supervisor Bianchi

ABSENT: None

the Board tentatively upholds the appeal and approves two Unconditional Certificates of Compliance and directs staff to return this afternoon with the resolution finalizing this action.

5 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) *Bennett v. County.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (2) *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. **(3) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.***

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

Thereafter, the Board goes into Open Public Session.

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

Mr. Edward Diable: states that in 1968 he fought in a war he didn't believe in and is glad to be here today; speaks to the need for an inpatient detox center in the County; states he works for a hotline where he recently received three calls from residents of the County looking for an inpatient facility; suggests that getting sober by yourself is impossible; states he is willing to help in developing this type of facility in the County.

Ms. Linda Hall: addresses the issue discussed last week by the Board regarding Redevelopment and her viewpoints on the same.

Mr. Chris Helenius: President of the Avila Beach Community Services District (CSD) and a citizen of Avila Beach, introduces the other folks with him and states they are here today to recognize Supervisor Pinard for her tireless efforts with respect to Avila Beach; the CSD adopted Resolution No. 2001-5 commending Supervisor Pinard for her service to the Avila Beach Community Services District; presents copies of the resolution to each Supervisor; states without her involvement this would have been a long struggle for the community.

Mr. Jim Allen: CSD Director, thanks Supervisor Pinard for all her work and with helping to set up a foundation; states Avila Beach is now gorgeous and invites the Board members to come down for a visit.

Supervisor Pinard: thanks them for the "great honor" but tells the community not to sell themselves short; states she helped organize the community but didn't do it alone.

Ms. Peggy Wilson: speaks to the canoeing group she is involved with that canoes at Avila Beach and thanks Supervisor Pinard for all her assistance with the same.

Mr. David Edge: County Administrative Officer, addresses the Chapter 11 filing by PG&E as it relates to payment of property taxes owed to the County; indicates they paid \$6.6 million of the \$13 million owed and because of this payment there will not be any local impacts this fiscal year.

Ms. Wilson: presents a copy, to each Supervisor, of a booklet entitled “Redevelopment: The Unknown Government”; states there are many reasons to oppose redevelopment and asks the Board to not go any further with this idea and if the Board does choose to go forward with this they are working on a petition to put this matter on the ballot for the voters to decide. **No action taken.**

7

C-3 Appeal by Albert Schoenfield/John Wallace and Associates of the Planning Director's decision to approve one certificate of compliance for property located at 2731 Pecho Valley Road in the community of Los Osos; 2nd District, is brought back on for hearing.

Ms. Pat Beck: Planning, presents the resolution that will adopt the action taken by the Board this morning.

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

AYES: Supervisors **Bianchi, Ovitt, Pinard, Ryan, Chairperson Achadjian**

NOES: None

ABSENT: None

RESOLUTION NO. 2001-148, resolution upholding the Appeal and reversing the decision of the Director of Planning and Building and approving the issuance of two (2) Unconditional Certificates of Compliance pursuant to the application of Albert Schoenfield for Certificate of Compliance C00-0166, adopted.

8

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) Bennett v. County.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (2) 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. (3) Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.

II. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in Closed Session to: (4) Consider Public Employee Performance Evaluation for the Position of *Department Head - Planning*.

Chairperson Achadjian: opens the floor to public comment.

Ms. Linda Hall: addresses the performance evaluation for the Planning Director and questions when the Board will return from their Closed Session as she wants to be here for the Report Out.

Mr. David Edge: County Administrative Officer, states they will be back

before 5:00 p.m. and announces that the Closed Session will be in held at the Library, 3rd Floor Conference Room.

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 and the Board goes into Open Public Session.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 10, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: April 11, 2001
vms