

Tuesday, December 16, 2003

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON MICHAEL P. RYAN.

SUM

AGN

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2003-441, resolution commending Barbara Schwenoha for her 25 years of dedicated service to San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Schwenoha.

Dr. Tom Maier: Public Health, states he can't believe Ms. Schwenoha is retiring indicating he has worked with her since she came to the department; indicates she is a very caring nurse and has held the responsibility for communicable disease control for the Department.

Ms. Schwenoha: states she has been a nurse since 1969 and held eight jobs before coming to work for the County, then knew she had found the right job for herself; thanks all the staff and folks she has worked with over the years.

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

Ms. Tina Salter: reports on the success of the Senior Faire that was held in November in Atascadero; speaks to the partnership with the County Health Department to put this on; states they are already booked to hold this event again next year on November 6, 2004 at the Atascadero Pavilion.

Chairperson Ryan: states he attended this Faire and commends Ms. Salter for all her work to make this event a success.

Mr. Eric Greening: states he is glad to see the Final EIR is out for public review on the Lake Nacimiento Project; has concerns that there isn't enough time for the public to review before this is scheduled for hearing in January with the Board; concerns about the loss of the Vehicle License Registration fees to counties and no backfill for this loss; addresses Judy Smith of the Administration Office retiring and wishes her well. **No action taken.**

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

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

NOES: None

ABSENT: None

the Board approves the presentation of employee service recognition awards.

Mr. Richard Greek: Personnel Director, introduces and presents the employees receiving their 20 year pins: Mr. Gere Sibbach - County Auditor-Controller, Mr. Thomas Ellsworth - Information Technology and Mr. Michael Wasley - Sheriff-Coroner (not present.).

25-Year Employee Recognition Awards, are presented.

Dr. Greg Thomas: Public Health Director, introduces Dr. Tom Maier and highlights his duties over the years, including his work on bioterrorism and as a Covey instructor; presents Dr. Maier with his clock.

Dr. Maier: thanks the Board for the recognition; states he has enjoyed his 25 years with the County and that it's the remarkable folks you get to work with that make this job great.

Ms. Marta Johnson - Social Services, who is to receive her 25-year award is absent.

30-Year Employee Recognition Awards, are presented.

Mr. Gere Sibbach: County Auditor-Controller, introduces Mr. Bill Estrada and highlights the changes in his duties over the years, indicating he is now the Assistant Auditor-Controller; presents Mr. Estrada with his watch.

Mr. Estrada: states he is a fifth generation Californian and his great-grandfather was one of the County's first Supervisors; speaks to the changes he has seen over the years and that the one thing that has not changed is the hard-working County employees; states he has worked with a lot of great folks; thanks the Board for the recognition.

Sheriff Pat Hedges: introduces Mr. Rich Powell indicating he started his career with the Sheriff's Department as a Correctional Officer in 1973 and in 1974 became a Deputy; in 1989 he became the first certified D.A.R.E. Instructor in the County; in 1999 he added to his duties the School Resource Officer; addresses his accomplishments over the years with the students/youth of the County; presents Mr. Powell with his watch.

Mr. Powell: states he agrees with the comments by Mr. Estrada in that he has also worked with extraordinary folks over the years; speaks to how much he has enjoyed working with the kids in the County over the years; comments on the D.A.R.E. program; thanks the Board for the recognition.

Supervisor Pinard: comments on the work by Mr. Powell and how the kids "flock" around him when he is at a school; addresses how important he is to these kids and how much he cares about what he does.

Supervisor Ovitt: introduces Mr. Frank Freitas, County Tax Collector-Treasurer and outlines his employment with the County before and after being elected to his current position; presents him with his watch.

Mr. Freitas: thanks his wife for her support; his staff for all their work and especially Ms. Donna Morris, Assistant Tax Collector-Treasurer, stating that she is really the person running the office and that he just takes the credit for it.

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

Mr. Eric Greening: speaks to Item B-13 and in support of this contract and wants to see a thorough environmental review done on the Coastal Trail project; comments on Item B-23 regarding the Kit Fox habitat. **No action taken.**

- B-1 Consent Agenda Item B-11 is withdrawn for separate action. Item B-26 is amended to thru correct the coversheet to approve **10** resolutions and land conservation contracts with (A)
- B-34 William & Patricia Dellar, (B) Tim Winsor/Wajona, Inc., (C) Merrill Properties, LLC, (D) Carrasco Properties, LP, (E) Carrasco Properties, LP, (F) Old Creek Ranch, PTP, LP, (G) Robin Pendleton, (H) Craig Stoller and (J) Richard & Patricia Woodland. Item B-29 is amended to withdraw the appointment of Ann Balasuriya.

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

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

NOES: None

ABSENT: None

ABSTAINING: Supervisor Bianchi - Item B-26-B - Tim Winsor/Wajona Inc.

Consent Agenda Items B-1 through B-34 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-34, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Auditor-Controller Items:

- B-1 **RESOLUTION NO. 2003-442**, commending William Freedman upon his retirement after 27 years of County service, **Adopted.**
- B-2 CPI (interim) rate adjustment of 1.24% for the garbage hauling services provided by MidState Solid Waste & Recycling Company, Paso Robles Country Disposal and San Miguel Garbage Company, **Approved.**

Behavioral Health Items:

- B-3 Contract (Clerk's File) with Katherine Klenner, CPA, to provide financial consulting services for Mental Health programs, **Approved.**
- B-4 Contract (Clerk's File) with Joseph Stevens, M.D. to provide psychiatric services for Mental Health clients, **Approved.**
- B-5 Contract (Clerk's File) with Davis Guest Home, Inc., to provide board and care to Mental Health clients, **Approved.**

Board of Supervisors Items:

- B-6 Request by Supervisor Shirley Bianchi to appoint Jay Adams as an at-large representative to the Children's Services Network Council, **Approved.**
- B-7 Request by Supervisor Pinard to appoint Olga Harway as a District Three Representative to the Citizen's Transportation Advisory Committee, **Approved.**
- B-8 Request by Supervisor Achadjian to appoint William Tappan as a District Four Representative to the Civil Service Commission, **Approved.**
- B-9 Request by Board Members to allocate \$4,250 from District Visitors Services Grant Funds (District Three - \$3,000, District Four - \$1,000, District Five - \$250) to the San Luis Obispo Vintners and Growers Association to redesign and reprint the advertising brochure promoting Edna and Arroyo Grande Valleys, **Approved.**

General Services Items:

- B-10 Amended contract with Vanir Construction Management, Inc., in the amount of \$256,000 for continued construction management services for the New County Government Center, **Approved.**
- B-11 Request to approve an agreement with the State Department of Corrections for use of a County owned well located at the County Operations Center, **Withdrawn for separate action.**
- B-12 Amended agreement with the Courthouse Café Food Services extending the agreement three years, **Approved.**
- B-13 1) A budget adjustment in the amount of \$33,000 from unanticipated revenue to the Coastal Trail Project (P5180); and 2) a contract with Sara Kocher to complete the County's Coastal Trail project plan, **Approved.**
- B-14 1) A budget adjustment in the amount of \$33,000 from unanticipated revenue to the Oceano Parks and Trail Assessment Project (P5181); and 2) a contract with Firma to complete the Oceano Parks and Trail Assessment Project, **Approved.**
- B-15 **RESOLUTION NO. 2003-443**, authorizing execution of a notice of completion and acceptance for the Phase 2 replacement of cell door operators at the Main Jail, **Adopted.**
- B-16 **RESOLUTION NO. 2003-444**, accepting transfer of real property to the County of San Luis Obispo, located in the unincorporated area of Santa Margarita, **Adopted.**

Planning and Building Items:

- B-17 Submittal of the proposed mitigated negative declaration for the Elfin Forest Natural Area Boardwalk Extensions (ED02-303); 2nd District, **Approved.**
- B-18 Submittal of the proposed mitigated negative declaration for the Morro Bay Golf Course Master Plan (ED02-302); 2nd District, **Approved.**
- B-19 Amended contract with The Morro Group, Inc., extending the term of the contract to December 31, 2004; All Districts, **Approved.**
- B-20 Amended contract with Douglas Wood and Associated, Inc., extending the term of the contract to December 31, 2004; All Districts, **Approved.**
- B-21 Agreement (Clerk's File) with the Morro Group Inc., to prepare an environmental impact report for the Devencenzo LCP amendment and Coastal Development Permit/Development Plan; 3rd District, **Approved.**
- B-22 **RESOLUTION NO. 2003-445**, commending Carolyn Le Duc upon her retirement from the Planning and Building Department, **Adopted.**
- B-23 **RESOLUTION NO. 2003-446**, approving a grant application from the State Environmental Enhancement and Mitigation Program for the GIS Mapping for Mitigation, enhancement and conservation of the San Joaquin Kit Fox Habitat in San Luis Obispo County; 1st and 5th Districts, **Adopted.**
- B-24 **RESOLUTION NO. 2003-447**, approving the Jobs Housing Balance Incentive Grant Program contract (Clerk's File); 4th District, **Adopted.**
- B-25 **RESOLUTION NO. 2003-448**, approving an agreement establishing restriction and obligations for real property for lot line adjustment COAL 01-0422 with Mid-State Properties, for property located at Monte Road, approximately four miles south of the City of San Luis Obispo; 3rd District, **Adopted.**
- B-26 Submittal of 11 resolutions approving land conservation contracts, amendments to contracts and farmland security zone contracts (Clerk's File) pursuant to the California Land Conservation Act of 1965; 1st, 2nd and 5th Districts, **is amended with the following resolutions being adopted: RESOLUTION NOS. 2003-449, William & Patricia Dellar (File No. A020007A), 2003-450, Tim Winsor/Wajona, Inc. (File**

No. A020009A), 2003-451, Merrill Properties, LLC (File No A020015A), 2003-452, Carrasco Properties, LP (File No. A030008A), 2003-453, Carrasco Properties, LP (File No. A020013A), 2003-454 & 2003-455, Old Creek Ranch PTP, LP (File No. A030007A), 2003-456, Robin Pendleton (File No. A020012A), 2003-457, Craig Stoller (File No. A020014A), and 2003-458, Richard J. & Patricia D. Woodland (File No. A010017A), **Adopted.**

Public Works Items:

- B-27 Agreement (Clerk's File) with Wood Rodgers Consulting Engineers to provide engineering services required to prepare a project report, environmental documents and plans, specifications and estimates for the Halcyon Road widening and climbing lane improvements; 4th District, **Approved.**
- B-28 The following maps have been received and have satisfied all conditions of approval that were established in the public hearings on their tentative maps, and:
- A. COAL 01-0488, a proposed lot line adjustment of 2 lots, by Irving Family Trust, north of Chimney Rock Road, Paso Robles; 1st District, **Approved.**
 - B. CO 00-0322, a proposed subdivision resulting in 2 lots, by Salvini Living Trust, Lewis Lane, south of San Luis Obispo, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2003-459**, to accept an avigation easement; 3rd District, **Adopted.**
 - C. CO 01-0509, a proposed subdivision resulting in 3 lots, by Mello Family Trust, Mello Lane, south of San Luis Obispo, **Approved** and **RESOLUTION NO. 2003-460**, to accept an avigation easement; 3rd District, **Adopted.**

Other Items:

- B-29 Request by Social Services to approve appointments to the Child Care Planning Council membership and certify the full membership, **Approved as amended.**
- B-30 Amended contract with Blue Cross of California authorizing a 5% increase for employee assistance services and formally recognizing a corporate name change, **Approved.**
- B-31 Renewal agreement with Allan Hancock Joint Community College District to provide fire technology instruction, **Approved.**
- B-32 **RESOLUTION NO. 2003-461**, amending the position allocation list and salary for Budget Unit 2730 - Agricultural Commissioner, deleting one Deputy Agricultural Commissioner position and adding one Agricultural Resource Specialist position, **Adopted.**
- B-33 **RESOLUTION NO. 2003-462**, by the Information Technology Department amending the position allocation list and salary, **Adopted.**
- B-34 **RESOLUTION NO. 2003-463**, amending the position allocation list and salary for Budget Unit 3000 - Public Health Department, adding one limited term Administrative Services Officer I to provide staffing for the Children and Families Commission and approve a budget adjustment in the amount of \$64,000 from unanticipated revenue, **Adopted.**
- 6 B-11 Request to approve an agreement with the State Department of Corrections for use of a County owned well located at the County Operations Center, is presented.

During discussions on the Consent Agenda Supervisor Pinard pulled this item for a separate vote; expressed her concern to the amount of water the County will get to use from this well that is on County property, versus what the State will have for use; concerns about no termination clause in the agreement; concerns regarding giving away a potential larger water source for the County.

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

AYES: Supervisors Ovitt, Bianchi, Achadjian, Chairperson Ryan
NOES: Supervisor Pinard
ABSENT: None

the Board approves the Joint Powers Agreement between the State of California, Department of Corrections for the California Men's Colony (CMC), the Military Department for Camp San Luis Obispo and the County of San Luis Obispo for use of a County owned well.

7 C-1 This is the time set for hearing to consider formation of Mission Heights Assessment District for drainage basin maintenance, located on Mission Street, San Miguel; 1st District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

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

AYES: Supervisors Ovitt, Bianchi, Pinard, Achadjian, Chairperson Ryan
NOES: None
ABSENT: None

the Board conducted a public hearing to consider objections or protests to the formation of an Assessment District for Mission Heights for the purpose of a drainage basin maintenance; receives and files the updated Engineer's Report for COAL 90-058 (Mission Heights) Assessment District; closes the public hearing; and directs the Clerk to tabulate the ballots and prepare a Certificate of Election and report back to the Board on January 6, 2004 for final action.

8 C-2 This is the time set for hearing to consider a resolution imposing revised road impact fees for the community of Avila Beach; 3rd District.

Ms. Rosemarie Gaglione: Public Works, presents the staff report; outlines the Avila Road Fee Area; the account balance; states there were no appeals filed this past year; highlights the current projects in this area; gives an overview as to how the annual updates are calculated; presents the staff recommendation.

Mr. Bob Blair: speaks to the fees for the Avila area and his concern to the discrepancies between these fees and those charged in the Nipomo area.

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

AYES: Supervisors Pinard, Bianchi, Ovitt, Achadjian, Chairperson Ryan
NOES: None
ABSENT: None

RESOLUTION NO. 2003-464, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the South County and San Luis Bay Planning Area of the County of San Luis Obispo and adopting the required Annual Update, adopted.

9 C-3 This is the time set for hearing to consider an appeal by Jim Marrocco of the Planning Department Hearing Officer's decision to approve a minor use/coastal development

permit (D020261P) for the County of San Luis Obispo, Department of General Services, to allow a view deck on abandoned Bay Street, Los Osos; 2nd District.

Ms. Kerry O'Neill: Planning, presents the staff report, providing a site map and photographs of the area; addresses the issues of the appeal and staff's response to the same; staff recommendation is to deny the appeal.

Supervisor Achadjian: questions the current site and whether this deck will allow people to see into the neighbors' windows, with staff responding.

Mr. Jim Marrocco: Appellant, addresses the issue of preserving the coastal habitat; comments on the Tentative Notice of Action they received in October regarding the development of this parcel and the concern this raised as no one received notification from either the County or the Los Osos Citizens Advisory Council (LOCAC); addresses their appeal to the Planning Department where they addressed their concerns to the size of the deck which overlaps onto the County road right-of-way; states they would like to work with County Parks to generate a cohesive plan consistent with the California Coastal Act to restore and develop all the public sites along Pasadena Drive; states LOCAC's approval does not speak for the residents of the area; asks that the Board either uphold their appeal or delay their decision until the neighbors have had a chance to work with County Parks.

Ms. Jan DiLeo: County Parks, presents a photograph of the site and outlines where the deck will be located; comments on the Quiet Title action that gave this property to the County for a public viewing area; LOCAC originally approved this back in June; it went back to LOCAC in October where several concerns were raised and based on those concerns Parks revised the deck; states she met with the Appellants on December 8th and proposed another reduction in the deck size and lowering the railings; on December 11th staff went back to LOCAC with this revised design; addresses her concerns to the proposal by Mr. Marrocco for the deck.

Board Members: address various issues, comments and concerns regarding: where folks who want to use this deck will park their cars; the size of the deck and its distance to the pavement and the Bay; alternatives to a wood railing, with Ms. DiLeo responding.

Mr. Richard Grabowski: addresses his concern about development on the peninsula as a whole; believes the size of this project is too large and needs to be scaled down or eliminated.

Mr. John Ralph: states he owns the property next door to this site; this deck will look right into his home; comments on what occurred during the Quiet Title action in order to keep this property from being developed; doesn't believe the decking needs to be as wide as the property and there should be more discussion before anything is approved.

Ms. DiLeo: gives her closing comments; states there are two other decks in the area and they are at least 18 feet wide; states the adjoining property owners got a lot of property out of the Quiet Title action; presents drawings of the revised design for the deck.

Mr. Marrocco: gives his closing comments; states the only meeting they have had with staff occurred last Monday; outlines the discussions from that meeting.

Supervisor Bianchi: addresses the issue and commends Parks staff for coming up with an alternative, but believes there should be more discussions between the neighbors and Parks and would like this continued to allow time for this to be worked out by everyone.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board continues this hearing to January 27, 2004 at 9:00 a.m. to allow County staff and the neighbors to work on resolving all the concerns that have been raised.

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 PG&E Bankruptcy*, (2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel*, (4) *Charles v. County of San Luis Obispo*, (5) *Borsotti v. County of San Luis Obispo*, (6) *Kubiak v. County of San Luis Obispo*, (7) *American Serengeti v. County of San Luis Obispo* and, (8) *Lum v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (9) *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. (10) *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: (11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's Association*.

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

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code § 54956.8) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (12) Property Description: *Lopez Lake Marina Concessionaire*, Parties with whom negotiating: *Jerry Weatherly*, Instruction to Negotiator will concern: *Price, Terms and Conditions*.

Chairperson Ryan: 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.

11 C-4 This is the time set for hearing to consider the annual review of the Public Facilities Fees Program for 2002/03 fiscal year, the five-year review of the program and a proposed increase in the amount of fees to reflect a 2.6% increase based on the Consumer Price Index; All Districts.

Ms. Pat Beck: Assistant Director for Planning and Building, presents the staff report indicating there are three sections to this report: (1) the Annual Report; (2) the Five Year Review of the Program; and, (3) consideration of an increase in the amount of the fees to reflect a 2.6% increase based on the Consumer Price Index (CPI); addresses expenditures for 2002-03; outlines, from 1997-2002, the Cost Estimate for projects; comments on the requested increase based on the CPI; addresses the need for a comprehensive review of the basic study and review of three proposals they have received and their expectation of having a contract before the Board in January, with the results from this review coming to the Board in the Summer of 2004.

Chairperson Ryan: addresses Table A on page C-4-7 of the staff report and his concern regarding the number of Commercial/Office and Commercial/Industrial construction permits in the El Pomar-Estrella area, with Ms. Beck responding.

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

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

NOES: None

ABSENT: None

the Board approves the 2002-03 Annual Report for the Public Facilities Fees Program as shown in Attachment 1 of the staff report dated December 16, 2003 and the Five Year Review of the Program as shown in Attachment 2 of the same staff report; and, RESOLUTION NO. 2003-465, resolution of the Board of Supervisors of the County of San Luis Obispo amending Public Facilities Fees and adopting amendments to the “San Luis Obispo County Public Facilities Financing Plan for Unincorporated Area Facilities,” adopted.

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C-5 This is the time set for hearing to consider the Housing Element Update (G030006Z)(Clerk’s File); All Districts.

Mr. Dana Lilley: Planning, presents the staff report; comments on public involvement/input, since 2000, with the preparation of this document; outlines the requirements of the Housing Element; the Regional Housing Needs Plan (RHNP) and what is required for the unincorporated areas of the County; highlights the number of housing units that have been built between 2001 and 2003 for each of the affordable housing levels; addresses sites for low, very low income housing and moderate income housing; highlights the differences in affordable housing based on the three income groups; comments on how housing has become less affordable; outlines why the County should facilitate more affordable housing; addresses the Housing Element’s overall goal, the two objectives and the programs associated with these objectives; comments on the letter from the Nipomo Community Services District (NCSO) that states they don’t believe a Negative Declaration is appropriate for the Element and why.

Supervisor Achadjian: addresses the Negative Declaration and questions when an EIR is required, with Mr. Lilley responding that an EIR could be required when there is a specific project.

Mr. Michael Winn: President of the NCSO, states there is a need for housing for all income levels; addresses his concern to the impacted aquifer and this being the single source for the Nipomo area; states they only have enough water to service what is currently there; believes this problem is enough to require an EIR without there being a specific project.

Mr. Eric Greening: believes that removing the issue of “New Towns” from the Element will remove the need for an EIR at this time; suggests this section be removed and then the Element can be approved.

Mr. Jon Seitz: Counsel for the NCSO, states there is no need to approve this today as the current Element will meet the State’s requirements; addresses why this Element shouldn’t be approved without an EIR; requests that the Board (1) Adopt the current Element without the proposed amendments; (2) Identify the specific sites for housing in the unincorporated areas of the County and do an analysis of water and sewer on these specific sites; and, (3) direct that an Expanded Initial Study (EIS) be completed on the impacts to water and sewer services.

Ms. Marguerite Bader: President of the League of Women Voters, addresses the percentage of folks in the County who live at the low income level; these folks will not be able to purchase a home; suggests that while the income levels can’t be changed the barriers that keep folks from purchasing a home can be removed.

Dr. Rick Snoddy: Chairperson for the Economic Advisory Committee (EAC), believes this Element is a living, breathing document and will continue to evolve; asks that the Board endorse this Plan as recommended in the EAC letter that was previously sent to the Board.

Mr. John Brantingham: states he is a member of both the EAC and the Nipomo Community Advisory Council (NCAC); as an NCAC member he speaks to their backing of the Element and their concerns regarding traffic and infrastructure issues in the South County Area; as an EAC member speaks to their support and his personal support of the Element.

Mr. Jerry Bunin: Government Affairs Director for the Homebuilders Association, states this is an excellent document and his association is happy to continue working with staff to achieve the goals of the document which includes exclusionary housing although they believe this is a very inefficient and ineffective way to provide affordable housing; addresses their concern to minimum densities and explains.

Mr. Bob Blair: states he is an NCSA member but is speaking as an individual; presents several articles from newspapers; addresses the need for affordable housing and secondary units.

Board Members: address various issues, comments and concerns regarding: issues that were raised at SLOCOG on this; the issue of secondary housing will be before the Board in the near future; density issues; concerns that building will occur in areas where there aren't any jobs; involvement by the schools on the impacts to them; water concerns and whether that should be reviewed now versus when there is an actual project.

Supervisor Pinard: addresses her concern to the need for workforce housing and doesn't believe this document reflects this need; concerns that the only housing needs that have been filled are those folks who have the high-end income; comments on page 3-1 of the Housing Element, Table 3.1 - Unincorporated County Share of Housing Needs which shows that 61% of the Above Moderate Income Category have been met and her concerns to this percentage over that for the Very Low, Low and Moderate income categories.

Mr. Tim McNulty: Deputy County Counsel, responds to the CEQA requirements for this document and indicates that a specific project would have more detailed CEQA requirements.

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

AYES: Supervisors Chairperson Ryan, Ovitt, Bianchi, Achadjian
NOES: Supervisor Pinard
ABSENT: None

RESOLUTION NO. 2003-466, resolution amending the Housing Element of the San Luis Obispo County General Plan and approving Environmental Documents, adopted.

D-1 This is the time set for consideration of a request by the San Luis Obispo County Housing Trust Fund for \$850,000 to qualify for a grant from the California Local Housing Trust Fund Matching Grant Program; All Districts.

Mr. Dana Lilley: Planning, presents a letter from the Housing Trust Fund withdrawing their request for funding.

Mr. Gerald Rioux: Executive Director for the San Luis Obispo County Housing Trust Fund, thanks the Board for all their support over the years and explains why they withdrawing their request.

Mr. Eric Greening: questions the loss of the Vehicle License Registration monies from the State and his concern to piecemeal changes like this one to respond to that loss of funding.

Mr. George Morlan: San Luis Obispo Housing Authority Director, thanks the Board for all their past support and speaks to the need to resolve the housing problems in the future.

Mr. Lee Ferraro: Private Industry Council Executive Officer, thanks the Board for their support and states they will be looking for ways to assist the County in the future. **No action taken.**

14 E-1 This is the time set to consider a request to: 1) create a new capital project to replace the aging utility infrastructure and to convert from institutional occupancy to office space occupancy at the former General Hospital complex in San Luis Obispo; and 2) approve budget adjustments in the amount of \$4,400,000 from various reserves to fund the work.

Mr. Dan Buckshi: Administrative Office, presents the staff report giving a brief background on the hospital building; addresses the options that were evaluated for the building and the space that is available; comments on County departments that are currently leasing sites in the City of San Luis Obispo, indicating that some of these could move into the hospital building and eliminate the need to pay for space elsewhere; addresses requests they have received from not-for-profit groups that would like to use the facility; summarizes the options that staff has reviewed; states the \$4.4 million would include: changes to the infrastructure from “institutional” to “business” or “B” and the cost associated with this; states the money would come from Reserves that are set up for this type of use; comments on the possible sale of a parcel of land behind the hospital that has a \$1+ million value and if sold that money would go back into these Reserves.

Chairperson Ryan: questions the current rentals by County departments, with Ms. Caryn Maddalena, Property Manager, responding.

Chairperson Ryan: questions whether any of the money in Reserves is for the new Government Center.

Mr. David Edge: County Administrative Officer, responds that the new Government Center is paid for and not out of these Reserves.

Supervisor Achadjian: questions the Air Pollution Control District’s request for use of this building, with Mr. Buckshi responding.

Supervisor Achadjian: questions whether the Annex building is part of this upgrade.

Ms. Gail Wilcox: Assistant County Administrative Officer, states the Annex is not included in this request.

Supervisor Pinard: feels moving these departments into the hospital building could be done without the improvements and the Reserves would not be needed.

Mr. Edge: responds that there are some areas of the hospital that are currently “office space” and could be moved into now but other areas have code required changes that would have to occur before they could be used.

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

AYES: Supervisors Achadjian, Bianchi, Ovitt, Chairperson Ryan
NOES: Supervisor Pinard
ABSENT: None

the Board creates a Capital Project entitled San Luis Obispo-Install Health Campus Infrastructure Improvements, P5743; approves the following Budget Adjustments: \$1,100,000 from General Fund (0001) - Equipment Replacement Reserve; \$2,000,000 from General Government

Building Replacement - Fund 0024; and, \$1,300,000 from Facilities Planning Reserve - Fund 003; directs staff to investigate the sale of a parcel of vacant land at the health campus in order to help offset the project costs as outlined on the map in the staff report dated December 16, 2003; and, directs staff to prepare a report outlining the costs and time frame for relocating as many County related health services as possible into the remaining vacant space.

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, December 16, 2003, 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: December 18, 2003/vms