

Ms. Linda McElver: presents information for the record and addresses Item B-11; states she has a lot of health problems due to pesticide poisoning and wants the County to declare this a pesticide free county and use alternatives such as bats.

Mr. Michael Kovacs: comments on Item B-2 and the audit that was done, expressing his concern to the same; Item B-3 has concerns about adding another position to this department and the cost of the same; Item B-11 commends the Board for not approving a Vector Control District.

Ms. Pam Heatherington: addresses Item B-11 and was glad to hear that the Vector District will not be going forward.

Mr. Gere Sibbach: Auditor-Controller, addresses comments on Item B-3 and explains the procedure they have in place for audits. **No action taken.**

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- B-1 Consent Agenda Item B-3 is amended to correct the cover sheet to read "(RECOMMEND thru APPROVAL AND INSTRUCT THE COUNTY ADMINISTRATOR TO SIGN)." Item B-5 is amended
- B-20 to correct the transmittal page to show the last name of the person leaving is Buttery not Butterfield. Items B-19 and B-20 are added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-20, 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. 2005-40**, amending Board resolution 92-514 allowing special districts to request five-year audits if their annual budget does not exceed \$20,000; and request to conduct five-year audits for Creston Hills Ranch Community Services District, **Adopted.**
- B-2 Submittal of a cash procedures review of the County Treasurer's Office conducted on December 15, 2004, **Received and Filed.**

Board of Supervisors Items:

- B-3 Employment agreement with Jess Montoya to carry out the duties of the Health Agency Director, **Approved as amended.**
- B-4 Request by Supervisor Bianchi to appoint Robert Davis as a District Two representative to the Bicycle Advisory Committee, **Approved.**
- B-5 Request by Supervisor Bianchi to appoint Kathryn M. Eppright to the Private Industry Council Workforce Investment Board, **Approved as amended.**
- B-6 Request by Supervisor Patterson to appoint Jay Salter as a District Five Representative to the Civil Service Commission, **Approved.**

General Services Items:

- B-7 **RESOLUTION NO. 2005-41**, accepting donation of funds from the Friends of the Cambria Library, **Adopted.**
- B-8 **RESOLUTION NO. 2005-42**, authorizing acceptance of a Caltrans Grant for matching funds for a project to update the Oceano Airport's Master Plan and authorize the General Services Director to sign documents required to apply for and accept these subject funds on behalf of the County, **Adopted.**
- B-9 Budget adjustment in the amount of \$1,513,000 from Interest Revenue Fund/Capital Projects and Facilities Planning Designation for the construction of the New County Government Center, **Approved.**

Public Health Items:

B-10 Renewal agreement (Clerk's File) with the State Department of Health Services to continue funding for the Immunization Action Plan to improve immunization services to children, adolescents and adults, **Approved**.

B-11 **RESOLUTION NO. 2005-43**, amending the position allocation list for fund center 160- Public Health, by adding three (3.0) full time limited term Environmental Health Aides and request to approve a corresponding budget adjustment in the amount of \$59,932 to fund staff and operational cost dedicated to mosquito control, **Adopted**.

Public Works Items:

B-12 Contract with Beacon Integrated Professional Resources, Inc. d.b.a. Hamner, Jewell & Associates for right-of-way acquisition and access coordination services for the Nacimiento Water Project; All Districts, **Approved**.

B-13 **RESOLUTION NO. 2005-44**, vacating a portion of Cattle Run Road in Arroyo Grande Fringe Area by summary vacation and approval of related conformity report; 4th District, **Adopted**.

B-14 **RESOLUTION NO. 2005-45**, amending the Traffic Regulation to prohibit skateboarding, roller skating and cycling on sidewalks in the Cayucos Business District; 2nd District, **Adopted**.

B-15 Increase of the final total construction amount not to exceed \$48,620, for the Lopez Valve Replacement Project to cover additional work due to differing site conditions; 3rd and 4th Districts, **Approved**.

Other Items:

B-16 Contract (Clerk's File) with Canyon Acres Children and Family Services to provide mental health services to children residing in group home care, **Approved**.

B-17 Annual agreement (Clerk's File) for cooperative fire protection services with the California Department of Forestry and Fire Protection, **Approved**.

B-18 Proposed mitigated negative declaration for the San Luis Bay Drive Bridge Replacement and signalization of the intersection at San Luis Bay Drive and Avila Beach Road Project, ED00-570 (P12A702); 3rd District, **Approved**.

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

B-19 Release and settlement agreement, emergency egress easement deed, **Approved** and **RESOLUTION NO. 2005-46**, accepting conveyance from Monterey County Water Resources Agency Oak Shores Emergency Project; 1st District, **Adopted**.

B-20 Budget adjustment from unanticipated revenue in the amount of \$24,200 to fund center 136 - Sheriff-Coroner and amend the fixed asset list to purchase a utility truck, **Approved**.

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C-1 This is the time set for hearing to consider an ordinance (Introduced February 8, 2005) amending certain sections of Chapter 2.40 of the County Code pertaining to the Civil Service System.

Mr. Richard Greek: Personnel Director, presents the staff report; outlines the changes which include: changes to expense reimbursements for the Commissioners; the appointing authority with an increased number of candidates; aligns time in service with the Enterprise Financial System; requires employees to be in a working capacity during probationary periods; provides greater employee flexibility to transfer between departments/classifications; allows the Personnel Director to suspend competition for difficult-to-fill positions; clarifies grievance and appeal time lines and processes; and, provides an additional 10% score to disabled veterans during exam rankings; recommends adoption of the ordinance.

Mr. Dean Rollins: General Manager for the San Luis Obispo County Employees Association, states that while they support many of the changes contained in this packet, they have concerns about Section 1206 - Computation for Layoff Points, regarding the previous method of adding points for evaluations when they are above satisfactory or outstanding and this is being eliminated; this elimination is causing some concern among the employees as to how evaluations are being performed and used and encourages the County

to keep evaluations objective, based on measurables, less arbitrary and consistent not only within the departments but throughout the County.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3059, ordinance amending Chapter 2.40 of the San Luis Obispo County Code concerning the Civil Service System, adopted.

- 6 C--2 This is the time set for hearing to consider submittal of a resolution amending the Urban County of San Luis Obispo Program Year 2004 Action Plan; 4th District.

Mr. Ted Bench: Planning, presents the staff report regarding the new project plan for the Family Care Network, Inc. and their recommendation.

Mr. Jim Roberts: Family Care Network, speaks to the long process they have been through to get this before the Board today; states this is an excellent find for them.

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

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

RESOLUTION NO. 2005-47, resolution approving the amendment of the Urban County of San Luis Obispo Program Year 2004 Action Plan, adopted.

- 7 C-3 This is the time set for hearing to consider a proposed ordinance (Introduced February 8, 2005) to amend the San Luis Obispo County Code by adding Chapter 7.40, Library Rules of Conduct and Exclusion Process.

Mr. Brian Reynolds: Library Director, addresses the ordinance indicating this is to formalize the informal process they currently have in place.

Supervisor Achadjian: questions the libraries and where these problems may occur, with Mr. Reynolds, responding.

Mr. Eric Greening: comments on the ordinance and the concern about language relating to body odors and how this is handled.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3060, an ordinance amending the San Luis Obispo County Code by adding Chapter 7.40, Library Rules of Conduct and Exclusion Process, adopted.

- 8 D-1 This is the time set for consideration of the request from Information Technology to approve a contract (Clerk's File) with General Networks Corporation (GNC) for the implementation of a Countywide integrated document management system and amend the Fixed Asset List to add servers and scanning hardware; and submittal of a resolution amending the position allocation list for fund center 114- Information Technology by adding one Systems Administrator.

Ms. Jeanette Pell: Information Technology Director, presents the staff report outlining the need for an Integrated Document Management (IDM) system solution to provide for a variety of technologies including records' management, electronic forms, workflow, electronic imaging, and information storage and retrieval; addresses the various departments

moving to the new government center and having representatives from each of those departments involved in the process.

Ms. Sharon Anderson: Information Technology, speaks to the site visits she, and several others from the County, took to various users of the General Networks Corporation (GNC) product.

Mr. Gere Sibbach: Auditor-Controller, speaks in favor of the proposal; speaks to the cost savings this will create for the County and that it will be a link to the new financial system.

Ms. Julie Rodewald: County Clerk-Recorder, supports the comments by Mr. Sibbach; comments on the imaging system the Recorder's division of her office put in several years ago.

Mr. Tom Bordonaro: Assessor, agrees with comments by Mr. Sibbach and Ms. Rodewald; believes this is the right fit for the County.

Mr. David Horowitz: representing GNC, states he's available to answer questions; highlights several public agencies that use their system.

Mr. Michael Kovacs: questions whether this is really needed; questions the additional cost of new staff; urges the Board to not approve this item.

Mr. David Edge: County Administrative Officer, addresses what the public can currently get off the website and what they are looking forward to adding in the future through this system.

Board Members: commend staff for all their work on this and to the overall cost savings.

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

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

the Board approves the contract with General Networks Corporation (GNC) for Software Licenses, Software Support, Services and training for the contracted amount of \$976,739; amends the Fixed Asset List by adding the purchase of a server and scanning hardware for the amount of \$117,940 and approves a budget adjustment that move the funds from Services and Supplies Accounts to the Fixed Asset Account; and, RESOLUTION NO. 2005-48, resolution amending the Position Allocation List Resolution for Fiscal Year 2004-05 (amending the Information Technology Department position allocation list to accommodate the IDM implementation by adding one Systems Administrator I-III for the amount of \$115,635), adopted.

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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 n(Gov. Code, § 54956.9(a).) (Formally initiated) (1) Deputy Sheriff's Association v. County of San Luis Obispo ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.) (9) County of San Luis Obispo v. Andre.

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. 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: (4) Negotiator's Name: Santos Arrona, Gail Wilcox, Ellen Aldridge, Name of employee organization: SLO County Probation Peace Officers Association; (5) Negotiator's Name: Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: District Attorney Investigators Association; (6) Negotiator's Name: Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: Sheriff's

Management; (7) Negotiator's Name: Santos Arrona, Gail Wilcox, Avery & Associates, Name of employee organization: Deputy Sheriff's Association.

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: (8) Property Description: 1720 Bishop Street, San Luis Obispo, Parties with whom negotiating: Vince Morici, Caryn Maddalena, Gail Wilcox, Instructions to Negotiator will concern: Lease Price, Terms and Conditions; **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (10) Property Description: A portion of APN 073-371-004, Parties with whom Negotiating: Caryn Maddalena, Instructions to Negotiator will concern: Price, terms and Conditions.

Chairperson Bianchi: opens the floor to public comment.

Mr. Michael Kovacs: questions the Deputy Sheriff's Association lawsuit and the cost to the public.

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 an appeal by Elizabeth Fadeley, on behalf of the Pozo Community Group, of the Planning Commission's decision to approve Conditional Use Permit D000359D (Jeff Nelson/Oak Creek Ranch), to allow the development of a resort with 20 guest rooms, accessory structures, employee housing and up to 5 events per year with 125 persons per event; and submittal of a resolution affirming the decision of the Planning Commission and conditionally approving the application of Jeff Nelson, Oak Creek Ranch; 5th District.

Mr. John Busselle: Planning, presents the staff report and an aerial map of the site; presents a map outlining the proposed development on the property; photographs of the existing structures on the site; states the major issues include traffic, density, noise, fire safety, alcohol sales, events, water supply and sewage disposal; addresses the conditions by the Planning Commission; responds to additional questions that were raised with respect to comparisons to a bed and breakfast versus a dude ranch; the issue of vacation rental requirements; recommends upholding the Planning Commission approval.

Board Members: address various issues, comments and concerns regarding: the General Plan amendment requirements; the number of houses that could be built under the current land use; the number of outside events; and the use of alcohol, with Mr. Busselle, responding.

Ms. Emily Combs: representing the Pozo Community Group, presents a packet of information to the Board members; outlines their concern regarding the use of the secondary road versus a new primary road for the project; addresses their concern to the condition of the current road; states they want a full EIR on this project; suggests the Negative Declaration (ND) is inadequate for the proposal before the Board; addresses property owner disputes over lot lines with neighboring property owners; urges the Board to uphold their appeal.

Mr. Jeff Nelson: Applicant, presents a packet of information for the record and highlights the same outlining their proposal; presents photographs of the site; shows a recreation map and a site map.

Ms. Maria Lorca: states she previously lived next door to this project and comments on the noise issue and indicates they heard noise from the Nelson's as this area is in a natural amphitheater; speaks to the creek that ran through her property and was stopped when the Nelson's dammed it up.

Mr. Eric Greening: addresses his concern regarding the fire response time for this area; addresses his concern to the disputes over property lines with the Applicant and his neighbors.

Ms. Desiree Newman: cites from various Land use Ordinance sections regarding compatibility issues and non-permitted structure exemptions.

Ms. Sandra Parker: addresses her concern regarding response time for emergencies.

Ms. Rhonda Rodenberger: states she shares a lot line with the Applicant and it's one of the lines that is in dispute; addresses her concerns to this if it is approved and how it

will impact her property; presents a photograph of the well site; they have an agreement with the Applicant for use of the easement and they will revoke it immediately if this approved.

Mr. Eric Dalton: speaks to the prior uses on the property for a Camp Fire girl's camp and the difference between that use and what is being proposed and his concern to the proposal.

Ms. Frances Baker: states she is a fence line neighbor; addresses her concern to fire response and water; indicates the neighbors have fought this proposal from the beginning.

Ms. Janet Meza: states her family owns 10 acres in this area and they oppose this project because of her concerns regarding water, traffic, noise and enforcement of the conditions.

Mr. Jason Nelson: son of the Applicant, states his family has owned the property for 16 years; indicates there has always been a pool on the property; speaks to the various retreat groups that have used their facility.

Ms. Dottie Nelson: Applicant, speaks to a flyer that the neighbors were circulating that said she and her family were violating the law; states this is untrue as all the uses and buildings on their property have been permitted; and, they have a business license.

Ms. Uta Birkmayer: states she is in the hospitality business and is assisting the Applicant's with what they want to do on their property; states they want to keep it rustic and quiet; urges approval of their project.

Mr. Gil Russell: states he's lived on Huer Huero since 1974; states he went out and looked at the Applicant's property and feels they are doing a good job.

Mr. Miguel Paredes: states he is a 35-year resident of the County and supports the request by the Applicant; states he has gone out there on retreats several times and its been a great experience.

Mr. Walt Rehm: speaks in support of the Applicant and states he's known the Nelson's since high school; he's spent time out here every year and this place is a retreat not a resort.

Mr. Paul Winans: states he lives in the area and believes this development is being done in excellent taste; addresses the issues he sees with respect to water, traffic and roads.

Ms. Vi Richards: state she lives in Parkhill approximately four miles from this site and states she can hear the motorcycles on the weekend which are further away and can hear noise from this site too.

Ms. Susan Knott: speaks in support of comments against this proposal; addresses her concern to the protection of her property; has concerns about fire response time, water and traffic.

Mr. Otto Schmidt: states he is a 40-year resident of the County and 24 years of that as a property owner; states he has major problems with traffic and fire response.

Mr. Joe Dillard: speaking on behalf of his wife Ashley, speaks to how winding the road is in this area; concerns about the water; and the Advisory Committee recommended against any expansion.

Mr. Patrick Fadeley: speaks to overwhelming community opposition to this project; believes approval will set a precedent.

Ms. Elizabeth Fadeley: presents minutes from three Santa Margarita Advisory Council meetings and comments regarding false issues between the Applicant and others in the community.

Mr. Ron Crawford: Parkfield resident, supports the appeal; addresses his concern to the distribution of alcohol, at no cost, from this location and believes this will lead to increased hazards on the roadway; believes this project needs a full EIR.

Mr. John Philbrick: speaks in opposition to the project; states his family started ranching/farming in this area back in the 1890's; he lives approximately 1-2 miles away from this site and has heard noise from the Applicant's property; states he has also seen evidence of people on his property from folks staying at the Applicant's property.

Mr. Jesse Guerra: ten year resident of Huer Huero, addresses his concerns regarding water and traffic and opposes this proposal.

Mr. Patrick Cobb-Adams: states he has been to the Applicant's property, it is a good locale for what they are proposing, it is well run and urges the Board to support the project.

Ms. Shevon Sullivan: states she is a 43-year resident of the County and supports the Nelson's project; speaks to the Pozo Saloon that holds concerts and allows alcohol; comments on the motorcycle riding that occurs in Turkey Flats; suggests communities have changed and this project should be approved.

Mr. Roy Parsons: states he is an eighth generation resident of California and the Las Pilitas area; states agriculturally zoned land is located on two sides of this project site; has concerns about recreational use next to agriculture; ranchers are opposed to this type of use near agriculture; supports the Appeal.

Mr. Keith Baker: states he lives across the street from this project and indicates his biggest concern is fire; would be agreeable to a conservative use on this site.

Ms. Susan Harvey: President of Paso Watch, speaks against the proposal; suggests the project should be submitted to the General Plan Amendment process and the rigors of the same.

Mr. Nelson: gives his closing comments; thanks those that spoke in support of his proposal; believes those in opposition are misinformed.

Mr. Charlie Whitney: representing the Appellants, gives their closing comments and urges support of their appeal.

Supervisor Achadjian: questions the differences between emergency and secondary access roads, with Mr. Richard Marshall, Public Works, responding.

Supervisor Patterson: states he has met with both the Applicant and the Appellant, both in his office and on site; questions the roads in the area and the location where the two roads come together, with Mr. Marshall responding.

Supervisor Patterson: questions the various references to this being a resort, a retreat, a vacation rental, etc. and what the differences are, with Mr. Busselle responding.

Supervisor Patterson: questions the barn that was built and whether there are any new permits out on this site, with Mr. Busselle responding that there aren't.

Supervisor Patterson: questions further various aspects of the proposal; addresses his concerns to the size of the proposal; the intensity of the use; concerns regarding water; his concern on the change from Camp Fire girls to a commercial venture; the property line dispute bothers him also; concerns regarding the Applicant damming water to create a pond; also has concerns regarding events occurring on this site; believes the conditions for approval are impossible to enforce; feels this is a precedent setting proposal; and, believes all these issues need to be addressed.

Supervisor Lenthall: questions the uses on the parcels where the lot line dispute is; questions where the road comes in, with Mr. Busselle responding.

Mr. Nelson: responds to questions regarding the well indicating it is located well inside the property line and is not an issue in any dispute areas.

Chairperson Bianchi: questions whether a 72-hour static recovery test was done on the new well, with Mr. Busselle indicating they only have tests with 4 hour results.

Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Achadjian and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..

Chairperson Bianchi: addresses her concern to the project and it being next to Agricultural land.

Ms. Kami Griffin: Planning, addresses the issue of vacation rental standards and indicates that currently those only apply to Cayucos and Cambria.

A motion by Supervisor Patterson, seconded by Supervisor Lenthall to tentatively uphold the appeal, is discussed.

Supervisor Lenthall: believes this is a good idea but in the wrong place.

Supervisor Achadjian: questions regarding the use of alcohol at this location.

Supervisor Ovitt: reminds the Board members the project request is an allowable use in this zoning.

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

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

the Board tentatively upholds the appeal and directs staff to return on March 15, 2005 with findings to support this action.

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, February 15, 2005, 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: March 3, 2005
vms