

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

1 A-1-A **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

RESOLUTION NO. 2005-65, a resolution recognizing Sergeant Bruce A. Wiedmer for over 34 years of service to the California Highway Patrol, adopted.

Supervisor Lenthall: reads the resolution; state it's an honor to present this resolution to Sgt. Wiedmer and he's never met a finer person in law enforcement.

Retired Sgt. Bruce Wiedmer: thanks the Board for this honor; believes he should be writing a resolution for his fellow workers and Supervisor Lenthall as his "career wasn't a job but a privilege."

2 A-1-B **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

RESOLUTION NO. 2005-66, a resolution recognizing The Rotary Club's 100th Anniversary and their contributions towards humanity both locally and globally, adopted.

Supervisor Achadjian: reads the resolution and Supervisor Ovitt presents the same to each Rotary President as follows: Ms. Susan Needleman-Brown, Templeton; Mr. Scott Nichols, Grover Beach; Mr. Dick Cameron, Cambria; Ms. Janet Jeffrey, Los Osos; Mr. Ralph Hoskins, San Luis Obispo de Tolosa; Mr. Tom Tulledge, San Luis Obispo Daybreak Club; Mr. Glen Baldwin, Cambria Sunrise Centennial; Mr. Tom Geeslund, Nipomo; Mr. John Hammond, Paso Robles; Mr. Jim Hoffman, San Luis Obispo; Mr. Grigger Jones, Past President Atascadero; and Ms. Anita Showers, Pismo Beach-Five Cities.

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

Mr. Jesse Arnold: speaks regarding Bacterial Toxin (BT) corn; presents and reads his letter to the Tribune regarding his concerns to the long-term safety of this corn.

Ms. Ann Ketcherside: speaks regarding the Vetter family; suggests that an unlicensed paralegal is taking funds from the Vetter family; asks the Board to direct that the District Attorney investigate this situation.

Mr. Eric Greening: agrees with Mr. Arnold's comments today and speaks to the need to save corn seed to develop locally adapted variety corns; and protecting local corns from interference and interruption of BT pollen.

Ms. Linda Hall: addresses her concerns to BT corn and the impact on humans; questions when the Main Street Enhancements in Cambria will be done; also wants to know if the islands are still going in on Tamson Drive.

Mr. George Rosenberger: General Services, states the Courthouse Rooster disappeared this last week; indicates the rooster is part of Courthouse history as it was on the 1873 Courthouse originally; was stolen 25 years ago and was anonymously returned to the County; asks that anyone who has any information about the rooster call Crime Stoppers or General Services; thanks Supervisor Lenthall for his help and suggestions; indicates the rooster can be returned to the County with no repercussions.

Supervisor Bianchi: suggests Ms. Hall contact Public Works for a full response to her questions on the Main Street Enhancements. **No action taken.**

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.

Ms. Anne McMahon: speaks to Item B-4 and thanks the Board for the letters to representatives regarding the Central Coast Resource Conservation & Development Council (CCRC&DC).

Ms. Mary Ann Vasconcellos: speaks to Item B-4 and thanks the Board for the letters of support to the CCRC&DC; speaks to the numerous local projects the CCRC&DC has been involved with. **No action taken.**

5 B-1 Consent Agenda Item B-4 is amended by replacing the first page of the letter of support due to a
thru technical correction. Item B-7 is amended by correcting the coversheet to include a budget
B-13 coversheet to include a budget adjustment in the amount of \$75,695. Item B-8 is amended by
correcting the coversheet to include a budget adjustment in the amount of \$242,000.

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

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

Consent Agenda Items B-1 through B-13 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-13, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Board of Supervisors Items:

- B-1 Request by Supervisor Ovitt to re-appoint Monica Cisneros, Janice Mumford and Reverend Raymond J. Tintle as District One representatives to the San Miguel Public Cemetery District, **Approved.**
- B-2 Request by Supervisor Ovitt to appoint William A. Howard as a District One representative to the Economic Advisory Committee, **Approved.**
- B-3 Request by Supervisor Patterson to appoint Daniel P. O'Grady as District Five representative to the Water Resources Advisory Committee, **Approved.**
- B-4 Request to approve letters supporting The Central Coast Resource Conservation and Development Council (CCRC&D), **Approved as amended.**

General Services Items:

- B-5 **RESOLUTION NO. 2005-67**, submittal of a resolution authorizing execution of a notice of completion and acceptance for the installation of infrastructure improvements at the new North County Regional Center in Templeton, **Adopted.**
- B-6 **RESOLUTION NO. 2005-68**, submittal of a resolution accepting a donation of real property in the unincorporated area of California Valley and approve the proposed Mitigated Negative Declaration (ED 02-348 and ED 02-349), **Adopted.**

Public Works Items:

- B-7 Submittal of a bid opening report for construction on State Highway 101 in Templeton at the Las Tablas undercrossing, contract No. P12A182; 1st District, **Approved as amended and instruct the Chairperson to sign contract documents with A.J. Diani Construction Co., Inc., in the amount of \$1,067,370.**
- B-8 Submittal of a bid opening report for Phase II overlay of Orcutt Road from Avocado Lane near Edna, CA, contract no. P12A299; 4th District, **Approved as amended and instruct the Chairperson to sign contract documents with A.J. Diani Construction Co., Inc., in the amount of \$113,162.**
- B-9 Request to approve a formal Request For Proposal (RFP) process for new municipal water treatment filtration equipment at the Cayucos Water Treatment Plant; 2nd District, **Approved.**
- B-10 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps:
 - A. CO 02-0340, a proposed subdivision resulting in 2 lots, by Terry E. Farrar, Geneseo Road, east of Paso Robles, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
 - B. COAL 04-0425, a proposed lot line adjustment of 2 lots which will not result in any new

lots, by Jack & Sharon Posemsky Family Trust, John & Evelyn Wilburn and Brian & Terry Schram, Highway 46 west of Paso Robles; 1st District, **Approved**.

Other Items:

- B-11 Request from the Clerk-Recorder to approve: 1) a contract (Clerk's File) with BMI Imaging Systems for microfilm conversion; 2) amending the fixed asset list by adding a network file server; and 3) a corresponding budget adjustment in the amount of \$133,500 from restricted revenues, **Approved**.
- B-12 Submittal from the Planning and Building Department of the proposed Mitigated Negative Declaration for the Price Canyon Road Widening Project; ED99-176 (P12A178); 3rd District, **Approved**.
- B-13 Request from the Public Health Department to re-appoint Tracey Vardas to a two-year term as the County Government Representative on the Emergency Medical Services Agency, Inc. Board of Directors, **Approved**.

6

- C-1 This is the time set for continued hearing (continued from February 15, 2005) 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 person per event; 5th District.

Mr. John Busselle: Planning, presents the staff report and recommendation based on the Board's direction at the prior hearing.

Mr. Charley Whitney: representing the Appellants, Pozo Community Group, addresses the 17 page letter by Mr. Nelson and the difficulty in responding to all the issues he raised in such a short time frame.

Mr. Jeff Nelson: Applicant, states they are proud of the project and thinks it's good for the County; indicates they have addressed the water, traffic and fire protection issues; they are now offering to build a CDF substation.

Mr. Eric Greening: believes if the Applicant wanted the letter taken seriously he would have presented it sooner; the Board should disregard the letter and adopt the Findings as presented today.

Mr. Otto Schmidt: urges the Board to deny the project; addresses his concern to the road dangers and emergency response and reminds the Board of the effects the Las Pilitas Fire had on the area.

Ms. Amelia Alvarez-Harris: comments on the letter from Mr. Nelson; asks the Board to uphold the appeal.

Ms. Elizabeth Fadeley: thanks the Board for tentatively upholding the appeal and asks that it be finalized today.

Ms. Sandra Parker: asks the Board to uphold the appeal.

Ms. Frances Baker: ask the Board to uphold the appeal.

Mr. Nelson: give his closing comments and states he was unable to respond to the Board's action until he received a copy of the Findings from staff; states the points listed in his letter are facts.

Mr. Whitney: give his closing comments and speaks to the process for the project that has been followed; urges the Board to uphold the appeal.

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

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

the Board upholds the appeal and RESOLUTION NO. 2005-69, reversing the decision of the Planning Commission and disapproving the application of Jeff Nelson/Oak Creek Ranch for Conditional Use Permit D000359D, adopted.

7

- C-2 This is the time set for a hearing to consider an appeal of the Planning Commission's disapproval of the King Ventures appeal of a Planning Commission determination that the as-built guardhouse and gate structure are not allowed within the 500-foot setback required pursuant to Heritage Ranch Village Area Plan Standard 10e; 1st District.

Ms. Martha Neder: Planning, presents the staff report; speaks to the construction of the guardhouse and gate structure without a permit and within the 500-foot setback; staff recommends denial of the appeal.

Mr. David Watson: representing King Ventures the Applicant/Appellant, states they are willing to remove the guardhouse; suggests they will need a pedestal for the keypad to allow entrance to the 150 homes the gate serves; states they are unable to move the gate back because of the slope; would like to agree to a compromise and presents exhibits showing the changes that could be made to the entrance; presents letters and petitions in support of their proposal.

Mr. Scott Baker: Counsel for Heritage Ranch Owners Association (HROA), speaks to the 500-foot setback; concerns for safety due to the traffic impacts on G14; concerns to inheriting problems when this project becomes part of the HROA; presents his letter with their position for the record.

Mr. David Clausen: speaks to the history of his property; suggest the developer went about installing the gate without a permit or discussing it with the neighbors; has concerns about highway safety issues.

Mr. Gordon Laughlin: states he is representing 6 property owners and speaks to their concerns regarding: public safety; the impacts of the guardhouse or a keypad controlled gate on traffic; traffic on the weekends; and the impacts on the roads themselves.

Mr. Mark Richardson: states he owns property in this area and speaks to the safety concerns that have been raised; doesn't think there will be the traffic impacts people are concerned about and explains his concerns if the gate is moved, people may miss the development and turn around in unsafe areas.

Mr. William Larson: states the homeowners in this development are living here and it's not a resort; asks the Board to look into a compromise; speaks to the need for security and no through traffic.

Mr. Tony Eggebrecht: states he lives in the area, supports the appeal and feels the gate is in the right place.

Mr. Reed Harris: Midland Pacific, states he is the primary developer here and they have never been polled as to their opinion of the gate; if the standard setback is required the gate would need to be moved; presents a petition from all the current homeowners at this development in support of the gate staying where it is.

Mr. Bob Balentine: speaks to purchasing his home with a security gate and asks the Board to keep the gate where it is.

Ms. Daphne Balentine: states that today's meeting is the first they've heard about the gate issue; and asks the Board to keep the gate where it is.

Mr. Eduardo Cantu: speaks to his purchase of property and wants the gate to stay.

Mr. Lance Sawyer: speaks to his purchase of property, and part of that was to live in a gated community; appreciates the large turn around area at the entrance; believes the road visibility is good; asks Board to please approve changes.

Ms. Donna Brock: speaks to the security the gate provides; doesn't want the gate moved; indicates that others she's spoken to want the gate to stay also.

Ms. Linda Richey: General Manager for the HROA, speaks to the complaint not being initiated by the HROA; supports keeping the gate open during peak times; addresses their safety concerns regarding the location of the gate.

Ms. Nona Cantalupo: speaks to the guardhouse and gate being installed without a permit and the HROA Architectural review.

Ms. Constance Stewart: speaks to the guardhouse and gate being built without a permit; believes the developer should be held to the same standard as the rest of the homeowners.

Mr. Brian Atwell: Sales Associate for Midland Pacific, speaks to what he represented to potential buyers; and states there won't be a back up of cars at the gate.

Ms. Denise Roach: Vice President of HROA, speaks to wanting the gate moved back to the 500-foot setback as it is not far enough away from the road.

Mr. David Watson: give his closing comments; willing to remove the guardhouse, add landscaping and change the color of the gate and fence.

Supervisor Ovitt: speaks to the history of this property; states there are a number of gates within the 500-foot setback; believes the gate will provide adequate security without a guard; sees no problem with the existing gate but the guardhouse needs to be

removed, the landscaping added and the color of the gate and fence changed.

Supervisor Bianchi: states that the gate looks nice but is in the wrong location; she supports the Planning Commission's decision.

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

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

the Board tentatively partially upholds the appeal and directs that the as-built guardhouse be removed, adequate landscaping be installed, that the fence and gate be painted in a more neutral color; the Board directs staff to come back with Findings and Conditions to support this action this afternoon.

8 D-1 This is the time to consider the presentation and discussion of the County's Budget Condition for fiscal year 2005-06.

Mr. Jim Grant: Deputy County Administrative Officer, presents the staff report; addresses the current year's budget and how it was balanced through reduced service levels, positions and one-time use of Reserves; addresses the budget balancing equation; addresses County services and where most of the funding goes; outlines what they are looking for with the 2005-06 Budget; comments on reductions that are being looked at from the State level and the losses to the County because of this; addresses the major increases to the budget due to workers' compensation, liability, salaries and benefits; addresses Administration's direction to departments to prepare "status quo" budgets and also "traditional budgets" and indicates they are trying to prepare the budget with minimal service cuts to the public; outlines the next steps which include: continual monitoring of the State budget discussions; working with CSAC to support counties' efforts in Sacramento; working with County departments, states the proposed budget will be out in May with hearings scheduled in June.

Mr. Gere Sibbach: County Auditor-Controller, speaks to General Reserves and what they should be used for; states the Tax Reduction Reserve Account was designed to help during hard times.

No one appearing and thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall and unanimously carried, the Board receives and files the staff report dated March 15, 2005 regarding the County's budget situation for Fiscal Year 2005-06.

9 CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, § 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *In re PUC Application of the County of San Luis Obispo v. U.P.R.R.*, (2) *Santa Margarita Area Residents Together v. County of San Luis Obispo*, (3) *San Luis Obispo County Coastkeeper v. County of San Luis Obispo*, **ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** (10) *Gardner v. County of San Luis Obispo*, (11) *Gulf Underwriters Ins. Co. v. County of San Luis Obispo*, (12) *Duke Energy Morro Bay LLC v. San Luis Obispo County Assessor*, (13) *Nipomo Community Services District v. County of San Luis Obispo*.

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, § 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: (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *SLO County Probation Peace Officers' Association*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

Chairperson Bianchi: opens the floor to public comment.

Mr. Eric Greening: speaks to *Santa Margarita Area Residents Together v. County of San Luis Obispo* lawsuit; change that was made to the General Plan Amendment in this lawsuit did not go through the regular process; reminds the Board there is a process to follow.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

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-2 Appeal of the Planning Commission's disapproval of the King Ventures appeal of a Planning Commission determination that the as-built guardhouse and gate structure are not allowed within the 500-foot setback required pursuant to Heritage Ranch Village Area Plan Standard 10e; 1st District, is brought back on for hearing.

(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)

Ms. Neder: presents the resolution based on the Board's direction earlier and corrects the numbering to read 1, 2, 3, and 4 on Exhibit B.

Mr. Scott Baker: Attorney representing the Heritage Ranch Owner's Association, speaks to the significant changes made to this item and not having an opportunity to adequately convey the HROA opinion; states the maintenance and liability of this property will become the responsibility of the HROA.

Mr. Dave Watson: representing the Applicant/Appellant, states he has reviewed the findings and conditions and is in agreement with them.

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

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

the Board amends Exhibit B to correct the numbering to 1 through 4 and RESOLUTION NO. 2005-70, resolution partially upholding the decision of the Planning Commission and disapproving the request by John King for an Appeal of a Planning Director Determination, adopted as amended.

11 E-1 This is the time set for consideration of a request to authorize processing of a General Plan amendment LRP2004-00008 (James Waldsmith) to amend the San Luis Obispo Area Plan by changing the land use category from Agriculture to Residential Rural on a 20-acre site. The site is located on the east side of Davenport Creek Road, approximately one-half mile south of its intersection with Buckley Road, in the rural area south of the City of San Luis Obispo; 3rd District.

Mr. Jim Lopes: Planning, presents staff report and recommendations.

Dr. James Waldsmith: Applicant, speaks to the request which will allow him to separate his parcel into compliance for his home and business.

Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board authorizes LRP2004-00008 for processing of a General Plan Amendment.

12 E-2 This is the time set for consideration of the submittal of a resolution authorizing an application to the State Department of Housing and Community Development's Workforce Housing Reward Program; All Districts.

Mr. Ted Bench: Planning, presents staff report and recommendations.

No one appearing 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

RESOLUTION NO. 2005-71, resolution authorizing submittal of application to California Department of Housing and Community Development for the Workforce Housing Reward Program; execution of the standards agreement necessary to secure a Workforce Housing Reward Grant from the State of California, Department of Housing and Community Development, adopted.

13 F-1 This is the time set for consideration of a request to approve: 1) in concept the acquisition and implementation of a Criminal Justice Information System (CJIS) at an estimated cost of \$2,200,000; and 2) a budget adjustment in the amount of \$268,386 from Fund Center 136-Sheriff Coroner for the first phase of implementation.

Mr. Myron Nalepa: Probation, presents the staff report; outlines the community wide results for the County with one of those being a safe community; addresses the benefits of moving to this new support system to allow for the various agencies to exchange information; outlines the start up costs and what they are requesting today; outlines the project implementation schedule for the Board.

Supervisor Lenthall: speaks to being a former user of this system, this

program is needed to have information available in a timely manner not only in the office but for those in the field.

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

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

the Board approves in concept the acquisition and implementation of CJIS that is estimated cost of \$2,200,000; and approves a budget adjustment of \$268,386 for 2004/05 Fiscal Year from Sheriff's Department (Fund Center 136) to Countywide Automation Replacement Fund 266, for funding the acquisition of professional services, hardware systems and software applications use in the development of a criminal justice information system for use by law enforcement and criminal justice agencies.

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, March 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 17, 2005

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