

Tuesday, May 16, 2006

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, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG IS LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.

SUM AGN

1 A-1 **Thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall and unanimously carried, the Board approves the presentation by Judkins Middle School and Ocean View School Destination Imagination Teams.**

Mr. Mike Liebo: thanks the Board for this recognition.

Ms. Maggie Summers: speaks to the upcoming Global Finals competition; addresses it as the "Olympics for the Brain."

The Judkins Middle School and Ocean View School teams introduce themselves and speak to the positive impacts of participating on these teams.

Mr. Liebo: thanks the Board for their financial support; states they have three weeks to raise \$22,000.

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

Mr. Bob Lloyd: AGP Video, states their internet site is repaired and working; speaks to the livestream feed of this meeting; discusses their participation in the "Every 15 minutes" scenario in Cambria.

Mr. Mark Wampler: addresses the funds spent on the Oceano Community Center; expresses his concern regarding the size and location of the center; speaks to needed road improvements in the Oceano area; addresses his request for an audit of the Oceano Community Center Corporation records; urges the Board to conduct an audit before the June 6th Election.

Ms. Mary Bianchi: Agricultural Liaison Advisory Board member, presents her letter to the Board addressing concerns with the Cayucos Fringe Viewshed Ordinance meeting.

Mr. Rob Shipe: speaks to misinformation from the Planning and Building Department with regard to septic tanks in Los Osos; the prosecution he is experiencing with the Regional Water Quality Control Board (RWQCB) regarding the Cease and Desist Order; asks the Board for help in this matter.

Mr. Chuck Pritchard: Upper Salinas-Las Tablas Resource Conservation District (USLTRCD) Chairperson, outlines the history of the District, highlights the services they provide; speaks to the funding they received, until 15 years ago, from the County; asks the Board to assist with funding in order to continue their services.

Mr. D.J. Funk: urges the Board to assist in funding the USLTRCD; speaks to the partnership between the USLTRCD and the County; asks for \$20,000 for each Resource Conservation District and funding for the mobile water lab program; presents a funding proposal to the Board.

Mr. Neil Havlik: Coastal San Luis Resource Conservation District, echoes the comments of the previous speakers; highlights the watershed efforts; asks for financial support for these RCD's.

Ms. Joanna Hester: Lead organizer for the United Domestic Workers of America and the State, County and Municipal Workers, expresses their support of the Public Authority Ordinance.

Mr. David Duggan: speaks to the District 2 Supervisorial race; the impacts the June 15th LAFCO meeting will have on this Supervisorial race; comments on the Los Osos Community Services District (LOCSA) Board member race in November.

Mr. Bill Moylan: speaks to the possible dissolution of the LOCSA; expresses his support for the LOCSA Board; urges Supervisor Bianchi to attend the LOCSA meeting to show her support for the Board.

Mr. Richard Margetson: speaks to the letter by Rodger Anderson in the Tribune addressing the Los Osos sewer.

Mr. Allen Martyn: concurs with the comments made by Mr. Shipe; discusses the 45 people under "attack" by the RWQCB; asks the Board for money to help defend against the RWQCB Cease and Desist Order; expresses his support for the hard working members of the LOCSA Board. **No action taken.**

3 A-2 **Thereafter, on motion of Supervisor Patterson seconded by Supervisor Lenthall and unanimously carried, the Board approves the presentation of the Employee Service Awards.**

Mr. Richard Greek: Personnel Director, introduces the 20 year employees with Ms. Heather Gunderlock, Personnel, presenting each their service pin.

20 year employees present are: Jay Sechrist – Assessor, Susan Goble – Child Support, Donald Melin – General Services, Norman Newman – General Services, Catherine Marvier – Library, Nancy Crotty – Mental Health, Dana Lilley – Planning, Patricia McPhee – Public Works, Peter Newel – Public Works, Joseph Phillips – Public Works, Sherri Weiss – Public Works, Scott Wetmore – Public Works, and Rita Brandenburg – Sheriff-Coroner.

20 year employees absent are: Ricky Cox – Sheriff-Coroner and Sandi Brownell – Social Services.

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. Karen Baylor: Behavioral Health, expresses her support for Item B-3; states San Luis Obispo County is one of fifteen counties whose Mental Health Services Act programs are funded by the State; thanks the Board, those involved and Ms. Dale Magee for their efforts and support.

Ms. Dale Magee: echoes Ms. Baylor's comments; states the new programs will be able to start on June 1st; thanks the Board for their support.

Mr. David Edge: County Administrative Office, introduces Mr. Jeff Hamm, the new Health Agency Director. **No action taken.**

5 B-1 thru B-8 **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:**

AYES: Supervisors Bianchi, Ovitt, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-8 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 through B-8 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Health Agency Items:

- B-1 Amended agreement (Clerk's File) with the State Department of Health Services for Medi-Cal administrative activities for Fiscal Year 2005-2006 and 2006-2007; and 2) authorizing the Public Health Administrator/Health Officer to execute subsequent amendments/agreements under this program that do not increase the level of General Fund support required for the departments, **Approved.**
- B-2 Child Health and Disability Prevention Program (CHDP)/California Children's Services (CCS) Plan for Fiscal Year 2005-2006; and 2) direct the Chairperson to sign the Certification Statement (Clerk's File) of the joint CHDP/CCS Plan, **Approved.**
- B-3 Establishment of the initial Fiscal Year 2005-2006 budget for the new Mental Health Services Act (MHSA) Fund Center 165, Health Agency-Behavioral Health Services in the amount of \$1,266,450, offset fully by Federal and State revenues; and 2) related Mental Health Services Act (MHSA) contracts with private providers required to being new MHSA program operations, **Approved.**

Public Works Items:

- B-4 **RESOLUTION NO. 2006-181**, accepting a grant deed on behalf of the San Luis Obispo County Flood Control and Water Conservation District for drainage basin purposes in Vista Verde Estates (Tract 2409); 4th District, **Adopted.**
- B-5 **RESOLUTION NO. 2006-182**, establishing the 2006-2007 Special Tax Rate and confirming the Per Parcel Special Tax Amount in Nipomo Lighting, Zone E (Tract 1700, Los Pinos Estates); 4th District, **Adopted.**
- B-6 Agreement with the State Department of Water Resources and Woodlands Ventures LLC for a California Irrigation Management Information System (CIMIS) weather station in the Nipomo area; 4th District, **Approved.**

Other Items:

- B-7 Budget adjustment in the amount of \$26,000 from Fund Center 30502, Parks, into the Bureau of Land Management Trail Project (WBS300127), **Approved.**
- B-8 **RESOLUTION NO. 2006-183**, approving and authorizing submittal of a grant application to the 2006 Federal Supportive Housing Program, 2) authorizing the Director of the Planning and Building Department to sign the Standard Agreement and all other documents required for participation if the grant is approved, and 3) authorizing the Director of the Planning and Building Department to execute agreements with the Economic Opportunity Commission of San Luis Obispo County and with Transitions-Mental Health Associates; All Districts, **Adopted.**
- 6 C-1 This is the time set for a hearing to consider certification of the Final Environmental Impact Report (FEIR) for the update to San Luis Obispo County Regional Airport Master Plan and adopt the Final (updated version) San Luis Obispo County Regional Airport Master Plan; the airport is generally bounded by SR 227 on the east, Buckley Road on the west and south and Santa Fe Road and light industrial development south of Tank Farm Road between Santa Fe Road and SR 227 on the north; 3rd District.

Mr. David Edge: County Administrative Officer, recommends the Board continue this hearing to May 23, 2006.

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

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

the Board continues said hearing to May 23, 2006 at 9:00 a.m..

7 C-2 This is the time set for hearing to consider an ordinance (Introduced May 9, 2006) amending the booking fee in the County Fee Schedule for Fiscal Year 2006; All Districts.

Mr. Vince Morici: Administration, presents the staff report; highlights the booking fees; recommends amending the booking fee effective July 1, 2006.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3087, ordinance amending County Fee Schedule, 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) *Almond Heights, LLC v. County of San Luis Obispo*, and (2) *Los Osos CSD v. Golden State Water Company*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *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: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOCEA Trades and Crafts*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*.

Chairperson Achadjian: 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.

9 C-3 This is the time set for hearing (Introduced May 2, 2006) to consider amendments to the ordinance establishing a Public Authority pursuant to California Welfare and Institutions Code Section 12301.6; All Districts.

Mr. Lee Collins: Social Services Director, highlights the In-Home Supportive Services program; discusses the purpose of the proposed ordinance; states this ordinance will achieve an annual savings from \$40,000 to \$70,000; urges the Board to adopt the ordinance.

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, Lenthall, Patterson, Chairperson Achadjian
NOES: None
ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3088, ordinance to establish a Public Authority pursuant to California Welfare and Institutions Code Section 12301.6, adopted.

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

10 C-4 This is the time set for continued hearing (continued from May 9 2006) on the proposed changes to the County's Growth Management Ordinance, Title 26 of the County Code, to maintain the County-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8% and set the Cambria growth rate at 0%.

Ms. Kim Murry: Planning, highlights the Board's action at their previous meeting; presents staff recommendations; addresses the Board need to finalize wording regarding the unused allocations for the Nipomo Mesa today.

Mr. Jerry Bunin: Homebuilder's Association, expresses his confusion and frustration with the process; suggests holding a meeting for the Resource Management System and Growth Management hearings in mid-March; that the findings meetings be held at the same time and the findings be published; supports the staff recommendations from the previous hearing; states his opposition for road fees for property owners west of Highway 101 to fix existing traffic problems; states the extra permits should be awarded on a "first in line" basis.

Mr. Bob Blair: addresses the need to spread out the growth in Nipomo; states the growth is occurring in the wrong areas and where traffic problems exist.

Ms. Nancy Brown: agrees with the previous speaker; urges the Board to leave the rural atmosphere of Nipomo.

Ms. Nancy Carlson: states the Board's previous reasons for lowering the growth rate in Nipomo still exists; expresses her concern regarding losing the rural character of Nipomo; urges the Board to not raise the growth rate for Nipomo.

Mr. Bill Graves: urges the Board to keep the rural character and growth rate at 1.8% for Nipomo; expresses his concern regarding Nipomo not having the services to support more growth.

Mr. Denis Sullivan: discusses the South County Planning Area; states the Board is taking a "broad brush" approach on this matter; suggests the Board split the Mesa, into north and south, to address the traffic concerns.

Mr. David Grey: expresses his support of the staff recommendation from the previous meeting; addresses his concern with various types of building being treated differently; states he doesn't want a one year fix.

Mr. Vincent McCarthy: addresses the good the 1.8% growth cap has done; suggests transferring allotments to the Olde Towne area where the infrastructure is already in place.

Mr. Rick Dean: thanks the Board for all their help with Olde Towne Nipomo; presents suggested language changes to the proposed ordinance.

Mr. Jesse Hill: discusses the 10 units in Olde Towne Nipomo; addresses safety concerns regarding no curbs and sidewalks on Tefft Street; expresses his support of the west side projects going first.

Mr. Ed Eby: thanks the Board and staff for their work; expresses his concern regarding no definition of “Smart Growth” or “Green Build”; suggests the references to Smart Growth and Green Build and affordability should be removed from the proposed ordinance.

Ms. Susie Hemrick: speaks to a project with community support not being able to build; expresses her support of the staff recommendation; addresses safety concerns in Olde Towne.

Chairperson Achadjian: presents letters he received for the record; expresses his support of Olde Towne Nipomo development; addresses his concern to keeping it fair for everyone; suggests commercial buildings be exempt.

Supervisors Bianchi: states Smart Growth has been approved by the Board; speaks to low impact development; discusses “Green Build” buildings.

Supervisor Patterson: states he does not support removing the Smart Growth and Green Build references; the Board is aggressively looking at solutions for the water and traffic issues in Nipomo; suggests development is needed to address these issues; discusses his previous vote regarding the growth rate ordinance and his reasons for supporting this ordinance; expresses his support for the staff recommendation at the previous hearing.

A motion by Supervisor Ovitt, seconded by Supervisor Bianchi, to introduce the ordinance as presented today and continue the hearing to May 23, 2006 at 9:00 a.m. is discussed.

Board members: address various issues, comments and concerns regarding the west side of Nipomo.

Ms. Murry: presents suggested language changes to the proposed ordinance; under Section 3.

The motion maker and second amend their motion to include Ms. Murry’s language changes.

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

AYES: Supervisors Ovitt, Bianchi, Lenthall, Patterson, Chairperson Achadjian

NOES: None

ABSENT: None

the Board amends Section 3 of the proposed ordinance as follows: in (1) the third sentence shall read: “In addition to the 1.8 percent annual allotment, up to 35 additional units shall be made available from previous years’ unused allotments in the Nipomo Mesa area for the period from July 1, 2006 to June 30, 2007 to **multi-family/planned development** projects on the waiting list located within the urban or village reserve lines that have received intent-to-serve letters from the applicable water district and are either:” in subsection (a) shall read as follows: “Projects that are located within and meet the standards of the Olde Town Nipomo Design **and Circulation Plan are** ~~and meet identified criteria as~~ Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or;”; subsection (b) is amended to read as follows: “Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list **or will result in construction of road improvements where such construction will materially improve traffic and circulation on existing or proposed roads.**”. under Section 9 f (i) is amended to read: “Projects that ~~meet criteria as a~~ **are** Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) and are located within, and meet the standards of the Olde Towne Nipomo Design **and Circulation Plan;** or;”; (iii) is amended to read: “Project that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list **or will result in construction of road improvements where such construction will materially improve traffic and circulation on existing or proposed roads.**”; introduces an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance as amended and continues the hearing to May 23, 2006 at 9:00 a.m..

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 4, 2006, 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/C. M. Christensen,
Deputy Clerk-Recorder

DATED: May 22, 2006