

Tuesday, August 14, 2001

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

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM

AGN

1 B-1 This is the time set for members of the public wishing to address the Board on items
thru set on the Consent Agenda.
B-20

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

Consent Agenda Item B-8 is amended by adding organizational charts to the staff report. Item B-20 is added to the Consent Agenda.

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

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

NOES: None

ABSENT: None

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

Consent Agenda Items B-1 thru B-20, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

B-1 **RESOLUTION NO. 2001-324**, intention to lease county owned real property for a non-profit animal shelter and humane shelter operation in the unincorporated area of San Luis Obispo County; 2nd District, **Adopted and the Clerk is directed to give notice of the hearing date set for September 18, 2001, at 9:00 A.M..**

Administrative Office Items:

B-2 Request to approve the 2001-02 Fish and Game Fines Committee Project listing, **Approved.**

B-3 Employment contract with Dale Wolff, Ph.D., to serve as the Director of Behavioral Health Services, **Approved and RESOLUTION NO. 2001-325**, revising departmental position allocation lists and set the salary for Director of Behavioral Health Services, **Adopted.**

B-4 Agreement with the Zoological Society to provide educational and scientific programs at the Charles Paddock Zoo, **Approved.**

Auditor-Controller Items:

B-5 Unannounced cash count report conducted on June 21, 2001 of the Clerk-Recorder's Office, **Received and Filed.**

B-6 Summary of audits of area hotels for compliance with the reporting and administrative requirements of the County Transient Occupancy Tax Ordinance for the period of January 1, 2000 through December 31, 2001, **Received and Filed.**

Health Agency Items:

- B-7 Appointment of Carmel Marti Day, Ph.D., to an indirect provider position on the Health Commission, **Approved.**
- B-8 **RESOLUTION NO. 2001-326**, amending the position allocation list for Budget Unit 3000 - Public Health by adding one full-time Social Worker Supervisor II, one full-time Legal Clerk and one half-time Accounting Technician positions and deleting one full-time Social Worker IV position and one full-time and one half-time Senior Typist Clerk positions to implement a reorganization of the Public Guardian's Office, **Adopted as amended.**

Planning Items:

- B-9 Authorize the use of alternative publication procedures for the fall 2001 - General Plan Amendment Cycle, Land Use Ordinance/Coastal Zone Land Use Ordinance Amendments and Real Property Division Ordinance amendments; All Districts, **Approved.**
- B-10 **RESOLUTION NOS. 2001-327 thru 2001- 330**, approving agreements with Andrew Fetyko exempting four affordable residential projects located in the community of Shandon from the Growth Management Ordinance; 1st District, **Adopted.**

Probation Items:

- B-11 Comprehensive Youth Services Act (CYSA) Expenditure Plan for fiscal year 2001-02, **Approved.**
- B-12 Memorandum of Understanding with AmeriCorps to provide mentoring services for at-risk youth under the Comprehensive Youth Services Act, **Approved.**
- B-13 Contract with Lucia Mar School District in the amount of \$42,011 to provide a Deputy Probation Officer to further develop and implement a truancy reduction program on the campus of Arroyo Grande High School, **Approved.**
- B-14 **RESOLUTION NO. 2001-331**, approving a transfer agreement and consent to assignment of the Wil-Mar Solid Waste Franchise to Midstate Solid Waste and Recycling, **Adopted.**
- B-15 The following parcel map:
- A. CO-00-0230, a proposed subdivision resulting in 2 condominium units, by Carl and Ron Foote, located on Wood Drive in the community of Cambria; 2nd District, **Approved.**

Other Items:

- B-16 An amended joint powers agreement with Victim Compensation and Government Claims Board (VCGCB) for the Victim/ Witness Assistance Center modifying the agreement term from three years to one-year, **Approved.**
- B-17 Notice of Intent with the State Department of Social Services to apply for grant funding through the Child Abuse Prevention, Intervention and Treatment (CAPIT) and Community Based Family Resource and Support (CBFRS) Programs, **Approved.**
- B-18 An amended agreement with Shutt-Moen, Inc., to add geotechnical inspection and testing services as part of the San Luis Obispo County Regional Airport Runway Extension Project, **Approved.**
- B-19 **RESOLUTION NO. 2001-332**, honoring Walter J. Schmid upon his retirement from the County, **Adopted.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-

hour noticing requirement.)

B-20 Introduction of an ordinance establishing the new mandated changes to the supervisorial district boundaries based on the Census 2000 data, **Approved and the Clerk is instructed to give notice of the hearing date set for 8/21/01 at 9:00 a.m..**

2 C-1 This is the time set for hearing to consider an appeal by Robert James Garing of the Subdivision Review Board's decision to approve a lot line adjustment between 2 existing lots, that will not result in any new lots, located on the south side of Hi Mountain Road, approximately 4.2 miles of Lopez Drive east of Lopez Lake; 4th District.

Mr. John McKenzie: Planning, indicates the applicant and the appellant of this appeal have respectively, submitted letters requesting withdrawal of the project, as well as subsequent withdrawal of the appeal of the Subdivision Review Board's decision to approve the adjustment.

Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board accepts the applicant's request to withdraw the Lot Line Adjustment from further processing and the appellant's request to withdraw the appeal of the Subdivision Review Board's decision to approve the Strasbaugh Lot Line Adjustment COAL00-0159.

3 C-2 This is the time set for hearing to consider an appeal by Rancho Nipomo Homeowners Association of the Hearing Officer's decision to approve a request to modify the approved building envelope for Lot 28 of Tract 1516, located at 940 Riata Lane, approximately 2,400 feet north of the intersection of Riata Lane and Ramal Lane in the community of Nipomo; 4th District.

Ms. Dana Tuohy: Planning, presents the staff report and recommendation.

Chairperson Achadjian: questions the location of the original envelope; the noticing requirements; if communication between the applicants and the appellants have taken place and if a denial of the appeal would be precedent setting, with staff responding.

Mr. Phillip Simmon: representing the Applicant, urges the denial of the appeal.

Chairperson Achadjian: asks if the design of the proposed project will match existing homes in the neighborhood, with Mr. Clay Bradfield, Pacific Engineering, responding.

Ms. Michelle Lemos: representing Rancho Nipomo Homeowners Association, requests a delay of this item because their attorney is in Court and will not be present until 9:30; urges the Board to grant the appeal based on the fact that the proposed changes should have been submitted to the Architectural Review Committee; states there has only been one change in the subdivision and that was due to a flood zone change, the other changes referred to by staff are not primary residences.

Supervisor Ovitt: indicates the issue is the location of the envelopes not the residences and feels the precedence has already been set.

Mr. Stephen Cool: representing the Rancho Nipomo Homeowners Association (RNHA), addresses the location of the subdivision and the size of the parcels; indicates half the lots have already been built on and the subdivision is governed by Rancho Nipomo Homeowners Association; addresses the history of the building envelopes and the reason they were developed; indicates the Association is willing to consider working with the Applicant; states the Applicant did not go through the proper procedures and if this Minor Use Permit is granted they probably won't get approval from the Architecture Review Board; suggests continuing this hearing for 90 days to allow time for Michael and Jennie Brunick and the RNHA to meet and come up with a solution or deny the appeal without prejudice.

Board Members: discuss various issues, comments and concerns regarding: problems

in the future between the Applicant and the Appellant; the existing envelope having an easement that would limit the building site; other building envelopes in the subdivision that were moved; if the Applicant has their building permit, with Mr. Cool and staff responding.

Mr. Simmon: states this Minor Use Permit approval will not set a precedent because it has already been set; indicates the applicant has requested approval from the Architecture Review Board without success.

A motion by Supervisor Bianchi, seconded by Chairperson Achadjian to continue this item for 90 days to negotiate an agreement among the various partners, is discussed.

Supervisor Pinard: feels there is an issue of fairness before the Board; states she does not support a delay; believes the Brunick's have waited too long; indicates she will support staff's recommendation.

Supervisor Ryan: indicates he echoes Supervisor Pinard's statements.

Thereafter, a motion by Supervisor Bianchi, seconded by Chairperson Achadjian to continue this item for 90 days to negotiate an agreement among the various partners, fails on the following roll call vote:

AYES:Supervisors Bianchi, Chairperson Achadjian

NOES: Supervisors Ovitt, Pinard, Ryan

ABSENT: None

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

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

NOES: None

ABSENT: None

the Board denies the appeal and RESOLUTION NO. 2001-333, resolution affirming the decision of hearing officer and conditionally approving the application of Michael and Jennie Brunick for Minor Use Permit D000107P, adopted.

4 C-3 This is the time set for hearing to consider an ordinance establishing the new mandated changes to the supervisorial district boundaries based on the Census 2000 data; All Districts. **This Item was withdrawn and reintroduced on the Consent Agenda.**

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

1. 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 Lum*, 2) *In re PG&E*, 3) *Vadnais v. Cambria Community Services District, et al*, and **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** 7) *Smith v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9) 5) *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. 6) *Initiation of litigation (Gov. Code, § 54956.9(c). No. of cases* 2.

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

Thereafter, the Board goes into Open Public Session.

- 6 PC This is the time set for members of the public wishing to address the Board on matter other than scheduled items.
- Ms. Jan Bans:** Pacific Bell, presents a check of \$2,500 to Mr. Richard Palmer of the Senior Nutrition Program.
- Mr. Richie Ray Walker:** welcomes Supervisor Ovitt back; addresses a recent experience he had at General Hospital and the Bishop Medical Lab; discusses a law suit in the Los Angeles Courts where the plaintiff prevailed in the U.S. Court of Appeals in San Francisco.
- Ms. Ann Ketcherside:** indicates there are two people of authority in the City of Atascadero that should be relieved of their duties; states there are plans for a school to be built next to the Atascadero Hospital and urges the Board to intervene.
- Mr. Michael Kovacs:** addresses campaign promises and misrepresentation of annual reports; urges the Board to work for the people and return honesty back to the Board.
- Mr. Irv McMillan:** speaks to the destruction of oak trees along Highway 58; hopes the Board will adopt an ordinance to protect the oaks in the near future.
- Mr. Joe Kelly:** addresses California Oil Recycling Enhancement Act; discusses the oil recycling program.
- Mr. Neil Havlik:** addresses the oak removal project by PG&E; thanks the Board for bringing PG&E to the table; urges the Board to look at a tree ordinance. **No action taken.**
- 7 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken.
- 8 C-4 This is the time set for hearing to consider revisions to the Rules of Procedure to Implement the California Land Conservation Act of 1965; All Districts.
- Mr. Bryce Tingle:** Assistant Planning and Building Director, introduces the item.
- Mr. Warren Hoag:** Planning, presents the staff report; explains the purpose of the Rules of Procedure; acknowledges the members of the Agricultural Preserve Review Committee; summarizes the proposed revisions; indicates the recommendation of the Committee and staff would be to adopt the resolution and approve the Negative Declaration; states the effective date of the new revisions would be January 1, 2002.
- Board Members:** discuss various issues, comments and concerns regarding: how revisions 3 thru 5 would affect existing parcels; qualifications for joining an adjacent preserve; soil classifications and land potential; the intent of revision number 5; the needs of the small farmer; the definition of economically viable land; provisions of the Williamson Act being used to protect private estates, with staff responding.
- Mr. Irv McMillan:** discusses the importance of revision numbers 3 & 4; indicates the Williamson Act is to protect agricultural and open space resources; feels there are serious flaws in the existing rules that allow non productive parcels that are primarily residential in nature the ability to take advantage of this program; believes an Environmental Impact Report (EIR) should be done; urges the Board to adopt staff's recommendation.
- Mr. Bruce Gibson:** states he is in support of the revisions and urges the Board's support; addresses minimum parcel size and the subdivision of land.
- Mr. Eric Greening:** Life on Planet Earth, states he supports revision numbers 3 thru 9; indicates he has problems with revision numbers 1 & 2; addresses the impact on the validity of the Negative Declaration and feels it is inadequate; recommends an EIR.

Ms. Joy Fitzhugh: Farm Bureau, discusses taxation based on agriculture production; addresses her concern for the increase in parcel size from 100 to 320 acres and the restriction relating to class VIII soils.

Mr. Robert M. Sparling: addresses the need to protect and sustain basic production values in agriculture.

Ms. Pam Marshall Heatherington: suggests an EIR be added to this process.

Mr. Joe Kelly: feels property tax liability has not been discussed in this revision of the Rules and Procedures; addresses over taxation of Williamson Act farm land.

Supervisor Ryan: states he has a problem with some of the revisions proposed today; feels properties are being blocked from going into the Williamson Act; believes this is an effective tool to keep properties in open space; addresses exceptions to the revisions; states his support of revision number 2.

Supervisor Bianchi: states she is in support of the Williamson Act; indicates it was put into place to support agricultural production and habitat values; states she does not perceive a “toy ranch” as having agricultural viability; addresses her concern for irrigated Class II soils being changed from 40 acres to 20 acres; feels the Agricultural Preserve Review Committee has worked very hard and she will support their recommendation.

Supervisor Pinard: addresses the diversity of people that make up the Review Committee; states there has been a misuse of provisions in the Rules of Procedure; indicates she supports the proposed revisions and thanks the Committee for their work.

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

AYES:Supervisors Ryan, Ovitt, Chairperson Achadjian

NOES: Supervisors Bianchi, Pinard

ABSENT: None

the Board approves the Negative Declaration; approves recommendations 2, 6, 7, 8 and 9 as outlined in the staff report dated 08/14/2001 (this deletes 1, 3, 4, and 5) and RESOLUTION NO. 2001-234, resolution approving amendments to the rules of procedure to implement the California Land Conservation Act of 1965 in the County of San Luis Obispo, adopted as amended.

8 D-1 This is the time set for presentation of preliminary design for the new County Government Center.

Mr. David Edge: County Administrator, introduces the item; indicates there are two major issues of concern: 1) the mass of the building; and 2) the lack of parking; states the size of the building has been reduced from 120,000 square feet to approximately 97,000 square feet; indicates there will be a net increase in parking; states they are in negotiations with the City regarding the parking issue.

Mr. Greg MacDougall: General Services, presents project information indicating the building is approximately 97,000 square feet and 60 feet high; the parking will be two levels totaling approximately 137 parking places; site demolition will begin in January 2002 with construction of the building starting in June 2002, and occupancy occurring in early 2004; addresses construction cost; states the new building will eliminate lease space; accommodate future growth and reduce overcrowding; explains the goals and objectives; describes who will occupy the building.

Mr. David Hobstetter: Architect for Kaplan McLaughlin Diaz, states the building was designed for sustainability and community fit; addresses building strategies and the cost; presents examples of their work in other communities; explains the elevation details and terrace garden; addresses the design alternatives.

Ms. Kristina Feller: Architect for Kaplan McLaughlin Diaz, presents the tenant stacking diagram and indicates this is not the final design; addresses the project time table; states it is important to move forward with clear direction.

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

Mr. MacDougall: addresses a rating system that rates all elements of the construction project based on sustainability and environmental effects; states the Expanded Initial Study is underway and being circulated for public and agency comments; indicates they will continue to work with the City to discuss various aspects of this project.

Board Members: discuss various issues, comments and concerns regarding: the location of the Board Chambers and how that relates to sound and lighting disturbances; wanting the building to be public friendly with easy circulation access; the corridors being too narrow; the mass of the building; the looks and the maintenance of the copper dome and pedestrian arcade, with Mr. Hobsetter and Ms. Feller responding.

Ms. Willow Kelley: Citizens for Access to Essential Services, states she feels this is a misappropriation of public funds.

Mr. Michael Kovacs: states his concerns for spending approximately \$40 million on a new Government Center; urges the Board to conduct a town hall meeting.

Mr. Tom Swem: San Luis Obispo Downtown Association, indicates they would like the County Government Center to remain downtown; states they are pleased with the design of the building and they hope the County will move aggressively with regard to the parking issue.

Ms. Deborah Holley: San Luis Obispo Downtown Association, states the project meets the requirements of the Main Street Public Improvements and Design Plan; feels it is vital that the County remain in the downtown area.

Mr. Ken Schwartz: speaks to his architecture qualifications; feels: 1) the building works; 2) the design reflects the integration of elements that will make for a safe and enduring building and economical to maintain; and 3) the design keeps within the character of the city.

Ms. Karen Adler: feels the Board is overlooking the parking problem and the impact it will have on the City; urges the Board to be concerned with this issue.

Ms. Patricia Wilmore: San Luis Obispo Chamber of Commerce, commends the Board for their commitment to consolidate services and keeping them centralized; feels this is smart growth; believes the Board has the best interest of the people in mind.

Mr. Dave Garth: San Luis Obispo Chamber of Commerce, compliments the Board and staff for their cooperation with the City; encourages the Board to support the alternatives; feels this project is good planning.

Dr. Fred Vernacchia: feels this project has been rushed through the process; addresses the increase in the cost of the building by keeping it in the downtown area; states his concern for the mass of the project and the negative impact on parking; feels the parking situation should be handled before the project is built.

Ms. Pam Marshall Heatherington: feels the building is not welcoming; addresses her concern for the lack of public involvement relating to this project; applauds the adherence to the Green Building Guidelines; reads a letter from Eric Greening.

Ms. Lois Cluver: Architect, states she was pleasantly surprised with the building; believes it's logical to keep the Government Center in the downtown area; hopes the Board moves forward with this project.

Mr. Mark Brazil: thanks Supervisor Pinard for raising the awareness of the public's accessibility in the building; feels the public should have had more input at an earlier stage with regard to the layout of the building.

A motion by Supervisor Ovitt, seconded by Supervisor Bianchi to accept staff's recommendation including alternatives A (Roof Terrace Landscaping) and B2 (Limestone Base and Accent Details on Facade), is discussed.

Board Members: discuss the public outreach that has occurred; the cooperation between the City and the County; the parking issue being a priority; concern for the interior design being more accessible to the public.

Supervisor Pinard: states she wants to support the motion because she supports the project, however she wants her concerns taken into consideration and wants to make sure it's included in the intent of the motion.

Supervisor Bianchi: states this is just the foundation and from this point forward is where the details will be refined.

Matter is fully discussed and thereafter, on motion by Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board accepts staff's recommendation as outlined in the staff report dated 8/14/2001 including alternatives A (Roof Terrace Landscaping) and B2 (Limestone Base and Accent Details on Facade).

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, August 14, 2001, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 08/17/2001
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