

Tuesday, June 3, 2003

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

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY MR. DAVID EDGE, COUNTY ADMINISTRATIVE OFFICER.**

**SUM      AGN**

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

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

**RESOLUTION NO. 2003-171, resolution proclaiming June 5, 2003, as "National Hunger Awareness Day" in San Luis Obispo County, adopted.**

**Chairperson Ryan:** reads the resolution and presents the same to Mr. Floyd Butterfield.

**Mr. Butterfield:** states he appreciates the Board's support; indicates this is the second annual National Hunger Day and hopes the community will participate.

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

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

**RESOLUTION NO. 2003-172, resolution proclaiming June 8, 2003 as "Arts Honors Day" in San Luis Obispo County, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Ms. Heather Stevenson, Arts Council.

**Ms. Stevenson:** introduces Ms. Millie Mower and Altheia Higgins a couple of volunteers and on behalf of the Arts Council thanks the Board for honoring the volunteers; invites the public to the ceremony for "Arts Honors Day" on June 8, 2003 at the Paso Robles Youth Arts Foundation from 2:00p.m. to 4:00p.m..

3            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. Megan Gaiser:** addresses Item B-34 relating to the importance of the Services Affirming Family Empowerment System of Care program. **No action taken.**

4            B-1    Consent Agenda Item B-1 is amended by correcting the Bid Opening date on the coversheet thru to July 3, 2003. Item B-8 is amended by correcting the unannounced cash count date to March B-39 21, 2003. Item B-15 is withdrawn. Items B-17 and B-18 are withdrawn for separate action.  
**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-39 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-39, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

---

Items set for bid opening and hearing:

- B-1 Plans and specifications (Clerk's File) for the widening of Main Street, Templeton, from 500 feet southerly of Gibson Road to 600 feet northerly of Creekside Ranch Road; 1st District, **Approved as amended and the Clerk is instructed to give notice of bid opening set for July 15, 2003 at 3:00 p.m..**

---

Administrative Office Items

- B-2 Amended contract with Intercare Medical Group to modify terms related to the retention of physicians working at the County's Family Care Centers, **Approved.**
- B-3 Grant funds for emergency response equipment and related planning and administrative expenditures on behalf of the San Luis Obispo Operational Area, **Approved.**
- B-4 Accept federal grant funds on behalf of the San Luis Obispo Operational Area to support community emergency response team training and Citizen Corp Coordination, and 2) a corresponding budget adjustment in the amount \$12,109 for Budget Unit 2790 - Emergency Services, **Approved.**
- B-5 **RESOLUTION NO. 2003-173 AND 2003-174**, extending the Board-approved severance benefit package for employees who will be laid off as the result of staffing reductions in Medical Services through December 31, 2003, **Adopted.**
- B-6 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 6 to the Cambria Community Services District (Coastal Unified School District); 2nd District, **Approved.**
- B-7 **RESOLUTION NO. 2003-175**, reviewing the conflict of interest codes for the Cayucos Sanitary District, **Adopted.**

---

Auditor-Controller Items

- B-8 Unannounced cash count of the County Treasurer's Office conducted on May 21, 2003, **Received and Filed as amended.**
- B-9 Unannounced cash count of the Clerk-Recorder's Office conducted on April 21, 2003, **Received and Filed.**
- B-10 Unannounced cash count of the Sheriff's Animal Services Division conducted on April 15, 2003, **Received and Filed.**
- B-11 Unannounced cash count and review of cash handling procedures of the Planning and Building Department conducted on April 23, 2003, **Received and Filed.**
- B-12 Audit report on the contract between the Family Care Network, Inc., and the Department of Behavioral Health Services for the fiscal year 2001/2002, **Received and Filed.**
- B-13 **RESOLUTION NO. 2003-176**, increasing the amount of the pension obligation bonds, and authorizing the use of the preliminary official statement (Clerk's File) and a request to approve contracts (Clerk's File) with Fulbright and Jaworski and Public Financial Management, Inc., to provide bond counsel service and financial advisor services, **Adopted.**

---

General Services Items:

- B-14 Agreement (Clerk's File) with Enterprise Rent-A-Car to provide airport automobile rental services to air passengers at the San Luis Obispo County Regional Airport, **Approved.**
- B-15 Request to approve a month-to-month sublease agreement (Clerk's File) with Betty Ross Flagg and Kenneth Glick, dba Airport Facilities Associates, and Mike Dacey, dba as San Luis Obispo Fuel, for lease site G at the San Luis Obispo County Regional Airport, **Withdrawn.**
- B-16 A sublease agreement (Clerk's File) with In-Home Support Services Public Authority for improved office space located at 2925 McMillan Avenue in the City of San Luis Obispo, **Approved.**
- B-17 Request to approve a lease (Clerk's File) with Coast National Bank, for improved office space located at 545 Higuera Street in San Luis Obispo, **Withdrawn for separate action.**
- B-18 Request to create a project to demolish the existing San Luis Obispo Airport/Edna Valley Fire station and set up temporary modular structures to house the staff and apparatus while the new and already approved fire station is being designed and built, **Withdrawn for separate action.**
- B-19 **RESOLUTION NO. 2003-177**, authorizing entry of the County Cogeneration Project into the 2003 California State Association of Counties (CSAC) Challenge Awards, **Adopted.**

Planning and Building Items:

- B-20 Proposed mitigated negative declaration for the Santa Rosa Creek Road at Curti Creek Culvert replacement project (ED 01-068); 2nd District, **Approved.**
- B-21 **RESOLUTION NO. 2003-178**, accepting an avigation easement from Takken Development Company, Inc., for property located near the Oceano County Airport; 4th District, **Adopted.**
- B-22 **RESOLUTION NO. 2003-179**, approving an agreement for rescission of amended agreement for mitigations for lot line adjustment COAL 94-130 with Morro Bay, Limited, for property located north of Cayucos, on the Harmony Coast; 2nd District, **Adopted.**

Probation Items:

- B-23 Budget adjustment in the amount of \$130,007 to Budget Unit 3075 - Drug and Alcohol Services for 2002-03 funding of the Adult Drug Partnership Program and \$124,806 to Budget Unit 2660 - Probation, **Approved.**
- B-24 Budget adjustment in the amount of \$20,728 to Budget Unit 2660 - Probation for the second half of fiscal year 2002-03 Young Men as Fathers grant, **Approved.**
- B-25 Budget adjustment in the amount of \$48,500 to Budget Unit 2660 - Probation to allow for payment of court ordered California Youth Authority diagnostic evaluations and commitments of juveniles, **Approved.**

Public Works Items:

- B-26 Bid opening report for the construction of curb, gutter and sidewalk on Tefft Street and Orchard Avenue in Nipomo; 4th District, **Approved and the Chairperson is instructed to sign contract documents with R. Burke Corporation in the amount of \$222,961.**
- B-27 **RESOLUTION NO. 2003-180 and 189**, accepting conveyances from Stephen and Kathleen Steinberger and Nipomo Health Clinic, Inc., for the construction of curb, gutter and sidewalk on Tefft Street and Orchard Avenue in Nipomo; 4th District, **Adopted.**

- B-28 **RESOLUTION NO. 2003-181**, reducing service charges for Cooperative Road Project P026872 (Mesa Road, Atascadero) in County Service Area No. 21 (Cambria, Templeton and Atascadero); 5th District, **Adopted**.
- B-29 **RESOLUTION NO. 2003-182**, authorizing the Director of Public Works to accept and sign state road and bridge program supplements with CalTrans, **Adopted**.
- B-30 The following map has been received and has satisfied all the conditions of approval that were established in the public hearings on its Tentative Map and CO 00-0236, a proposed subdivision resulting in 4 lots, by Donna Grossnicklaus, Nacimiento Lake Drive, west of Paso Robles, **Approved** and **RESOLUTION NO. 2003-183**, to approve a road fee agreement; 1st District, **Adopted**.

---

Sheriff-Coroner Items:

- B-31 An application to the U.S. Department of Justice for a State Criminal Alien Assistance Program Grant, **Approved**.
- B-32 **RESOLUTION NO. 2003-184**, authorizing the Sheriff's Department to submit a grant application to the Office of Criminal Justice Planning requesting funding for a Gang Task Force, **Adopted**.

---

Other Items:

- B-33 Appointment of Ted Jacobson to the Fish and Games Fine Committee, **Approved**.
- B-34 Contracts (Clerk's File) with Lucia Mar Unified School District, Atascadero Unified School District, Paso Robles Joint Unified School District and Economic Opportunity Commission, Inc., for family advocacy and mental health services in the Services Affirming Family Empowerment System of Care, **Approved**.
- B-35 Agreement with the Department of Finance to continue participation in the State-County Property Tax Administration Program for 2003-04 and subsequent renewals for fiscal years 2003-04 through 2006-07, **Approved**.
- B-36 Appropriate \$1,815,000 from General Fund contingencies to pay for one time costs associated with the closure of General Hospital as well as other unanticipated expenses, **Approved**.
- B-37 **RESOLUTION NO. 2003-185**, authorizing the Joint Powers Agreement (Clerk's File) with the Victim Compensation and Government Claims Board for the Victim/Witness Assistance Center for 2003-04, **Adopted**.
- B-38 Submittal by Behavioral Health of proposed bylaws (Clerk's File) for the Psychiatric Health Facility, **Approved**.
- B-39 Agreement with the City of San Luis Obispo reducing hours of operation at the San Luis Obispo City-County Library, **Approved**.
- 5 B-17 Request to approve a lease (Clerk's File) with Coast National Bank, for improved office space located at 545 Higuera Street in San Luis Obispo, is presented.

During discussion on the Consent Agenda Supervisor Pinard asked for a separate vote on this item, indicating her concerns for leasing office space outside of the County Government offices when General Hospital is available.

**Ms. Kim Barrett:** Chief Probation Officer, states she believes they are not going into General Hospital because of the time crunch; indicates the lease is handled through General Services.

**Mr. Duane Leib:** General Services Director, states this lease is for one year and there has been no decision made on the use of General Hospital.

**Board Members:** discuss various issues, comments and concerns regarding: a General Hospital Master Plan; how long it will take for General Hospital to be ready for occupants; money being spent for rent and the cost of overhead, with staff responding.

**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, Achadjian, Chairperson Ryan  
**NOES:** Supervisor Pinard  
**ABSENT:** None

**the Board approves the lease with Coast National Bank and directs the Chairperson to sign the document.**

- 6 B-18 Request to create a project to demolish the existing San Luis Obispo Airport/Edna Valley Fire station and set up temporary modular structures to house the staff and apparatus while the new and already approved fire station is being designed and built, is presented and amended by adding the following language “approve a corresponding budget adjustment in the amount of \$250,000 to fund the second and third phases of the project, by four-fifths vote.”

During discussions on the Consent Agenda Supervisor Pinard asking for a separate vote on this item, addressing her concerns for this building not meeting the current Essential Services Act.

**Chairperson Ryan:** questions why this building does not meet current or previous Essential Services requirements or structural requirements of the regular building code, with Mr. Duane Leib, General Services Director, responding.

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

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

**the Board creates the Capital Project, San Luis Obispo Airport & CDF/County Fire-Station #21 Demolition and Temporary Replacement, P5203, and approves the corresponding budget adjustments totaling \$250,000 to fund the second and third phases of the project.**

- 7 C-1 This is the time set for hearing to consider an ordinance amending Chapter 1.10 of the County Code relating to the regulation of telecommunications systems which utilize public streets, rights-of-ways or other public property; All Districts.

**Mr. Tim Smith:** County Right-of-Way Agent, presents the staff report indicating there is a change that was made to the ordinance; indicates staff recommends the ordinance be amended, reintroduced and continued to June 17, 2003 at 9:00 a.m..

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

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

**the Board amends the ordinance by adding the following sentences to page 4 of the ordinance as the second and third sentences of subsection (e) of Section 1.10.080: “This subsection does not in any way diminish the scope and effect of subsection (c) of this section. Accordingly, this subsection (e) does not affect a telecommunications carrier’s obligation to comply with any other sections of this chapter or any other applicable ordinance or permit, nor does it affect a telecommunication company’s**

**obligation to pay any fees described in County Ordinance No. 2924 or any other applicable ordinance”; and the Board reintroduces the ordinance, as amended, and continues said hearing to June 17, 2003 at 9:00 a.m. for final action.**

- 8 C-2 This is the time set for hearing to consider an ordinance amending Ordinance No. 2924, entitled “Ordinance Amending County Fee Schedule” relating to telecommunications companies’ use of County right-of-way; All Districts.

**Mr. Tim Smith:** County Right-of-Way Agent, presents the staff report and recommendation.

**Supervisor Pinard:** questions the policies relating to digging up a brand new road to put in telecommunication lines, with staff responding.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2998, ordinance amending Ordinance No. 2924, adopted.**

- 9 C-3 This is the time set for hearing to consider a resolution making findings for abandonment and approving an agreement for abandonment and extinguishment of restrictions for a scenic preservation agreement with Morro Bay, Limited, for property located north of Cayucos, on the Harmony Coast; 2nd District.

**Mr. John Hofschroer:** Planning, presents the staff report and recommendation.

**Supervisor Bianchi:** states she is very pleased with the process and believes the land will be a great addition to conserving the coastline and also indicates the public was not involved in this process.

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

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

**RESOLUTION NO. 2003-186, resolution making findings for abandonment and approving agreement for abandonment and extinguishment of restrictions of scenic preservation agreement with Morro Bay, Limited, a California Limited Partnership, adopted.**

- 10 C-4 This is the time set for hearing to consider an appeal by Robert Mueller of the Hearing Officer’s approval of a Minor Use Permit/Coastal Development Permit (D020051P) a request by David Angello to construct a new 1200 square foot storage building for an existing ATV rental business; 4th District.

**Ms. Ryan Hostetter:** Planning, presents the staff report; describes the property and presents slides of the project; addresses the appellant’s concerns which include: 1) operation of the business is in the public right-of-way; 2) the project does not meet all County standards; 3) the project was not reviewed by the Oceano Halcyon Advisory Committee; and 4) the property is in violation of the existing use permit; states staff is recommending denial of the appeal.

**Mr. Robert Mueller:** Appellant, thanks the Board and the staff for their time; states there were originally twelve reasons for the appeal; indicates the major concerns include

hazardous waste storage, fire code issues and on going code enforcement problems; addresses the original Resolution No. 87-28 that approved the Development Plan; presents slides of the applicants property and surrounding area; states he would like to see the long term concerns of the neighbors addressed today; speaks to the original land use application and the requirements for parking.

**Mr. Mark Vasquez:** Design Graphics and representing the Applicant, states this appeal was brought up as a result of a code enforcement case; thanks Supervisor Achadjian for meeting with the Appellant and Mr. Angello to try and resolve the issues; indicates all code enforcement issues have been mitigated except for the fencing; explains the process of loading the ATV's and towing them to the beach and the need for the use of the public right-of-way; addresses the towing business.

**Mr. Gordon Shore:** states he hopes both the Applicant and the Appellant get what they want.

**Mr. Vasquez:** requests the approval of this project.

**Mr. Mueller:** states his concern for the use of the public right-of-way, the hazardous waste and the pursuit of the towing business.

**Supervisor Ovitt and Chairperson Ryan:** question the enforcement issues and if there is a history of code enforcement.

**Mr. Greg Camack:** Planning, states there is no current enforcement investigation on the property; indicates the County's position on the tow trucks is that they are not allowed; states there were six code enforcement cases on this property including storage, fencing, and the tow vehicles.

**Supervisor Bianchi:** suggests including a condition indicating if a violation occurs the Minor Use Permit could be revoked, with staff responding.

**Board Members:** discuss various issues, comments and concerns regarding: the different violations that have occurred on the property; vehicles parked on the sidewalk; the location of the storage area; the use of the public right-of-way interrupting the flow of traffic; the safety of storing fuel and tires, with staff responding.

**Supervisor Bianchi:** suggests continuing this item to get all the unanswered questions resolved.

**Ms. Pat Beck:** Assistant Planning Director, states continuing this item is a good idea and suggests it be continued to a date certain.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board continues said hearing to July 8, 2003 at 9:00 a.m..**

11 C-5 This is the time set for hearing to consider a resolution to take final action on all amendments tentatively recommended for approval on May 6 and May 20, 2003, amendments to the Land Use Element/Local Coastal Plan, Title 21 (Real Property Division Ordinance), Title 23 (Coastal Zone Land Use Ordinance), the Land Use Element of the County General Plan, Title 22 (Land Use Ordinance), Title 26 (Growth Management Ordinance), and Title 19 (Construction Ordinance) - Spring General Plan Amendment Cycle 2003; All Districts.

**Mr. Warren Hoag:** Planning, presents the staff report; indicates staff recommends the Board take final action on all amendments previously given tentative approval on May 6 and May 20, by adopting the resolution and ordinances.

**Ms. Pat Beck:** Assistant Planning Director, states they received a letter from Save the Mesa indicating there is an exemption from the Growth Management Ordinance Title 26 which applies to farm worker residential housing units which is in violation of the

settlement agreement between Save the Mesa and the County; states staff has prepared an amended resolution that would remove pages C-5-59 through C-5-65.

**Chairperson Ryan:** states the Board should move forward as it stands.

**Ms. Marianne Buckmeyer:** President of Save the Mesa, states this item is recommending an exemption from the Growth Management Ordinance Title 26; indicates this action would be in violation of the agreement made by Save the Mesa and the County.

**Mr. Ed Eby:** feels the action by the Board today should be to cut Nipomo out of these exemptions; states LAFCO is currently evaluating the sphere of influence for the Nipomo Community Services District and have determined there are serious questions regarding the water supply on the Nipomo Mesa; urges the Board not to go forward with exemptions in Nipomo until after an EIR as been completed.

**Mr. Tim McNulty:** Deputy County Counsel, states the County agreed to do an EIR and it is now underway.

**Ms. Beck:** indicates staff came up with the alternative resolution as a way around the conflict and to avoid a violation of the settlement agreement.

**Supervisor Ovitt:** states he does not support the deletion of Title 19 and Title 26; believes the Item should be adopted the way it is and then the Board can adopt an additional resolution exempting Nipomo.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2999, an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance relative to appealable development, public access, emergency permits, bluff retreat, lateral access, drainage standards, and sensitive resource area, adopted.**

12 C-5 **Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:**

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3000, an ordinance amending Title 21 of the San Luis Obispo County Code relating to Lot Line Adjustments, adopted.**

13 C-5 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi, and on the following roll call vote:**

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3001, an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapters 1, 2, 4, 5, 7, 8 and 11 relating to appeals to Coastal Commission, appeal withdrawal, MUP processing, Time Extensions, Site Area Measurement and Setbacks based on subdivision design, porches, lighting, undergrounding of utilities, minimum parcel**



size for historic structures, home occupations, detached home offices, 4-H projects, roadside stands, caretaker residences, temporary dwellings, and definition of Wildland Fire Hazard Fuel Potential, adopted.

- 14 C-5 Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3002**, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Section 22.94.030D relating to the Eagle's Nest Ranch, adopted.

- 15 C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3003**, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Section 22.106.020D relating to the Alisos Road area, adopted.

- 16 C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Chairperson Ryan and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3004**, an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance, adopted.

- 17 C-5 Thereafter, on motion of Supervisor Ovitt, seconded by Chairperson Ryan and on the following roll call vote:

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3005**, an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance, adopted.

- 18 C-4 Consideration of an appeal by Robert Mueller of the Hearing Officer's approval of a Minor Use Permit/Coastal Development Permit (D020051P) a request by David Angello to construct a new 1200 square foot storage building for an existing ATV rental business; 4<sup>th</sup> District, is brought back for hearing.

**Supervisor Achadjian:** indicates the July 8, 2003 date for the continuance is not going to work and wants to change it to July 15, 2003.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi, and unanimously carried, motion carries and the Board continues said hearing from July 8, 2003 to July 15, 2003 at 9:00 a.m.**

- 19 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.
- Mr. Lark Jursek:** addresses his concerns for growth and the importance of every level of government to be healthy; speaks to a transcontinental infrastructure and the formation of a convention center.
- Mr. Richie Ray Walker:** addresses the efficient form of public transportation in Washington State and compares it to the public transportation system here in this County.
- Rev. C. Hite:** addresses victims of federal crimes; health needs and the needs of the homeless.
- Ms. Susan Warren:** states she is here to express the need for services relating to drugs and alcohol; addresses community-based services with volunteer support; speaks to funding cuts and urges the Board to think out of the box and realign the cuts starting at the top.
- Ms. Jay Adams:** states her concern for the lack of treatment resources for clients with drug and alcohol addictions and for those who have been abused as children.
- Ms. Charmaine Quinlan:** addresses the need for the Services Affirming Family Empowerment System of Care and the importance of getting the word out and putting families, in need in touch with the right programs.
- Mr. Michael Passarelli:** addresses a Karaoke Telethon against hunger; states all proceeds will go to the Food Bank Coalition; urges the community's support. **No action taken.**
- 20 C-5 Consideration of a resolution to take final action on all amendments tentatively recommended for approval on May 6 and May 20, 2003, amendments to the Land Use Element/Local Coastal Plan, Title 21 (Real Property Division Ordinance), Title 23 (Coastal Zone Land Use Ordinance), the Land Use Element of the County General Plan, Title 22 (Land Use Ordinance), Title 26 (Growth Management Ordinance), and Title 19 (Construction Ordinance) - Spring General Plan Amendment Cycle 2003; All Districts, is brought back for hearing.
- Ms. Pat Beck:** Assistant Planning Director, indicates the Board directed staff to prepare a resolution upholding the settlement agreement provisions of *Save the Mesa vs. County of San Luis Obispo*; hands the Board the resolution.
- Mr. Tim McNulty:** Deputy County Counsel, states earlier in the day the Board acted on each ordinance but did not adopt the final resolution and ordinance and will need to take that action now.
- No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**
- AYES:** Supervisors Achadjian, Bianchi, Ovitt, Pinard, Chairperson Ryan  
**NOES:** None  
**ABSENT:** None
- RESOLUTION NO. 2003-187, resolution directing the Department of Planning and Building to uphold Settlement Agreement provisions of *Save the Mesa vs. County of San Luis Obispo* (CV000489) concerning exemptions to Title 26 (Growth Management), adopted.**
- 21 C-5 **No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**
- AYES:** Supervisors Ovitt, Bianchi, Pinard, Achadjian, Chairperson Ryan  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2003-188, resolution to amend the San Luis Obispo County General Plan, Land Use Element, Land Use Element/Local Coastal Plan, to adopt ordinances entitled “an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance relative to appealable development, public access, emergency permits, bluff retreat, lateral access, drainage standards, and sensitive resource area,” “an ordinance amending Title 21 of the San Luis Obispo County Code relating to lot line adjustment,” “an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Chapters 1, 2, 4, 5, 7, 8 and 11,” “an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Section 22.94.030D relating to the Eagle’s Nest Ranch,” “an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance Section 22.106.020D relating to the Alsios Road Area,” “an ordinance amending Title 19 of the San Luis Obispo County Code, the Building and Construction Ordinance,” “an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance,” and “an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code,” and to approve environmental documents, adopted.**

22 C-5 **No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3006, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code, adopted.**

23 D-1 **Submittal of a status report on the Services Affirming Family Empowerment (SAFE) System of Care.**

**Mr. Brad Sunseri:** Clinical Program Manager for Mental Health Youth Services, presents a status report on the Services Affirming Family Empowerment System of Care (SAFE); presents their mission statement and core beliefs; addresses the SAFE foundation locations; presents the goals and services; speaks to the type of people who are using the system and the challenges they face; presents statistics of how the SAFE program is being measured; addresses future planning for the SAFE System; states the SAFE System is a collaborative project with the Children’s Services Network and Integrated Services Committee; and thanks the Board for their support.

**Board Members:** discuss various issues, comments and concerns regarding: accountability and a system of checks and balances being in place; is there a partnership with the schools to find clients, with Ms. Rhea Liimaa, SAFE Coordinator and Mr. Sunseri responding.

**Ms. Biz Steinberg:** Economic Opportunity Commission, states with the SAFE System of Care the families with their intense needs are there as part of the planning and the system builds on their strengths.

**Rev. C. Hite:** questions what age does a child stop being a child in this program; feels this system has great intentions.

**Ms. Susan Warren:** North County Connection, states she is pleased to be at the table with Integrated Services; indicates this program is a blessing to families.

**Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and unanimously carried, the Board receives and files the status**

**report on the SAFE System of Care dated 6-3-03.**

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

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

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).)** **(Formally initiated)** 1) In re PG&E Bankruptcy, 2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, 3) *NRC Proceedings Concerning Spent Fuel*, **Added (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)** 7) *Lum v. County of San Luis Obispo* and 8) *County of San Luis Obispo, et al v. Mercer*.

**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. **Added (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** 9) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation.

---

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

---

**II. TRADE SECRETS, MEDICAL QUALITY HEARINGS** It is the intention of the Board to meet in Closed session concerning the following items:

**A. Trade Secrets, Medical Quality Hearings Exception (Gov. Code, § 54957)** 6) *Consideration of confidential quality assurance medical reports. (Health & Safety Code, § 1461).*

---

**Chairperson Ryan:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board approved the transfer of credentialing files of the psychiatrist and psychotherapist staff that will now be separately licensed in a psychiatric facility and no other report required as no final action was taken and the Board goes into Open Public Session.

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 to Monday, June 9, 2003 at 9:00 a.m. for the purpose of considering the proposed Budget for Fiscal Year 2003-04.

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, June 3, 2003, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

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

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

DATED: 06/06/2003

cla