

Tuesday, September 9, 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 CHAIRPERSON MICHAEL P. RYAN.

SUM AGN

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2003-285, resolution honoring the Lifeguards, members of Port San Luis Harbor Patrol, California Dept of Forestry, and Port San Luis Harbor District for their rapid assistance during the recent shark attack at Avila Beach, adopted.

Supervisor Pinard: reads the resolution and presents the same to Tim Borland, Jeff Fesler, Richard Griguoli, and William Larsen.

Mr. Mike Harkness: CDF, introduces the firefighters involved.

Supervisor Pinard: states these people selflessly responded to another persons cry for help without any regard for their own safety; commends them for their action.

Ms. Telsa Bevans: thanks everyone involved for their prompt action.

Mr. Kacy Nelson: Harbor District, indicates this is a difficult issue to talk about; sends his sincere sympathy to the family and gratitude to the rescuers standing before you today.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2003-286, resolution endorsing the efforts of the South County Healthcare Alliance, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Mr. Chad Chadwick, South County Health Care Alliance.

Mr. Chadwick: thanks the Board on behalf of the South County Health Care Alliance, for the recognition; states the Alliance is diligently exploring areas for the greatest care for the community.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2003-287, resolution recognizing the Robert Mondavi Cuesta Ridge Vineyard as the recipient of the 2003 Native Tree Stewardship award, adopted.

Chairperson Ryan: reads the resolution and presents the same to members of Cuesta Ridge Vineyard.

Ms. Marilyn Britton: Native Tree Committee, addresses the people who are involved with the committee; describes the native tree resolution and the voluntary guidelines; indicates this award is presented to an individual or a group who has made significant contributions to the conservation of trees; thanks the Board for the recognition of Cuesta Ridge.

Mr. Robert Lavine: introduces Neil Roberts, Derryal John and Dan Connors ; thanks the Board for the honor; states it's a tough market but it's easy to do the right thing regarding environmental stewardship; indicates Robert Mondavi is a great company to work for.

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

Mr. David Broadwater: states his concern that a citizen has to pre-register to speak at the Attorney General Department of Justice hearing at the Veterans Hall on Monday September 15, 2003; hopes the Board takes some kind of emergency action to stop them from barring the public from speaking if they haven't pre-registered.

Mr. David Edge: County Administrator, states the Department of Justice has requested pre-registration from official representatives planning on making a presentation; indicates his understanding is there will be an opportunity for the general public to speak without pre-registration.

Mr. Eric Greening: states he has also heard the general public needs to pre-register for the hearing on Monday; requests as many Board members as possible try to attend this meeting to protest the sale of the hospitals (French Hospital & Arroyo Grande Community Hospital); provide funding to have AGP video broadcast the proceedings; requests the Board asks the Attorney General to hold a second hearing that would begin in the evening on another date providing access to those not available during the day.

Mr. Michael Kovacs: addresses the recent criticism of the Sheriff's Department and people losing their lives at the hands of deputies; believes the Sheriff did the right thing by suspending the deputies; addresses the special election.

Ms. Pam Heatherington: encourages the public to speak at the hearing on September 15, 2003 regarding the sale of French, Arroyo Grande, and Corona hospitals to Universal Health Systems; indicates the public can call 916-324-5347 to pre-register; indicates the Health Commission voted to support the Board of Supervisors letter to the Attorney General however, wanted to address their concerns relating to the time of the hearing and public involvement.

Mr. Edge: states they have confirmed with the Attorney General's office that there is no need to pre-register and there will be an open public comment period. **No action taken.**

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

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

the Board approves the presentation of the Employee Service Recognition Awards.

Mr. Richard Greek: Personnel Director, introduces the following employees and presents each with their 20-year service pin: Ms. Linda Benfield, Auditor-Controller's Office, Pamela Weaver, County Clerk-Recorder, Robert Armentrout, Information

Technology Department, Gordon Peterson, Library (not present) and Deborah Schlanser, Library.

25-Year Service Awards, are presented.

Mr. Brian Reynolds: Library Director, introduces Ms. Lynn Wiech, presents the history of her time with the County; and thanks her for her dedication and service.

Ms. Wiech: thanks Mr. Reynolds for his kind words and states it is rewarding to work with such nice people.

30-Year Service Awards, are presented.

Ms. Julie Rodewald: County Clerk-Recorder, introduces Ms. Linda Oliveria, addresses her job duties over the past 30 years; reads some comments from her fellow employees and congratulates her on her years of service.

Mr. Gere Shea: District Attorney, introduces Mr. Dan Hilford, presents a brief history of his employment with the District Attorney's Office; thanks him for his dedication and service.

Mr. Hilford: thanks Mr. Shea for his kind words and thanks the Board for the recognition.

Mr. Duane Leib: General Services Director, indicates Mr. James Harradence is not present; states he is shy and prefers to be out in the field; presents a brief history of his service with the County and thanks him for his contributions and service.

Mr. Brian Reynolds: introduces Mr. Morgan Philbin; addresses his job duties over the past 30 years and congratulates him on his years of service.

Mr. Philbin: states his 30 year adventure has been fun and thanks everyone.

6 SP **Ms. Julie Rodewald:** County Clerk-Recorder, reports on the upcoming Special election; states the election is 28 days away; indicates her office is very busy issuing absentee ballots; urges the public to check the location of their polling place on their sample ballot and if they have any questions to call the office; states September 30, 2003 is the last day to send out absentees and September 22, 2003 is the last day to register; states there is still a slight chance the election will not go through however, the Elections Division is moving forward.

Chairperson Ryan: questions where a voter would find information on the two propositions that are on the ballot, with Ms. Rodewald responding. **No action taken.**

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

Mr. Michael Kovacs: addresses Item B-2; feels there was not enough done to investigate these thefts; believes the Auditor should audit the departments; feels there is a gross mismanagement of County funds. **No action taken.**

8 B-1 Consent Agenda Item B-5 is amended by substituting the words in the title from "Mental
thru Health clients" to Proposition 36 participants." Item B-19 is amended by adding to the
B-42 surplus list a portable x-ray machine. Item B-22 is withdrawn for separate action. Items
B-41 and B-42 are added to the Consent Agenda. **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

Consent Agenda Items B-1 through B-42 are approved as recommended by the County administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-42, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Auditor-Controller Items:

- B-1 Unannounced cash count of the Sheriff-Coroner's Office conducted on July 29, 2003, **Received and Filed.**
- B-2 Annual cash shortages report and departmental bank accounts/cash funds listing for the fiscal year 2002-03, **Received and filed.**
- B-3 **RESOLUTION NO. 2003-288**, setting tax rates and adopting contingencies, reserves, and designations for the 2003/2004 Final Budget, **Adopted.**

Behavioral Health Items:

- B-4 Two agreements (Clerk's File) with Lucia Mar Unified School District to provide counseling services, **Approved.**
- B-5 Agreement (Clerk's File) with Mental Health Systems, Inc. to provide treatment services to Mental Health clients, **Approved as amended.**
- B-6 Agreement (Clerk's File) with the Children and Families Commission of San Luis Obispo to provide play therapy services for children with special needs, **Approved.**
- B-7 Contract (Clerk's File) with Echo Consulting Services to provide software maintenance and support for Mental Health's Management Information System, **Approved.**
- B-8 Contract (Clerk's File) with the State Department of Mental Health designating Behavioral Health Services as the provider of Medi-Cal services, **Approved.**
- B-9 Application (Clerk's File) with the State Department of Mental Health for continued funding under the federal government's Projects for Assistance in Transition from Homelessness Program for 2003-04, **Approved.**
- B-10 Request to approve the second of two scheduled amendments (Clerk's File) to the Combined Negotiated Net Amount and Drug Medi-Cal contract for 2002-03 with the State Department of Alcohol and Drug Programs, **Approved.**
- B-11 Budget adjustment in the amount of \$8,800 from unanticipated revenue to cover expenditures related to health screening for homeless women in the county, **Approved.**

Board of Supervisors Items:

- B-12 Allocation of \$2,000 from District Two Community Project Funds to the Los Osos Community Advisory Council to pay costs associated with holding monthly public meetings, **Approved.**
- B-13 Allocation of \$2,500 from District Two Visitors Services Grant Funds to the Cambria Chamber of Commerce to advertise the North Coast area as a tourist destination, **Approved.**
- B-14 Appointment of Elizabeth Van Note as a District One Representative to the Commission on the Status of Women, **Approved.**
- B-15 Appointment of Robert Hodgin to the Fish and Games Fine Committee, **Approved.**
- B-16 Appointment of Lana Adams as a District Five Representative to the Children's Service Network Council, **Approved.**

General Services Items:

- B-17 Reimbursable agreement (Clerk's File) with the Transportation Security Administration

of the Department of Transportation for law enforcement services provided by the County Sheriff at the San Luis Obispo County Regional Airport; 2) a corresponding budget adjustment in the amount of \$125,013 from unanticipated revenue to the Sheriff and Airports budgets, **Approved**.

- B-18 Contracts (Clerk's File) with the Morro Group, Inc., and FIRMA to complete a constraints analysis and a park master plan for Nipomo Community Park, **Approved**.
- B-19 Declaration of various equipment and miscellaneous items surplus, **Approved as amended**.
- B-20 **RESOLUTION NO. 2003-289**, authorizing execution of a notice of completion and acceptance for the construction of the Superior Court Department 12 Hearing Room Expansion Project in the County Government Center, **Adopted**.
- B-21 **RESOLUTION NO. 2003-290**, authorizing execution of a notice of completion and acceptance for the construction of an office addition to the Animal Services facility at the County Operation Center, **Adopted**.
- B-22 Submittal of a resolution delegating authority to the General Services Director to lease real property for county use under specific circumstances, **Withdrawn for separate action**.
- B-23 **RESOLUTION NO. 2003-291**, correcting and amending Resolution Number 86-401, accepting irrevocable offers of dedication for public access located within the unincorporated areas along the County coastline, **Adopted**.
- B-24 **RESOLUTION NO. 2003-292**, correcting and amending Resolution Number 96-491, accepting irrevocable offers of dedication for public access located within the unincorporated areas along the County coastline, **Adopted**.

Planning and Building Items:

- B-25 Agreement (Clerk's File) with Douglas Wood and Associates to prepare an environmental impact report for the Congregation Beth David Conditional Use Permit (San Luis Obispo Area); ED03-054; 2nd District, **Approved**.
- B-26 Budget adjustment in the amount of \$205,000 to Budget Unit 2085 - Community Development for 2001 Federal Supportive Housing Program grant funds, **Approved**.
- B-27 Proposed mitigated negative declaration (Clerk's File) for the Las Pilitas Road at the Salinas River Bridge Project; 5th District, **Approved**.

Public Works Items:

- B-28 Agreements (Clerk's File) with the Quincy Engineering to provide professional engineering and consulting services for bridge replacement projects on Las Pilitas Road at the Salinas River near Santa Margarita and two bridges on San Simeon Creek Road at San Simeon Creek; 2nd and 5th Districts, **Approved**.
- B-29 Agreements (Clerk's File) with T.Y. Linn International to provide professional engineering and environmental services for bridge replacement projects on Main Street at Santa Rosa Creek, Cambria; Picachio Road at Cayucos Creek, Cayucos; and Moonstone Beach Drive at Leffingwell Creek, Cambria; 2nd District, **Approved**.
- B-30 **RESOLUTION NO. 2003-293**, extending the date of termination of a franchise agreement with Charter Communications, **Adopted**.
- B-31 **RESOLUTION NOS. 2003-294 and 2003-295**, accepting conveyances from Cambria Community Services District for West Village Flood Control and Cambria Drive Road Project; 2nd District, **Adopted**.
- B-32 **RESOLUTION NO. 2003-296**, amending the Traffic Regulation Code establishing no

parking on Old County Road in Templeton and Division Street and Orchard Avenue in Nipomo; 1st and 4th Districts, **Adopted.**

- B-33 **RESOLUTION NO. 2003-297**, amending the Traffic Regulation Code establishing yield right of way intersections on Morningside Drive and Santa Margarita Road, near Atascadero and Indian Valley Road and Vineyard Canyon Road, San Miguel; 1st and 5th Districts, **Adopted.**
- B-34 **RESOLUTION NO. 2003-298**, accepting road improvements on Bonita Place, Verde Place, Aldo Way, Armand Avenue, Tielo Street and Crispin Avenue, in San Miguel; 1st District, **Adopted.**
- B-35 The following maps has been received and has satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
- A. COAL 02-0002, a proposed lot line adjustment of 2 lots, by Ed and Linda Hughes, Stephen Craig and Marla Rossman, Suffolk Street, Cambria; 2nd District, **Approved.**
 - B. CO 99-0102, a proposed subdivision resulting in 2 lots, by Fred and Bonnie Fernald, Ferndale Road, Nipomo Mesa, **Approved**, and **RESOLUTION NO. 2003-299**, accepting the offer of dedication for road widening; 4th District, **Adopted.**
 - C. COAL 98-0176, a proposed lot line adjustment of 17 lots, by KMBG, LTD., Adelaida Road, west of Paso Robles; 1st District, **Approved.**

Other Items:

- B-36 Two Medi-Cal Cost Avoidance and County Subvention Certificates of Compliance, **Approved.**
- B-37 Application to the Office of Justice Programs, Bureau of Justice Assistance for the implementation of the Local Law Enforcement Block Grants Program, **Approved.**
- B-38 Minutes of the July 8, 15, and 22, 2003 Board of Supervisors' meetings, **Approved.**
- B-39 Agreement (Clerk's File) with the Food Bank Coalition that was approved for funding during the 2003-2004 budget hearings, **Approved.**
- B-40 Application (Clerk's File) for the California Healthcare for Indigents Program (CHIP) for fiscal year 2003-04 and a request to authorize the Public Health Department Director to execute the standard agreement and description of proposed expenditure for the CHIP allocation, **Approved.**

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

- B-41 **RESOLUTION NO. 2003-300**, recognizing the Paso Robles Vintners and Growers Association on their tenth year as a successful organization, **Adopted.**
- B-42 **RESOLUTION NO. 2003-301**, rejecting the proposed closure of the California Specialized Training Institute (CSTI), **Adopted.**

- 9 B-22 Submittal of a resolution delegating authority to the General Services Director to lease real property for county use under specific circumstances, is presented.

Based on discussions during the Consent Agenda Supervisor Pinard requested this item be withdrawn for separate consideration.

Supervisor Pinard: indicates she will not support this item because she doesn't feel the public is involved.

Supervisor Ovitt: feels it would be a better situation to have these leases come before the Board on the Consent calendar.

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

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

the Board denies the resolution delegating authority to the General Services Director to lease real property for County use under specific circumstances.

- 10 C-1 This is the time set for hearing to consider a resolution establishing an underground utility district in the community of Templeton at Main Street between 8th Street and Vineyard Avenue; 1st District.

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

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. 2003-302, resolution establishing Underground Utility District No. 26 at Main Street between Eighth Street and Vineyard Drive in the Town of Templeton Supervisorial District No. 1, adopted.

- 11 C-2 This is the time set for hearing to consider a resolution to vacate a portion of Paso Robles Avenue between 6th and 7th Streets, in the community of Los Osos; 2nd District.

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

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

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

RESOLUTION NO. 2003-303, resolution vacating a portion of Paso Robles Avenue Between 6th and 7th Streets, a purported public road in the town of Los Osos, Supervisorial District No. 2, adopted.

- 12 C-3 This is the time set for hearing to consider formation of an assessment district (Flynn/Hernandez- D010256P) for drainage basin maintenance; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report indicating the purpose of today's hearing is to hear any objections or protests to the formation of the Assessment District; receive any ballots and direct the Clerk to tabulate the ballots and prepare a certificate of election and report back to the Board on September 23, 2003 for final action.

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

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

the Board closes the public hearing and directs the Clerk to tabulate the ballots and prepare a Certificate of Election, and report back to the Board on September 23, 2003 for final action.

- 13 C-4 This is the time set for hearing to consider an ordinance amending sewer connection fees for San Luis Obispo County Service Area No. 7-A, Oakshores, Wastewater System; 1st District.

Mr. Will Clemens: Public Works, presents the staff report and recommendation relating to the proposed connection fees and indicates all legal requirements have been met.

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, and 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. 3009, an ordinance amending connection fees for San Luis Obispo County Service Area No. 7A Sewer/Waste Disposal, adopted.

- 14 D-1 Contracts (Clerk's File) with SAP Public Services, Inc., ea consulting, inc., and RWD Technologies, Inc., for software and implementation services for a new Enterprise Financial System.

Mr. Jim Grant: Assistant County Administrator, introduces the item.

Mr. Gere Sibbach: County Auditor-Controller, presents the staff report; describes the Request for Proposal (RFP) process for the Enterprise Financial System (EFS); indicates an EFS Steering Committee was formed to provide oversight of the process and in addition a project evaluation team was also formed with staff from each of the Steering Committee departments; states the Governmental Finance Officers Association (GFOA) also assisted in this process by providing guidance in developing the RFP; addresses the scoring and what it was based on; indicates there were 13 proposals which were evaluated and reduced to two; addresses the on-site demonstrations and presentations; states on July 18, 2003 the Steering Committee unanimously selected SAP Public Services, Inc. and ea consulting, inc.; recommends the Board approve the contracts.

Mr. Greg Condale: Governmental Finance Officers Association, addresses the services that have been provided to the County; states he is available for questions.

Board Members: discuss various issues, comments and concerns regarding: a tie-in for Pension Trust; if this is an integrated system to assist in better department coordination; a protection guarantee in case of computer crashes, with staff responding.

Mr. Michael Kovacs: feels this work could be done by the department if it needs to be done at all; questions if the public will benefit from this new system; urges the Board to deny this request.

Ms. Amy Phillips: Vice President, SAP Public Services, Inc, addresses the number of customers SAP services and the importance of having a good reputation in this business; indicates they are dedicated to their customers and cannot afford any failures; indicates the County is also getting a 24 month warranty with has never been done before.

Board Members: question how far someone would have to travel to help with a problem on-site; the success rate of this company with other governmental agencies; what will happen to the role of ISD, with staff responding.

Supervisor Pinard: states she would like to support this item however, feels rushed; believes there are a lot of unanswered questions and feels the contracts need to be examined.

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, and Chairperson Ryan

NOES: Supervisor Pinard

ABSENT: None

the Board approves the contracts with SAP Public Services, Inc. and ea consulting, inc. for software licensing, implementation services, maintenance and user training for a new enterprise financial/human resource system.

15 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*, and 4) *Parnell 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)** 9) *Oceano Farming Co. v. County of San Luis Obispo*, 10) *Bejo Seeds, Inc. v. County of San Luis Obispo*, *Crawford & Company, et al. v. County of San Luis Obispo*, and 12) *Ikeda Bros. v. San Luis Obispo County Flood Control & Water*.

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.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: 7) *Property Description: 1551 Bishop Street, San Luis Obispo* Parties with whom negotiating: *OMKAR Investment* Instructions to Negotiator will concern: *Price, Terms and Conditions*. 8) *Property Description: One acre in California Valley next to Soda Lake Road, being a portion of the northwest quarter of Section 13, Township 30 South, Range 18 East, Mount Diablo Meridian, in the County of San Luis Obispo* Parties, with whom negotiating: *John Ruskovich*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

Chairperson Ryan: opens the floor to public comment.

Mr. Michael Kovacs: urges the Board to inform the public of decisions made in Closed Session.

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.

16 C-5 This is the time set for hearing to consider the El Pomar-Estrella Area Plan Update: Proposed amendment to the El Pomar-Estrella Area Plan and Circulation Element of the County General Plan, and related amendments to the Salinas River Area Plan and the Agriculture and Open Space Element of the County General Plan, and to the Land Use Ordinance; 1st and 5th Districts.

Mr. Warren Hoag: Planning, introduces the item.

Mr. Mike Wulkan: Planning, presents a brief overview of the Planning Commission's recommended plan for the El Pomar-Estrella Area Plan; addresses build-out and land use changes; indicates there are six chapters in the Plan and various maps that show land use categories and combining designation changes; states there are also planing area standards or requirements for development; speaks to the Advisory Committee's goals that are reflected in the Plan; addresses the major changes in the Plan and property

owners

requests for category changes; speaks to adding a sensitive resource area combining designation; addresses related changes to the Salinas River Planning Area relating to boundary adjustments; states there is one outstanding issue relating to the idea of minimum parcel size in the Rural Lands category.

Mr. John McKenzie: Environmental Division, states there are minor changes to be made to Exhibit E (pages C-5-39 through C-5-76) to reflect the action being taken is by the Board of Supervisors and not the Planning Commission; discusses the significant environmental issues; indicates staff is recommending that the Board certify the final EIR incorporating the changes suggested in the final recirculated EIR and adopt the California Environmental Quality Act (CEQA) findings.

Ms. Judith Schneider: Co-Chairperson of the Advisory Committee, states they had a great turnout at their meetings; the Plan before the Board is what the community wanted; states basically the people want status quo with growth done intelligently and in a sensitive way; states the EIR seemed like a report that used urban standards in a rural area and people had a difficult time dealing with the EIR.

Mr. Bill Spencer: Co-Chairperson of the Advisory Committee, thanks the Board for the opportunity to serve on this committee; commends Mr. Wulkan and Mr. Hoag; states it was hard to deal with the personal owner requests; states it was difficult to understand the EIR; addresses the future and how to move forward to achieve economic vitality.

Mr. Eric Greening: states it was encouraging to see how people with all different view points worked together; feels it is appropriate to look at property owner requests to advise them on whether they were consistent with the policies; questions if there is a similar committee for the Estero Plan or the North Coast Area Plan; feels there should be a separate process for the public to address the EIR.

Mr. Joe Kelly: presents a brief history of the zoning in the area.

Ms. Pam Heatherington: Executive Director of the Environmental Center, states she supports staff's recommendation of adding the sensitive resource area and the 40 acre minimums should be a possibility to preserve the rural lands of the area.

Supervisor Bianchi: explains why the Estero Plan and the North coast Area Plan will not need an Advisory Committee.

CHAPTER I is presented.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and unanimously carried, the Board tentatively approves Chapter 1.

CHAPTER II is presented.

Chairperson Ryan: questions if there will be a change in the economic projections.

Mr. Spencer: feels the nexus to success is economic vitality and believes the Board will seek out solutions.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board tentatively approves Chapter II.

CHAPTER III is presented.

Supervisor Bianchi: states water is the fundamental building block; addresses page 3-2 and suggests replacing the words "perennial yield"; states she has a problem with No. 2. on page 3-3 which reads: "Local impoundments to capture runoff or use of wastewater from adjacent urban areas for irrigation"; states it would be impossible to remove salts from the effluent and on page 3-4 under Emergency Medical Services, air ambulance services should be added.

Ms. Christine Ferrara: Public Works, addresses the water situation in the area.

Chairperson Ryan: states on page 3-5 the reference to the Creston Library should be in present tense.

Mr. Kelly: continues with the history of the area and addresses illegal taxation based on a false interpretation of the law.

Mr. Greening: addresses water issues.

Supervisor Bianchi: suggests Public Works actively review Nacimiento water for recharge areas to help alleviate the water problems.

Chairperson Ryan: suggests adding a No. 6 to page 3-3 under Water Supply relating to recharge.

Mr. Wulkan: clarifies what the Board wants and suggests adding No. 6 added to page 3-3 referring to recharge using imported water, adding air ambulance services to Emergency Medical Services and referencing the Creston Library in present tense, with the Board concurring.

Board members: discuss various issues, comments and concerns regarding: increase commercial land use designations and low income housing.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board tentatively approves Chapter III with the changes as clarified by staff.

CHAPTER IV is presented.

Mr. Kelly: addresses trash pick-up in the rural areas, all weather roads operating at an unacceptable level of service and air pollutants.

Mr. Greening: addresses a full range transportation system for all people, the need for trails and bikeways within the planning area.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board tentatively approves Chapter IV.

CHAPTER V is presented.

Chairperson Ryan: states he has a conflict of interest with page 5-4 and wants to remove that page for a separate vote; states this page deals with property that his family owns.

Mr. Kelly: addresses the socio-economics of agriculture.

Mr. Dick Montague: addresses page 5-6 and the need to emphasize the agricultural use disclosure and the agricultural economic study.

Mr. Greening: addresses page 5-6 regarding the TDC program and reads a suggested language change; discusses the remoteness test and suggests the Creston standard be used as the overlap zone.

Mr. Spencer: states there needs to be a policy regarding agriculture and the local food system.

Board members: discuss issues, comments and concerns regarding: viable family agriculture and marketability; seeking the support from the urban area; Mr. Greening's suggested language for the TDC's; deleting the word "viability" in No. 4 under Programs.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board tentatively approves Chapter 5 excluding page 5-4; amending Table 5.2 on page 5-7, No. 2 to change the priority from medium to high; and,

page 5-6 deleting the word “viability” and adding “local marketability of local products in the planning area.”

CHAIRPERSON MICHAEL P. RYAN DISQUALIFIES HIMSELF FROM THE NEXT ITEM DUE TO A CONFLICT OF INTEREST. (Page 5-4 of Chapter V.)

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

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

the Board tentatively approves page 5-4 of Chapter V.

CHAPTER VI is presented.

Mr. Greening: addresses the need for sensitive resource designations and the native tree protection standards in this planning area; speaks to light pollution.

Mr. Kelly: addresses marking archaeological sites.

Mr. Montague: addresses page 6-6 regarding the tree protection; indicates he is not in support of a County ordinance as he believes the voluntary guidelines are working, with Mr. Spencer concurring.

Board members: discuss various issues, comments and concerns regarding: adopting the tree ordinance for El Pomar when the ordinance goes Countywide; the sensitive resource area being Countywide; archeological resources; adding a No. 5 to Table 6.1 on page 6-6 regarding Sensitive Resource Area responsibility being: County Planning; funding by County; no time frame with a medium to high priority; if there is a potential sensitive resource area the developer would map the property prior to development.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board approves Chapter VI with the following changes: page 6-6 under tree protection adds the following language: “When a Countywide tree protection ordinance is adopted it should apply to the El Pomar Planning Area”; adding No. 5 to Table 6.1 on page 6-6 to read: “County Planning and Building Department should conduct a study of locations where the sensitive resource area combining designation for sensitive habitat should be applied and Countywide amendments to the area plan initiated accordingly.”

Ms. Kami Griffin: Planning, questions if the Board will delete sensitive resource language on page 6-2, with the Board concurring.

Mr. Tim McNulty: Deputy County Counsel, questions if the Board will also be deleting the last map of the combining designation maps, with the Board concurring.

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

Eagle Nest G830517 Request, is presented.

Mr. Jeff Emrick: EDA Design Professionals and representing the applicant; indicates the property is currently zoned Recreational and the request is to try and return the property back to Rural Land; states the recommendation from staff is for Agriculture; indicates the problem is the special area standards for the property.

Mr. Greening: states he is in favor of the special area standards for this property; believes there needs to be some public benefit in exchange for the zoning change.

Mr. Wulkan: indicates staff’s original recommendation was for a combination of

Agriculture and Rural Lands; the Advisory Committee recommends Agriculture and the Planning Commission recommended Agriculture with the special area standard and the standards would kick in with the establishment of more than one dwelling unit on the property.

A motion by Supervisor Ovitt to approve G830517 with the planning area standards, is discussed.

Supervisor Ovitt amends his motion deleting 5a of the planning area standards and the motion dies for lack of a second.

Supervisor Bianchi: indicates she will not support a motion without the planning area standards.

A motion by Supervisor Ryan, seconded by Supervisor Bianchi, to approve G830517, changing the zoning to Agriculture, eliminating the conditions and having the property subject to all area standards, is discussed.

Supervisor Bianchi: withdraws her second to the motion.

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

AYES:Supervisors Chairperson Ryan, Achadjian, Ovitt, Pinard

NOES: Supervisor Bianchi

ABSENT: None

the Board tentatively approves G830517, changing the zoning to Agriculture, eliminating the conditions and having the property subject to all area standards.

Old Adobe Way and Vicinity Request is presented.

(CHAIRPERSON RYAN DISQUALIFIES HIMSELF FROM THREE PROPERTIES (JESPERSON, WILKINSON, AND DIERKSHEIDE) DUE TO A CONFLICT OF INTEREST AND REQUESTS A SEPARATE MOTION.)

Supervisor Ovitt: addresses the access to the three properties and that it would separate and change to Rural Lands the westside.

Mr. Kelly: wants to make the Board aware that the Wilkinson property has changed to an estate.

Supervisor Pinard: states land designation is not owner specific and questions the committee's recommendation, with Ms. Schnieder responding.

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

AYES: Supervisors Ovitt, Achadjian, Bianchi, Pinard

NOES: None

ABSENT: None

DISQUALIFIED: Chairperson Ryan

the Board approves the request for zoning change to Rural Lands for the Jesperson, Wilkinson, and Dierksheide properties.

Board Members: discuss various issues, comments and concerns regarding: the committees recommendation; and the allowance of secondary dwellings, with staff responding.

Mr. Rick Graff: states he wants the land to be Agriculture however, there is no money to be made farming on this land; indicates there is not enough water to do anything but hay and cattle; requests the Board re-zone this area to Residential with 10 acre minimum

parcels; states this is what the people want; addresses the schools in the area and indicates they are not overcrowded; states the schools need the growth.

Mr. Dutch Sawyer: representing Ogden Gallo, addresses density in the area and indicates there will be no significant impacts and the re-zone would be good for the County.

Mr. Bill Ogden: describes the parcel indicating there is poor soil and it is not viable for agricultural use; requests the zoning change.

Ms. Jackie Ogden: states she is not interested in sprawl; indicates agriculture in the area is impossible; urges the Board to consider Rural zoning.

Ms. Norma Gallo: presents a brief history of her property; indicates the land cannot be farmed and requests the Rural zoning.

Ms. Christine Hardwork: states she owns property that was originally included in the Gallo request; states she is adjacent to the Murphy parcel; indicates they would like to be included in a re-zone with the Murphys because the property is no longer viable for agriculture; addresses the boundaries.

Board members: discuss the road standards in the area, with Mr. Richard Marshall, Public Works, responding.

Chairperson Ryan: suggests Mr. Marshall work up some language clearly explaining this request for the standard if this motion passes.

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, Pinard, Achadjian, and Chairperson Ryan

NOES: None

ABSENT: None

the Board looks at this specific area as designated with the map currently on the screen as Exhibit A (Figure 7-13) and the zoning is changed from Agriculture to Rural Lands and the only planning area standard that would be applied would be that the major roads, Kingbury and Adobe, are to be brought up to a County 1A Standard within the 40 foot right-of-way prior to any subdivision.

MacNamee Request is presented.

Mr. Wulkan: states the planning area standard that was recommended by the Planning Commission recommends a 10 acre parcel size unless the land division is clustered or otherwise concentrated to achieve the same purposes as clustering.

Mr. Randy MacNamee: requests the minimum 10 acre parcel size be removed due to the topography of the area.

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

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

NOES: None

ABSENT: None

the Board tentatively removes the 10 acre limitation.

The Murphy Request is presented.

Mr. Wulkan: describes the request; states the Planning Commission recommends changing the zoning from Agriculture to Residential Rural; addresses the planning area standards.

Mr. William Murphy: states his request of a Residential Rural zoning is compatible with the area; states the impacts would be less than significant; addresses the mitigation measures; urges the Board's approval.

Ms. Christine Handwork: states originally her property was in the Gallo re-zone; indicates they were dropped and she would like her and her mother's properties re-zoned along with Mr. Murphy's.

Mr. Kelly: discusses the concept that if you have five lots or more to subdivide it goes to the State pursuant to the Subdivision Map Act.

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

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

the Board tentatively changes the zoning to Rural Residential category minimum acreage is 10 acres and takes off the residential density of one per unit.

Supervisor Ovitt: indicates he believes the requests by Ms. Handwork should be handled in the future.

Gratton Request is presented.

Mr. Wulkan: states this is a request to change the zoning from Agriculture to Residential Rural or Rural Lands; indicates the Planning Commission and the Advisory Committees recommendations are to leave this land in Agriculture.

Ms. Pam Jardini: Planning Solutions representing Mr. Hank Gratton, states there is a report in the staff packet by Mr. Robert Hopkins of the Agricultural Commissioner's Office, indicating he supports the re-zone and he states the land does not meet the criteria for inclusion in the Agriculture designation; Agriculture is not feasible due to physical constraints and the surrounding incompatibility of land uses, also the adjacent lands are already substantially developed with uses that are incompatible with agricultural uses; addresses the Agriculture and Open Space Element criteria.

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

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

the Board tentatively approves the zone change to Rural Lands.

Thereafter, on motion by Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board continues this item to 9-16-03.

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, September 9, 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: 09/12/2003

cla