

Tuesday, October 28, 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 Shirley Bianchi, Peg Pinard, K.H. 'Katcho' Achadjian and Chairperson Michael P. Ryan

**ABSENT:** Supervisor Harry L. Ovitt

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY SUPERVISOR BIANCHI.**

**SUM**      **AGN**

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

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

**NOES:            None**

**ABSENT:        Supervisor Ovitt**

**RESOLUTION NO. 2003-367, resolution recognizing the California Central Coast Chapter of the International Footprint Association for Ten Years of continuous commitment to the youth of San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Dwight Goggans.

**Mr. Goggan:** thanks the Board for their support.

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

**Mr. Eric Greening:** thanks the fire crews that are fighting the fire on Cuesta Grade; addresses the deaths that have occurred due to the fires in Southern California; urges the Board to look at our ordinances, rural escape routes, and zoning changes and schedule a hearing to discuss these issues to ensure this crises doesn't happen in our County.

**Mr. Gary Fowler:** Chairperson for the County Commission on Aging, speaks to a disclaimer from Riverside regarding the points of view are not necessarily those of the County and suggests adding this to our County's facility usage policy.

**Ms. Julie Rodewald:** Clerk-Recorder, states the Election was certified on Friday; thanks the Board (for allowing her to make weekly reports); the media; community groups; poll workers; staff and the voters; indicates there was a 70% turnout with 45% of those being absentee voters; highlights the cost of the election and speaks to reimbursement from the State; states she's learned two things: 1) her staff can conduct an election in seventy nine days, and 2) they never want to do it again.

**Mr. Bob Blair:** congratulates Julie on a job well done; urges the Board to allow secondary dwellings to help with the affordable housing situation.

**Mr. Michael Winn:** Nipomo Community Services District, reports on the feasibility study in Nipomo. **No action taken.**

3            B-1        **Thereafter, on motion of Supervisor Achadjian, seconded by**  
thru        **Supervisor Bianchi and on the following roll call vote:**  
B-14

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

**NOES:            None**

**ABSENT:        Supervisor Ovitt**

**Consent Agenda Items B-1 through B-14 are approved as recommended by the County Administration Officer.**

Consent Agenda Items B-1 through B-14 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Request to conduct assessment proceeding for Mission Heights Drainage, San Miguel for the purpose of drainage basin maintenance; 1st District, **Approved and the Clerk is directed to give notice of hearing date set for December 16, 2003, at 9:00 a.m..**
- B-2 **RESOLUTION NO. 2003-368**, intention of the San Luis Obispo County Flood Control and Water Conservation District to Annex Mission Heights, San Miguel, to Flood Control Zone 16; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for January 6, 2004, at 9:00 a.m..**

Administrative Office Items:

- B-3 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 21 to the Templeton Community Services District (Shannon); 1st District, **Approved.**
- B-4 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 85 to the City of Paso Robles (Hunter Ranch Golf Course); 1st District, **Approved.**

Public Works Items:

- B-5 Agreement (Clerk's File) with Wood Rodgers Consulting Engineers to provide engineering services required to prepare plans, specifications and estimates for the Halcyon Road realignment at Highway 1; 4th District, **Approved.**
- B-6 **RESOLUTION NO. 2003-369**, authorizing the execution of a notice of completion for the installation of drainage improvements along Los Osos Valley Road at Sombrero Drive, Los Osos; 2nd District, **Adopted.**
- B-7 **RESOLUTION NO. 2003-370**, authorizing the execution of a notice of completion for the widening of Main Street, Templeton, from 500 feet southerly of Gibson Road to 600 feet northerly of Creekside Ranch Road; 1st District, **Adopted.**
- B-8 **RESOLUTION NO. 2003-371**, for the acceptance of road improvements on Fern Canyon Place, located in Squire Canyon; 3rd District, **Adopted.**
- B-9 **RESOLUTION NO. 2003-372**, approving the selection of Pall Corporation for the procurement of water treatment equipment for the Lopez Plant Upgrade Project; 3rd and 4th District, **Adopted.**
- B-10 The following parcel maps have been received and have satisfied all the conditions of approval that were established in the public hearing on their tentative maps:
  - A. Tract 2476, a proposed subdivision resulting in 7 lots, by Chad Wittstrom et al, Villa Lots Road, north of Paso Robles, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**
  - B. CO 97-0134, a proposed subdivision resulting in 4 lots, by West Tefft Street LLC, Tefft Street, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-11 Request by the Clerk-Recorder to destroy Board of Supervisors paper files that have been microfilmed, **Approved.**

- B-12 Amended contract with Padre Associates, Inc., for additional environmental services required during the construction of the new County Government Center, **Approved.**
- B-13 Audit report by the Auditor-Controller of the Planning and Building Department's Community Development Block Grant for the Fiscal Year 2001-02, **Received and Filed.**
- B-14 Proposed mitigated negative declaration for the California Men's Colony Chorro Valley Water Connection Phase II Project; 2nd District, **Approved.**

4 C-1 This is the time set for continued hearing (continued from October 7, 2003) to consider a resolution imposing revised road improvement fees in the Templeton Area; 1st District.

**Mr. Dave Flynn:** Public Works, introduces the item.

**Mr. Larry Rohloff:** Public Works, presents the staff report indicating they took the recommendation by Supervisor Ovitt from the October 7<sup>th</sup>, 2003 meeting and revised the fees accordingly and are shown in the staff report dated 10-28-03; states the Templeton Area Advisory Group met and came up with a modification to Supervisor Ovitt's recommendation; staff urges the Board to adopt staff's recommendation.

**Supervisor Ryan:** questions what the Advisory Council wants.

**Mr. Rohloff:** states they are looking for more of a compromise.

**Supervisor Bianchi:** questions when Sub Area C returns to the Board for consideration would the alternative proposed fee be discussed at that time, with staff responding, yes.

**Mr. Bob Blair:** feels raising fees is not the way to go; states we need growth; more people and pay less.

**Mr. Eric Greening:** states he would like to see the fee on houses replaced by a fee on drivers; wants to lower building fees; addresses public transit.

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

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

**NOES:** None

**ABSENT:** Supervisor Ovitt

**the Board receives and adopts the 2003 Update of the Templeton Traffic Circulation Study; directs staff to proceed with additional updates of the Templeton Traffic Circulation Study traffic model and work with Templeton Area Advisory Group on circulation issues and RESOLUTION NO. 2003-373, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the Templeton Area of the County of San Luis Obispo and adopting the required annual update, adopted.**

5 C-2 This is the time set for continued hearing (continued from September 23, 2003) to consider adoption of a revised 2003 South County Circulation Study Update and a resolution imposing modified road improvement fees for the South County Area; 4th District.

**Mr. Dave Flynn:** Public Works, introduces the item.

**Mr. Dale Ramey:** Public Works, presents the staff report indicating they have met with community members and various groups covering a broad range of areas regarding transportation funding, planning and fee implementation; states no consensus was reached.

**Chairperson Ryan:** questions the large increase in fees, with staff responding.

**Supervisor Achadjian:** thanks staff, the task force, chamber members and the Old Towne Nipomo Members for their participation; feels there is a better understanding of the fees however, believes with more time a compromise could be reached; addresses his concerns for retail and the housing industry; states he would like to repeal the ordinance in place and work to create a better comfort zone.

**Mr. Michael Winn:** states in the 1800's Nipomo burnt to the ground; speaks to the renovation efforts; believes these proposed fees will stifle Nipomo; urges the Board to help Nipomo continue the progress and allow another 60 days for community analysis.

**Mr. Jim Kinninger:** Chairperson for the Nipomo Community Advisory Council (NCAC), discusses why the NCAC supported staff's recommendation on October 7, 2003, indicating they assumed that even though the fees were extremely large they must be needed to rescue the community from the similarly large traffic problems currently in place; urges the Board to delay any action on increasing the traffic fees in Nipomo until January 31, 2004.

**Ms. Marianne Buckmeyer:** urges the Board to put off its decision on fee increases until January 31, 2004, and give time to the Traffic Fee Task Force to allow them to make concrete suggestions for alternatives to this huge hike; presents a brief history on the fees and the understanding of how the increases are calculated.

**Ms. Suse Hermreck:** Nipomo Community Advisory Council member, believes the fees would "hinder" Nipomo and not help; urges the Board to support the Task Force and allow an extension of time to study what would be the right thing for Nipomo.

**Mr. John Brantingham:** urges the Board to allow the community more time to study this issue and come back to the Board with a better recommendation; describes the negative impacts these increased fees could have on the community.

**Mr. Curt Curtis:** addresses his concerns relating to the fee increase and urges the Board to defer this issue until January.

**Ms. Sandy Brantingham:** Vice President of the Nipomo Chamber of Commerce, urges the Board to rescind the earlier approval of the Traffic Mitigation Fees, and give the Nipomo Community Advisory Council more time to study this issue in order to make a better recommendation.

**Mr. Jerry Bunin:** believes the Task Force is being ignored; feels these fees will have a huge impact on affordable housing; believes staff is trying to make new development solve existing problems; urges the Board to reexamine this issue.

**Ms. Peg Miller:** Nipomo Community Advisory Council member, states new buildings are not coming to Nipomo due to the increased fees.

**Mr. Jim Tefft:** Nipomo Community Advisory Council member, addresses the past partnership with the County; addresses their efforts to entice new businesses to the area; feels this new increase will stop new businesses from coming; urges an extension of time.

**Mr. Greg Nester:** states he doesn't understand the numbers and questions such a large increase in fees; indicates he'd like staff to look back and find out where they undercharged in the past and is that burden being placed here today with these increases.

**Mr. Bob Blair:** Nipomo Community Services District member, change is coming to Sacramento; feels it is premature to raise the fees.

**Supervisor Achadjian:** suggests the Board repeal what is in place and give the community more time to study and better understand the fees; discusses a proposed

increase cap.

**Board Members::** discuss various issues, comments and concerns regarding: a loss of revenue if this item is postponed; cost for growth; the need for infrastructure; projects that were deleted; educating the public on the calculation of the fees, with staff responding.

**A motion by Supervisor Achadjian, seconded by Supervisor Bianchi to repeal the action of October 7, 2003 and continue this item to January 31, 2004, is discussed.**

**Mr. James Linholm:** County Counsel, states the Board should direct staff to come back this afternoon with a resolution which would repeal the fees that were adopted, which in essence would return the fees to the old level.

**Chairperson Ryan:** suggests adopt the recommendation today which would stop the loss of revenue and direct staff to do a comprehensive study of the area and bring the report back in six months; states this would help the economy and meet the traffic needs.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi to repeal the action of October 7, 2003 and continue this item to January 31, 2004, fails on the following roll call vote:**

**AYES:Supervisor Achadjian**

**NOES: Supervisors Bianchi, Pinard, Chairperson Ryan**

**ABSENT: Supervisor Ovitt**

**Supervisor Achadjian:** compares the Templeton increase with Nipomo; states the community is not saying “no increase” they want a chance to understand the calculation of the fees and bring forward something more reasonable; addresses the time frame when the fees would take place.

**Mr. Tim McNulty:** Deputy County Counsel, states the way the statue works is whenever the fee is increased there must be 60 days between the point of action and the point the increased fees become effective; if the Board reduced the fees today that would become effective in 30 days; anytime the Board increases the fee there will need be 60 days before collection.

**A motion by Supervisor Achadjian, seconded by Supervisor Bianchi to accept the proposed fee in front of the Board today and allow the community and the Task Force to come back before November 23, 2003, is discussed.**

**Chairperson Ryan:** states 30 days is not enough time to do what the community wants done; suggests adopting the staff’s recommendation and come back with a modification.

**Mr. Flynn:** states the fees can be reduced at anytime and they would go into effect in 30 days.

**Supervisors Achadjian and Bianchi withdraw their motion and second.**

**A motion by Supervisor Achadjian, seconded by Supervisor Bianchi, to adopt staff’s recommendation, is discussed.**

**Mr. McNulty:** states if the Board is going to adopt staff’s recommendation he would suggest staff coming back with a revised resolution this afternoon.

**Supervisor Achadjian:** amends his motion to direct staff to come back this afternoon with a revised resolution, with Supervisor Bianchi concurring.

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

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

**the Board adopts the staff recommendation, directs staff to bring this item back on January 27, 2003 and further directs staff to come back this afternoon with the revised resolution for adoption.**

- 6 C-3A This is the time set for hearing to consider a proposal by S & A Vineyards, a request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract on 265.5 acres located at 868 Camino Vina, on the northwestern side of Geneseo Road at Linne Road about 8 miles east of Paso Robles, 1st District.

**Mr. Warren Hoag:** Planning, introduces the item and describes what an agricultural preserve is to a visiting American Government Class from Mission College Preparatory Catholic High School.

**Mr. Terry Wahler:** Planning, presents the staff report and recommendation for S & A Vineyards; describes the location and the property.

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

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

**RESOLUTION NO. 2003-374, resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 7 C-3B This is the time set for hearing to consider a proposal by Louise Gorfain, a request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract on 700 acres located on the east side of Toro Creek near the end of Toro Creek Road and about 2 1/2 miles northeast of Morro Bay; 2nd District.

**Mr. Terry Wahler:** Planning, presents the staff report and the recommendation; describes the property.

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

**RESOLUTION NO. 2003-375, resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 8 C-3C This is the time set for hearing to consider a proposal by Tim Winsor/Wajona, Inc., a request to amend an agricultural preserve and land conservation contract by adding 25 acres located on the north side of San Simeon Creek Road about five miles from Highway 1 and about four miles north of Cambria, 2nd District.

**Supervisor Bianchi:** indicates she will abstain from this item due a contiguous fence with her property.

**Mr. Terry Wahler:** Planning, presents the staff report and recommendation; describes the property.

**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, Chairperson Ryan

**NOES:** None  
**ABSENT:** Supervisor Ovitt  
**ABSTAIN:** Supervisor Bianchi

**RESOLUTION NO. 2003-376, resolution altering the boundaries of San Simeon Agricultural Preserve No. 7 pursuant to the California Land Conservation Act of 1965, adopted.**

- 9 C-3D This is the time set for hearing to consider a proposal by Joseph C. Carrasco, a request to establish an agricultural preserve to enable the landowner to enter into a land conservation contract on 121 acres located at 2710 Ranchita Canyon Road approximately one mile from the intersection of Estrella Road and Ranchita Canyon Road and approximately 5 miles from the community of San Miguel; 1st District.

**Mr. Terry Wahler:** Planning, presents the staff report and recommendation; describes the property.

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

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

**NOES:** None

**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2003-377, resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 10 C-3E This is the time set for hearing to consider a proposal by Michael Morosin, a request to establish an agricultural preserve to enable the applicant to enter into a land conservation contract on 306 acres located a quarter mile north of Highway 46 about four miles west of the Santa Rosa Road intersection and about six miles southeast of Cambria; 2nd District.

**Mr. Terry Wahler:** Planning, presents the staff report and recommendation; describes the property and location.

**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, Pinard, Chairperson Ryan

**NOES:** None

**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2003-378, resolution establishing an agricultural preserve pursuant to the California Land Conservation Act of 1965, adopted.**

- 11 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*, 4) *Borsotti 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.)** 7) *San Luis Obispo Pension Trust, et al. V. Mercer, et al.*, and 8) *Before it's Gone 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 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: No report required as no final action was taken and the Board goes into Open Public Session.

- 12 C-2 Hearing to Consider adoption of a revised 2003 South County Circulation Study Update and resolution imposing modified road improvement fees for the South County area is brought back for discussion.

**Mr. Tim McNulty:** Deputy County Counsel, explains the revision to the amended resolution before the Board for adoption.

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

**AYES:** Supervisor Achadjian, Bianchi, Pinard, Chairperson Ryan

**NOES:** None

**ABSENT:** Supervisor Ovitt

**RESOLUTION NO. 2003-379, resolution of the Board of Supervisors of the County of San Luis Obispo Modifying the Road Improvement Fee for all development within portions of the South County and San Luis Bay Planning areas of the County of San Luis Obispo and adopting the required 2003 annual update, adopted.**

**Supervisor Achadjian:** discusses an increase cap for those who are in the process.

**Chairperson Ryan:** directs staff to work with County Counsel on a development agreement and bring this issue back in ninety days.

- 13 C-4 This is the time set for hearing to consider a request by the San Luis Obispo Golf and Country Club to abandon a portion of an openspace easement, removing a .72 acre former reservoir basin site from a 130.9 acre open-space easement, located at 255 Country Club Drive, in the San Luis Obispo Planning Area; 3rd District.

**Mr. Warren Hoag:** Planning, introduces the item.

**Ms. Melissa Hardy:** Planning, presents the staff report; describes the property and location; presents an aerial photo of the area; highlights the pertinent issues; indicates staff's recommendation is to approve the abandonment, based on the Findings in Exhibit A.

**Board Members:** discuss various issues, comments and concerns regarding: the amount of land that needs to be in open space; history of the area drainage basin; this abandonment being a win-win situation; who pays the property tax, with staff responding.

**Mr. Roy Ogden:** representing the San Luis Obispo Country Club, addresses the requirement of the Country Club to take effluent from CSA #18; states there was excessive salt content in the effluent and it was destroying the grass and the trees; the concrete lined reservoir was no longer needed after the building of a much larger pond; addresses the idea of recovering costs; presents the Board with photos of the area; states as far as the existing claim against the County, it is the hope that this system will completely resolve the problem permanently and the recommendation to his client would be for termination of the action.

**Mr. Jerry Cherpek:** President San Luis Obispo Country Club, states this is not a pristine area; it's an overgrown weeded area; indicates they would like to see homes up here; addresses the cost of the water project; states the penalty for abandonment is

\$50,000; addresses the roads in and out of the Country Club area and storing the effluent water; urges support of this project.

**Mr. Michael Winn:** President of the Nipomo Community Services District, addresses concern for any precedent setting and staff assurance that this is a unique situation and there would be no precedence.

**Mr. Eric Greening:** addresses his concerns for open space abandonment; states he would like to see language added, in the project description, that this is not precedent setting; urges the Board to move with caution.

**A motion by Supervisor Pinard, seconded by Supervisor Bianchi to adopt staff's recommendation, is discussed.**

**Supervisor Bianchi:** questions if the motion maker will add a condition that this action will not be precedent setting.

**Supervisor Pinard:** indicates that is not a problem.

**Supervisor Achadjian:** indicates this open space is a fire hazard and not a benefit to the neighbors.

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

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

**NOES:** None

**ABSENT:** None

**the Board adds a condition indicating this will not set as a precedent and RESOLUTION NO. 2003-380, resolution granting approval of partial abandonment of an Open Space Easement pursuant to the Open Space Easement Act of 1974 as petitioned for by San Luis Obispo Golf and Country Club, Inc., adopted as amended.**

14 D-1 This is the set time for a presentation and update of the Library's 20/20 Vision Strategic Planning Process.

**Mr. Brian Reynolds:** Library Director, states the Library's expenses are exceeding revenues; more dependable funding is needed; addresses the importance of libraries and the need to keep them strong; addresses public outreach, access and the location of libraries; states a survey of likely voters, conducted in February 2003, confirmed that people want more access to their local libraries, more new books and other library materials; indicates people want a higher and more sustainable level of service; speaks to the possibility of a funding initiative; addresses the need for more money and more local control indicating this could be achieved by: 1) partnerships; 2) new revenue sources; and 3) reduce sources and hours; states they plan on continuing their 20/20 meetings.

**Mr. Eric Greening:** states he is a regular library user; questions what steps would need to be taken to get this initiative on the March ballot, with Mr. Reynolds responding.

**Mr. David Edge:** County Administrative Officer, states Mr. Reynolds will be taking this presentation on the road to build public support for funding; indicates it will take time to craft the measure for the ballot therefore the best chance for success of the measure will be in November 2004. **No action taken.**

15 E-1 This is the time set for a request to authorize the processing of a General Plan Local Coastal Program amendment application to amend the Estero Area Plan of the Land Use Element/Local Coastal Plan by changing the land use category on an approximately 7,910 square foot site from Residential Multi-Family to Commercial Retail, located at 250 N. Ocean Avenue, in the community of Cayucos; 2nd District.

**Mr. Warren Hoag:** Planning, introduces the item.

**Ms. Kerry O'Neil:** Planning, states this is a request to authorize a zoning change from Residential Multi-Family to Commercial Retail for a museum in Cayucos; describes the area and presents photos of the site; indicates the Cayucos Citizens' Advisory Council and staff have concerns regarding parking; indicates the Estero Area Plan Public Hearing Draft is recommending the same zoning change on the subject property, however this request can proceed separately from the Update as the Update has been in process for greater than 2 years.

**Supervisor Bianchi:** questions what stage the Estero Area Plan is in, with staff responding.

**Ms. Mary Ann Carnegie:** Chairperson of the Land Use Committee for the Cayucos Citizens Advisory Council; addresses the concerns they had with the restoration of the barn; states the council gave approval to proceed with the General Plan Amendment but the project was not approved as brought before the council due to parking concerns.

**Board Members:** discuss various issues, comments and concerns regarding parking, the need for residential zoning and water, with staff responding.

**A motion by Supervisor Bianchi, seconded by Supervisor Achadjian to not authorize this zoning change separate from the Estero Area Plan Update based on the lack of parking, fails on the following roll call vote:**

**AYES:**Supervisors Bianchi, Achadjian,  
**NOES:** Supervisors Pinard, Chairperson Ryan  
**ABSENT:** Supervisor Ovitt

**Supervisor Pinard:** addresses the issue of parking and if the parking can be worked out she would be able to support this zoning change.

**Chairperson Ryan:** clarifies that the last motion was to not approve the authorization.

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

**AYES:**Supervisors Bianchi, Achadjian, Pinard,  
**NOES:** Chairperson Ryan  
**ABSENT:** Supervisor Ovitt

**the Board does not authorize G020024M - Dennis separate from the Estero Area Plan based on the lack of parking.**

16 F-1 This is the time set for submittal of an update and a request for Board action and direction regarding the Charter Communications' franchise renewal.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi, with Supervisor Ovitt being absent, motion carries and the Board agrees to continue the meeting past 5:00 p.m..**

**Mr. Paavo Ogren:** Public Works, presents the staff report; describes the purpose of the hearing indicating it is an informal proceeding; addresses policy considerations and technical findings; discusses the eight points of considerations which include: 1) 5%

franchise fees; 2) 1% PEG fees; 3) \$1,000,000 for I-NET; 4) Dark Fiber; 5) 7 + 3 term; 6) upgrades in Heritage Ranch, Jardine, San Miguel no later than 1-1-05; 7) Four PEG channels; and Low income (10%) Discount; indicates there are two open issues: 1) PEG Channel Allocations, and 2) Overall Financial considerations; states there is no identified reasons to deny the renewal.

**Mr. Ed Merrill:** General Manager of Charter Communications, presents a brief comparison of the system/service before Charter and with Charter; discusses the Charter iTV Interactive Channels; High Speed Internet Access; Countywide Public, Educational, Government Access; Public Access; highlights Charter's involvement in the Community; addresses who pays for the costs of doing business and the franchise requirements; highlights the franchise fees; thanks the Board for their time and consideration.

**Mr. Ray Johnson:** Economic Vitality Committee, addresses broadband service; states Charter had made an investment and it will have a positive impact on the economy; encourages the renewal of the franchise agreement.

**Ms. Janna Nichols:** United Way, urges the Board to look at past practices when looking at future issues; addresses the commitment of Charter and the need for public access.

**Ms. Leslie Bearce:** states she supports Charter; addresses her support for diversity and open and honest access; urges support for Charter.

**Mr. John Kert:** urges the Board's continued support for Charter; addresses the quality of programs on Charter.

**Ms. Alison Kerns:** urges the renewal of the franchise agreement; states public access TV gives exposure and recognition.

**Ms. Nancy Castle:** AGP Video, addresses the "added value" they provide; speaks to the wide variety of programs they provide; states the County is unified by television; Charter has been key to contributing to the connectivity.

**Ms. Sara Horne:** League of Women Voter, states Charter has been supportive of public access; urges the Board to move forward.

**Mr. John Barnhart:** representing Julian Crocker, Superintendent for San Luis Obispo County Office of Education, addresses the opportunities out there; states they would like to part of the I-Net discussions; indicates they would like to be connected throughout the County and would like more specifics in the contract.

**Mr. Toby Sacher:** urges the Board to renew the franchise agreement; speaks to the success of his jazz show.

**Ms. Johanna Madjedi:** representing Cal Poly, states Cal Poly believes there may be some additional policy options available and requests that before the Board approves these eight points of consideration that Cal Poly have the opportunity to review these elements in more detail with County staff, County Office of Education and Cuesta.

**Mr. Harry Schadde:** Dean of Humanity at Cuesta College, addresses his concerns regarding the breakdown of communication; building flexibility and continuity into the agreement.

**Ms. Ann Steele:** supports Charter; presents photos of events in Sacramento; states Charter's access is not limited.

**Ms. Kristi Kelty:** Health Works, requests additional public access channels and Government channel availability; wants them to provide a public access program schedule in the weekly TV Guide of the Telegram Tribune and include the maintenance of effort commitment by Charter.

**Dr. Trudy Moss:** Health Works, extends her deep appreciation to Charter; addresses the growing needs of the community; urges the Board to secure access that may be needed in the future; feels one or more health channels would be watched by thousands of public viewers and would be a valuable resource to the community.

**Ms. Sandy Allen:** thanks Charter for the communication connection.

**Dr. Tom Maier:** Health Works, addresses the need for additional access and urges the Board to take that direction.

**Ms. Galen Ricard:** Charter, addresses the great government access in San Luis Obispo; feels they are a model for the nation; thanks the Board for their support.

**Mr. Steve Mathieu:** AGP Video, states he supports the renewal agreement as it stands; indicates there are two Countywide government channels; states there is access for Health Works to be aired there just needs to be production and producers.

**Mr. Merrill:** states this franchise is only for the unincorporated area; addresses the increase in fees; indicates it takes a lot of money, support and time to be able to program a channel; states in San Luis Obispo the customers feel there is a value in the programming provided by Charter; indicates they are not against PEG access; Charter is asking that the channels and times set aside already, be used for programming.

**Mr. Ogren:** addresses the commitment by Charter, regarding maintenance of effort; indicates negotiations will continue regarding additional channels and dark fiber; states staff will work with constituents and review language details.

**Board Members:** discuss various issues, comments and concerns regarding: I-Net discretion; air time, and additional channels being available and capacity for the future; digital versus analog; mechanism to review the contract within the ten year period; asking local jurisdictions to give part of the funding back; a disclosure of where the money comes from to produce a particular show; and programs being scheduled on specific times, with Mr. Merrill and staff responding.

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

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

**NOES:** None

**ABSENT:** Supervisor Ovitt

**the Board receives staffs' presentation regarding the major issues of consideration that Charter Communications has indicated they are willing to provide in exchange for a renewed franchise agreement and directs staff to proceed with working with legal counsel on completing the terms and conditions of the agreement based on the eight points of consideration that Charter has indicated that they are willing to provide and the changes by the Board which includes: negotiation for the 4 and 5 channel for the re-opener, fee disclosure, and specificity of the schedule of programs.**

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, October 28, 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: 11/03/03

