

Tuesday,
February 8, 2005

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

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

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

RESOLUTION NO. 2005-24, resolution proclaiming February 2005 as "National Meat Month" in the County of San Luis Obispo, adopted.

Supervisor Achadjian: reads the resolution and presents the same to representatives of the Cattlewomen's Association.

Ms. Sandy Duerr: Beef Promotion Chairperson, addresses the 50 pounds of beef they have to give to the Food Bank in the Board's name; states this beef was raised without hormones or antibiotics; presents each Supervisor with a box items made from meat products.

Ms. Eleanor Truocchio: President of the Cattlewomen's Association, presents the Board with 50 pounds of ground beef that will be donated to the Food Bank in the Board's name.

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

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

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

RESOLUTION NO. 2005-25, resolution recognizing Ray Belknap upon his retirement from the Land Conservancy, adopted.

Supervisor Patterson: reads the resolution and presents the same to Mr. Belknap.

Mr. Belknap: thanks the Board for the recognition and speaks to what the Land Conservancy does.

Supervisor Achadjian: thanks Mr. Belknap and the Land Conservancy for all the goodwill they have brought to the 4th District.

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

Mr. Bruce Deile: states he is homeless and is being denied treatment for Lyme Disease; speaks to the final word of the CHC that they cannot treat him because he doesn't have insurance; states he is sorry if he was rude before when he was trying to obtain treatment; speaks to his worsening condition.

Rev. C. Hite: speaks to the money being saved by not creating a Vector Control District and believes that money could now be available for unmet health needs; addresses the need to continue listening to the needs of the disabled; states she will be filing an action regarding transportation needs.

Mr. Eric Greening: speaks to Mardi Gras events and the rerouting of all the buses without notification; speaks to the February 1st special meeting the Board held and what he's heard about this

session; would like to see a hearing scheduled that would involve departments such as Public Works and Environmental Health regarding the mosquito problem and the use of alternatives such as bats. **No action taken.**

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

Mr. Eric Greening: speaks to Item B-10 and #1-D regarding drive-up businesses and the loss of local control over this issue; wants to see this deleted from the legislative platform. **No action taken.**

- 5 B-1 thru B-36 Consent Agenda Item B-12 is amended to correct the cover sheet and transmittal to reflect the Templeton Public Cemetery District not the San Miguel Public Cemetery District. Item B-20 is amended to replace page 7 of Exhibit A. Item B-22 is amended to correct the staff report and cover sheet to read: "(RECOMMEND APPROVAL AND AUTHORIZE THE GENERAL SERVICES DIRECTOR TO SIGN.)" Item B-26 amends the staff report to include this is a sole source recommendation. Item B-30 is amended to move pages 20 through 58 of the staff report to follow page 16 of the staff report. Items B-34, B-35 and B-36 are added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-36 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-36, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for Hearing/Bid Opening:

- B-1 Introduction of a proposed ordinance amending the San Luis Obispo County Code by adding Chapter 7.40, Library Rules of Conduct and Exclusion Process, to update and codify the existing General Use Policy currently in use countywide and grant law enforcement personnel a legal basis for enforcing the Rules of Conduct, **Approved and the Clerk is instructed to give notice of hearing date set for February 15, 2005 at 9:00 a.m.**
- B-2 Introduction of an ordinance amending certain sections of Chapter 2.40 of the County Code pertaining to the Civil Service System, **Approved and the Clerk is instructed to give notice of hearing date set for February 15, 2005 at 9:00 a.m..**
- B-3 Plans and specifications (Clerk's File) for the installation of a new bullet containment trap and associated site work for the Sheriff's Weapons Range at the County Operations Center, **Approved and the Clerk is instructed to give notice of Bid Opening Date set for March 10, 2005 at 3:00 p.m..**
- B-4 Plans and specifications (Clerk's File) for the rehabilitation of runway pavement at the County Airport in Oceano, **Approved and the Clerk is instructed to give notice of Bid Opening date set for March 10, 2005 at 3:00 p.m..**

Administrative Office Items:

- B-5 **RESOLUTION NO. 2005-26**, approving a compensation adjustment for Management Peace Officers, **Adopted.**
- B-6 **RESOLUTION NOS. 2005-27 and 2005-28**, adopting a Memorandum of Understanding (Clerk's File) with the San Luis Obispo County Probation Peace Officers' Association, Probation and Probation Supervisory units, **Adopted.**
- B-7 **RESOLUTION NOS. 2005-29 and 2005-30**, reviewing the conflict of interest codes for the City-County Library and Lucia Mar Unified School District, **Adopted.**
- B-8 **RESOLUTION NO. 2005-31**, accepting the exchange of property tax revenue and annual tax increment for Annexation No. 88 to the City of Paso Robles (Linne Road), **Adopted.**
- B-9 Submittal of a notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 22 to the Templeton Community Services District (McCoy Lane), **Approved.**

B-10 Submittal of the County Legislative Platform for 2005, **Approved.**

Board of Supervisors Items:

B-11 **RESOLUTION NO. 2005-32**, recognizing Justin & Deborah Baldwin as recipients of the 2004 Wine Industry Persons of the year, **Adopted.**

B-12 Request by Supervisor Ovitt to appoint Richard S. Dusi as a District One Representative to the ~~San Miguel~~ **Templeton** Public Cemetery District, **Approved as amended.**

B-13 Request by Supervisor Patterson to reappoint John De Cou and Mark Jensen to the Fish and Games Fine Committee, **Approved.**

B-14 Request by Supervisor Patterson to appoint Christine Maguire to the Agricultural Liaison Advisory Committee, **Approved.**

Behavioral Health Items:

B-15 2004-2005 Performance Contract (Clerk's File) and Contractor Certification clauses (Clerk's File) with the State Department of Mental Health, **Approved.**

B-16 Contract (Clerk's File) with Mark Rothrock, M.D. to provide psychiatric services for Mental Health, **Approved.**

Clerk-Recorder Items:

B-17 Minutes of Board of Supervisors meetings of December 7 and 14, 2004, **Approved.**

B-18 Destruction of unaccepted bids covering the time period of March 22, 1999 through December 2, 1999, **Approved.**

B-19 Request to destroy County Board of Supervisors resolutions, Ordinances, and files that have been microfilmed, **Approved.**

B-20 Request to approve destruction of unaccepted claims for damages against the County for the time period of January 1, 1999 through December 31, 1999 and Assessment Appeal applications that have been retained for not less than five years after final action, **Approved as amended.**

General Services Items:

B-21 Amended contract with Vanir Construction Management, Inc. and Hayer Consultants, Inc. for additional professional services for the New County Government Center, **Approved.**

B-22 1) A new project titled The Nipomo-Mesa Meadows Landscaping (WBS # 300204); 2) construction contract with the California Conservation Corps; and 3) a corresponding budget adjustment in the amount of \$84,350 from unanticipated revenue, **Approved as amended.**

B-23 Bid opening report for the replacement of playground equipment and ADA improvements at Santa Margarita Community Park and approve a corresponding budget adjustment in the amount of \$20,000; 5th District, **Approved and the Chairperson is instructed to sign contract documents with Anderson Burton Construction in the amount of \$172,000.**

Public Works Items:

B-24 Agreement and grant of easement from the State to the County relating to the Kansas Avenue Sewerline Replacement Project; 2nd District, **Approved.**

B-25 Amendment to the Cooperative Funding Agreement with the San Luis Obispo Council of Governments for implementation of various projects and reimbursement for completion of the projects; All Districts, **Approved.**

B-26 Agreement (Clerk's File) with T.J. Cross Engineering, Inc. for professional engineering consulting services related to Nacimiento Water Project Engineering Support; All Districts, **Approved as amended.**

B-27 **RESOLUTION NO. 2005-33**, authorizing execution of conveyance of an easement deed to Oakglen Meadows Homeowners Association (Tract 2530) from San Luis Obispo County Flood Control and Water Conservation District in the community of Nipomo; 4th District, **Adopted.**

B-28 **RESOLUTION NO. 2005-34**, accepting conveyance from the Carver Trust for Santa Rosa Creek Road Earthquake Repair Project, County Contract No. P12B597; 2nd District, **Adopted.**

B-29 Bid opening report for earthquake damage repairs to various off-system County Roads in Oceano and

request to approve a corresponding budget adjustment in the amount of \$239,700; 4th District, **Approved and the Chairperson is instructed to sign contract documents with R. Burke Corporation in the amount of \$193,180.**

B-30 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:

A. COAL 04-0054, a proposed lot line adjustment of 2 lots which will not result in any new lots, by Gardner Family Trust /Vineyard Haven, Orcutt Road, south of San Luis Obispo; 4th District, **Approved.**

B. CO 02-0011, a proposed subdivision resulting in 4 lots plus remainder, by Carolyn Vickers, Inc., Highway 227 at Shannon Lane, north of Arroyo Grande; reject the offer of dedication without prejudice to future acceptance, **Approved**; and, **RESOLUTION NO. 2005-35**, accepting the relinquishment of access rights; 3rd District, **Adopted.**

C. Tract 2408 – Phase 1, a proposed subdivision resulting in 31 residential lots and 4 open space lots, by Talley Farms, Biddle Ranch Company, et al., Lopez Drive, northeast of Arroyo Grande, **Approved**; and, **RESOLUTION NO. 2005-36**, approving an Open Space Easement Agreement; 4th District, **Adopted.**

D. Tract 2344, a proposed subdivision resulting in 7 lots, by D.A. Fetyko, Inc., Vineyard Drive, Templeton; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

Other Items:

B-31 Submittal from the Auditor-Controller of cash procedures review of the Probation Department conducted on December 21, 2004, **Received and Filed.**

B-32 **RESOLUTION NO. 2005-37**, amending the Position Allocation List by reducing .25 FTE from a supervising Library Assistant position and increasing .25 FTE to an Administrative Assistant position, **Adopted.**

B-33 1) A recurring annual agreement (Clerk's File) with the local women's shelters to disburse Domestic Violence Special Fund monies and the Battered Women's Shelter Trust account monies; and 2) a corresponding budget adjustment in the amount of \$4,797 from unanticipated revenues, **Approved.**

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

B-34 Request by Supervisor Ovitt to reappoint Bob Bergman as the District One representative to the Civil Service Commission, **Approved.**

B-35 Request by Supervisor Ovitt to reappoint Bob Roos as the District One representative to the San Luis Obispo County Planning Commission, **Approved.**

B-36 Request by Supervisor Ovitt to reappoint Dorothy Jennings as the District One representative to the Parks and Recreation Commission, **Approved.**

6 C-1 This is the time set for hearing to consider submittal of a resolution to surplus and sell County-owned real property located on Taft Avenue in Cayucos to the highest qualified bidder and approve a corresponding budget adjustment in the amount of \$74,000. (This item was amended at the beginning of the meeting to include a request to open sealed bids and conduct a public auction to sell the surplus property.)

Ms. Caryn Maddalena: Real Property Manager, presents the staff report and site maps of the property; indicates the property is buildable with significant development issues that will need to be addressed; addresses the bidding process and that the opening bid has to be a minimum of \$240,000; states staff did not receive any sealed bids and suggests the Chairperson open the floor to oral bidding.

Chairperson Bianchi: opens the floor to public comment on the bid process and then opens the floor to oral bids without response.

Ms. Maddalena: recommend continuing this item to allow staff more time to get information out to prospective bidders.

Board Members: question the potential of donating this land to a non-profit such as People's Self Help Housing; whether adjacent property owners were notified; whether a lower price on the property is possible, with Ms. Maddalena responding.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and

unanimously carried, the Board continues said hearing to May 10, 2005 at 9:00 a.m..

- 7 C-2 This is the time set for hearing (introduced on January 25, 2005) to consider an ordinance amending County Ordinance No. 301, (Southern California Gas Company's pipeline franchise) to extend it to February 1, 2006; All Districts.

Mr. Mark Sullivan: Public Works, presents the staff report and recommendation.

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

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

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3056, ordinance extending gas pipeline franchise, adopted.

- 8 C-3 This is the time set for hearing to consider an appeal of the Templeton Road Improvement Fee by R. Frudden and N. Bernard; 1st District.

Mr. Richard Marshall: Public Works, addresses the appeal and recommends denial of the same.

Mr. Don Thiessen: representing the Appellants, states they can't get a water permit so they want to modify their request from a secondary residence to a guesthouse.

Supervisor Ovitt: would like to see this referred back to staff.

Mr. Tim McNulty: Deputy County Counsel, suggests the Board should just deny this today and let the Appellant take it back for modifications.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board denies the appeal and requests that the Appellant go back to staff with their modifications.

- 9 C-4 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Kristi Cedillos; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommends denial of the appeal.

Ms. Kristi Cedillos: Appellant, addresses their concern to this fee and their limited income.

Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board denies the appeal.

- 10 C-5 This is the time set for hearing to consider an appeal by Gordon Hensley of the Planning Commission's approval of Conditional Use Permit DRC2003-00094, by Pacific Tank and Construction to allow a tank assembly, fabrication and installation business on an approximate 1.8-acre portion of a 10-acre property in the Commercial Service Land Use category, located on Highway 46 East, 2.6 miles north of the community of Shandon; 1st District.

Mr. Jim Lopes: Planning, presents the staff report; describes the property; shows a site map and photographs; addresses the current uses on the property; presents the site plan proposal and floor plans; highlights the issues in the appeal and staff's response to the same; states the hazardous uses were previously identified for this project; presents revised conditions to address the current condition of the property; recommendation is to deny the appeal and approve the resolution with the revised conditions of approval as presented today.

Board Members: address various issues, comments and concerns regarding: the underground storage and Environmental Health's involvement; what the various changes are to the revised conditions; whether the onsite well is for potable water, with Mr. Lopes and Mr. Scott Milner, Environmental Health, responding.

Mr. Babak Naficy: attorney representing the Environment in the Public's Interest, presents a copy of his letter dated February 8, 2005; comments on the revised conditions; concerns that the operation is already moving forward; has concerns about missing documents/reports for this project; states there are no closure reports for the tanks; feels the Negative Declaration is insufficient for this proposal.

Ms. Jamie Kirk: representing the Applicant, presents a report with updated information on

this site; addresses the well and indicates it is onsite.

Mr. Robert Eidemiller: Sierra Delta Corporation, addresses the report they prepared for the Phase I Environmental Site Assessment; comments on the report that Cal Trans prepared and their review of the same; addresses the onsite well depth; the tests that were conducted on the soils surrounding the well and where the tanks were located; and, the tests on the soil where the cars were previously stored.

Board Members: questions who did the testing and where the sampling was done with Mr. Eidemiller responding.

Mr. Roger Warner: states he and his wife are the closest neighbors to this project and they saw this property before the clean up and how it looks now; indicates his support of this project and the programs the Applicant is proposing.

Ms. Sandra Warner: states there isn't a problem with noise from this site as it is drowned out by the highway noise; supports this because of the potential for more jobs in the area.

Mr. Eric Greening: speaks to a Negative Declaration versus an EIR for this project and the assurances that an EIR will provide the public; comments on the revised conditions that were presented today and the public not having time to review them; also, the document presented by the Applicant today has not been reviewed by the staff or the public; addresses kit fox issues in this area; wants this project denied.

Mr. Eidemiller: gives the closing comments for the Applicant.

Ms. Kirk: comments on the kit fox mitigations in the Negative Declaration.

Mr. Naficy: gives his closing comments and objects to the introduction of new documents and feels the Board can't rely on them when making their decision; addresses his concern to the information from Cal Trans being in Fresno and not available here and feels that information is all hearsay; believes there are still outstanding issues.

Mr. Lopes: responds to public comment indicating the APCD permit was approved yesterday and the APCD also did an inspection at that time; states the well is not onsite; addresses the ordinance change, back in October 2004, that changed the zoning and the Negative Declaration that was done at that time; shows a drawing that outlines where the boring's were done on the property; staff recommends denial of the appeal and approval with the revised conditions that were presented today.

Board Members: address various issues, comments and concerns regarding: soiling testing that was done and the actual results that are available; whether staff has seen the report from Sierra Delta; wanting staff to review all the information before a decision is made; concerns that all the information has not reviewed by staff, with Mr. Lopez responding.

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, Lenthall
NOES:	Supervisors	Patterson, Chairperson Bianchi
ABSENT:	None	

the Board denies the appeal, approves the revised Exhibit B Conditions of Approval as presented today by staff and RESOLUTION NO. 2005-38, resolution affirming the decision of the Planning Commission and conditionally approving the application of Pacific Tank and Construction for Conditional Use Permit DRC2003-00094, adopted as amended. Further, the Board adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

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) *Seyle v. County of San Luis Obispo* and (2) *Deputy Sheriffs Association v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.) (3) *Significant exposure to litigation (Gov. Code, §54956.9(b).) No. of cases* 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (4) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases* 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, §54957.6.) It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (5) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *SLO County Probation Peace Officers' Association*; (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Sheriff's Management*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

Chairperson Bianchi: opens the floor to public comment.

Rev. C. Hite: comments on the Significant Exposure to Litigation portion of the Closed Session; her concerns to the police reaction to Mardi Gras events; concerns to the impacts on the disabled when money goes to things like the Mardi Gras instead of health care needs.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

12 C-6 This is the time set for continued hearing (continued from January 11, 2005) to consider a nuisance abatement on property located at 11660 Los Osos Valley Road, San Luis Obispo, owned by respondent Daniel DeVaul; 2nd District.

The Clerk swears in all the staff and members of the public that will be testifying.

Mr. Art Trinidad: Code Enforcement, is sworn and presents the Board with additional Findings they want included today; discusses the response from CDF and presents a copy of their letter dated February 3, 2005; staff recommendation is to order the abatement as outlined in Exhibit B1.

Supervisor Lenthall: indicates that he viewed the DeVaul property from Christine Mulholland's property but will make his decision today based on the information presented at this hearing.

Supervisor Patterson: announces that he drove by the property to view it and will make his decision based on the information presented today.

Mr. Dan DeVaul: Respondent, is sworn and states that he believes all the agencies have been fair and appreciates the work by CDF; speaks to what the various agencies looked at and that he wants to do whatever he can to keep this facility running.

Mr. Mark Haegelin: sworn and states he is a resident of Sunny Acres (SA) and indicates this program has helped him a lot.

Ms. Laura Knox: sworn and states she has been helping Mr. DeVaul meet with all the agencies in the past three weeks; she doesn't see any problem with continuing to work with these agencies so the program can continue.

Mr. Kevin Claseman: sworn and feels they are doing great things at SA and they just need more time.

Mr. Sam Vecchione: sworn and states he is a neighbor and friend of Mr. DeVaul's and supports the efforts of SA.

Mr. Bryan Ruiall: sworn and states he has been at SA since February 2004 and believes they have provided him with the help he needs; states if the Board orders the abatement he will be homeless and will lose services he is currently receiving.

Mr. David Bokar: sworn and speaks to how SA is helping folks become productive citizens.

Mr. Virgil Jamison: sworn and states he's been at SA for a year and has seen so many positive things occur here.

Mr. Eric Greening: sworn and addresses his concern to the imported soil on this site; urges the Board to find a new location for Sunny Acres and that this site be sold; suggests the County work with Mr. DeVaul to accomplish this.

Ms. Mary Lemus: sworn and states that her son and his girlfriend reside at SA; speaks to her assistance at SA to help them clean up and keep this facility open; indicates SA has really helped turn their lives around.

Mr. Elliott Paulson: sworn and speaks to the need to address and fix the Code infractions; speaks to the need for low-income housing.

Ms. Elizabeth Geisen: sworn and speaks against the use of the property by Mr. DeVaul; indicates she has been dealing with the “antics” of Mr. DeVaul for the past 20 years; speaks to the fear the neighbors have in coming here and testifying against Mr. DeVaul.

Mr. Robert Johnson: sworn and states he doesn’t believe they have done anything they were supposed to since the last meeting; the place is an eye sore and needs to be gone.

Mr. Patrick McKnight: sworn and speaks to the Sober Living Program he runs in San Luis Obispo; speaks to folks in recovery here at SA needing a chance.

Rev. C. Hite: sworn and doesn’t want the Board to create homelessness in the County; presents a copy of a letter her grandfather wrote, regarding unemployment, in the 1930’s.

Ms. Christine Mulholland: sworn and speaks to guns being shot off all night after the last hearing on this matter; states they also had more dump trucks bringing in dirt until they were cited again for Code violations.

Mr. Stephen Lemus: sworn and speaks to keeping SA open and comments on how this has helped him; and expresses his willingness to help clean this site up.

Dr. Greg Thomas: Public Health Officer, sworn and addresses the housing and the associated health concerns regarding this; standing water on the property and concerns regarding mosquitoes; addresses what will need to occur if this stays open and the requirements that will need to be met.

Mr. Paul Hyman: Drug and Alcohol Services, sworn and states they are willing to be a bridge between the State and SA if they apply for licensing.

Mr. Victor Holanda: Director of Planning and Building, sworn and disagrees as he doesn’t believe this is a social issue but does believe this is a land issue; questions how other constituents will be handled if Mr. DeVaul is allowed to get away with violating these land use laws; urges support of the staff recommendations.

Mr. Robert Lewin: CDF, sworn and states he’s available for questions.

Board Members: address various issues, comments and concerns regarding: the land use and whether it allows for this type of use; concerns about all the assurances Mr. DeVaul has given and suggests these rules need to be enforced with an “iron fist”; wants the findings to show this is Agricultural Land.

Supervisor Lenthall: speaks regarding another person who went through the system to license their facility.

Mr. Trinidad: states that Mr. DeVaul has done quite a bit out there since the last hearing.

Supervisor Patterson: addresses his disappointment about the continuing violations; questions the two exhibits in the packet and differences between them; doesn’t feel that Mr. DeVaul can be trusted to carry out the direction in the exhibits.

Chairperson Bianchi: suggests that while the program may be doing a “good thing” it doesn’t give Mr. DeVaul the right to break the law; speaks to the number of years involved, by the County, trying to get Mr. DeVaul to come into compliance; questions the possibility of a lien on the property to pay for cleanup, with Mr. Trinidad responding as to the costs associated with the cleanup.

Chairperson Bianchi: suggests the possibility of creating an Oversight committee, made up of County agencies, an attorney and a recovery center in the County; suggests that this can either be done completely on a voluntary basis or have the complete abatement ordered.

Mr. James Lindholm: County Counsel, addresses the suggestion of a committee being created.

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

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

the Board approves the Findings in Exhibit A with the Additional Findings as presented today by staff and adds a Finding that states that this property is zoned

Agriculture and adopts the recommendations of Exhibit B of the staff report dated February 8, 2005 which declares the property a Nuisance and orders the Abatement.

Supervisor Achadjian: discusses creating a committee made up of staff to work with Sunny Acres to help with options on moving forward with correcting the Code violations.

Board Members: discuss helping them find ways to continue this program, with Dr. Thomas and Mr. Holanda responding. **No further actions were taken.**

13 C-7 This is the time set for hearing (Introduced January 25, 2005) to consider an ordinance amending water service charges and connection fees in County Service Area No. 10A, Cayucos Water System; 2nd District.

Mr. Will Clemens: Public Works, presents the staff report; outlines the proposed water rate and connection fee increases; outlines the Board adopted rate policies; recommends adoption of the ordinance.

Supervisor Patterson: questions the last increase and how often they occur, with Mr. Clemens responding.

Ms. Wendy Evans: questions why they have to pay for the Nacimiento Project.

Ms. Margaret Goddard: questions the size of the pipeline; doesn't see the need for water from Nacimiento; and is concerned about the extension onto Gilbert.

Mr. Charles Mozdir: states he didn't realize this was just for a rate increase as he thought this was for an increase in the acre footage of water to service the area; doesn't feel that any increase in usage over the allocated amount is fair.

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

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

NOES: None

ABSENT: None

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3057, ordinance establishing water service charges for San Luis Obispo County Service Area No. 10, Zone A (Cayucos), adopted.

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, February 8, 2005, 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/Vicki M. Shelby,
Deputy Clerk-Recorder

DATED: February 25, 2005
vms

