

Tuesday, June 7, 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, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: Supervisor Jerry Lenthall

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

SUM AGN

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

Ms. Beth Paver & Mr. Jerry Paver, SLO County Town Criers, welcome the Board and the public to the new Board Chambers. **No action taken.**

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

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

RESOLUTION NO. 2005-155A, resolution commending Tony Romero upon his retirement after thirty-one years of service to the people of San Luis Obispo County, adopted.

(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)

Supervisor Ovitt: reads the resolution and presents the same to Mr. Romero.

Mr. Duane Leib: General Services, outlines Mr. Romero's history with the County; discusses Mr. Romero's strength in character, sense of humor, he is well respected by others and is the longest serving custodian in the County; wishes Mr. Romero well and thanks him for his 31 years of service.

Mr. Tony Romero: thanks the Board for the best 31 years of his life.

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

Rev. C. Hite: thanks the Board for the disabled accessibility in the new Board Chambers; and indicates she will inform the Board of any open hostilities with the District Attorney's office.

Mr. Eric Greening: states he is glad the first recognition in the new Board Chambers is for Mr. Romero; hopes the new Chambers will provide a new perspective on items; asks the Board to set the Planning Commission letter regarding TDC's on an agenda.

Mr. Jesse Arnold: discusses the need for labeling of genetically engineered corn.

Ms. Katrin Colamarino: San Luis Obispo Arts Council, discusses the six students to be awarded medallions by the Arts Council.

Mr. Karl Kempton: discusses pesticide exposure from a neighboring strawberry field;

outlines his exposure to methyl bromide; his list of symptoms and the lack of response by the Agricultural Commissioner's Office.

Mr. Michael Kaplin: discusses the formation of Neighbors at Risk; comments on the symptoms his daughter experienced from being exposed to pesticides; his discussions with the new owner of the strawberry field who agreed to stop spraying fields; they are celebrating the one year anniversary of when they stopped spraying the fields.

Ms. Miranda Leonard: representing ECOSLO, discusses their involvement with Neighbors at Risk; and the creation of an information booklet regarding agencies that can help with pesticide exposure.

Ms. Susan Howe: states she is impressed with the new Board Chambers; discusses the various odors smelled in their neighborhood and symptoms experienced field spraying; once the spraying stopped, the symptoms disappeared.

Ms. Candi Varni: expresses her appreciation to the Health Department for the formation of a Pesticide Task Force; addresses her health history and the effects pesticides have had on her; indicates her outbreaks stopped once pesticide spraying stopped.

Mr. Daniel Neill: discusses his health problems due to the pesticide spraying; states the Board does a lot to help the public and asks the Board to look into this issue because he believes they can make a difference.

Mr. Jeff Pienack: discusses the effects of wind changes and pesticide drift.

Ms. Amy Leach: founding member of Neighbors at Risk, discusses health symptoms that occurred with pesticide spraying; states the Department of Pesticide Regulation is required to track pesticides; doesn't want to get rid of agricultural land just the pesticides used. **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: on Item B-28, questions if the contract with Geomatrix Consultants, Inc. addresses the possible disruption and protection of cultural resources.

Mr. Dale Ramey: Public Works, presents the staff report regarding the completion for the construction of the Olde Towne Nipomo Enhancement Project; acknowledges Mr. Steve Frank, resident engineer for the project, for all his work.

Supervisor Achadjian: thanks both Mr. Ramey and Mr. Frank for all their work on this project; states the two of them were presented with the key to the future City of Nipomo and thanks the other agencies involved for making this project possible. **No action taken.**

5 B-1 Consent Agenda Item B-4 is amended correcting the hearing date to June 7th on the
Thru public notice. Item B-22 is amended correcting the transmittal to reflect the requested
B-39 action and recommendation to have the Chairperson sign the agreement. Item B-39 is
added to the Consent Agenda.

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

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 through B-39 are approved as recommended by the

County Administrative Officer and as amended by the Board.

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

- B-1 Introduction of ordinances amending to Title 22 - Land Use Ordinance and Title 23 – Coastal Zone Land Use Ordinance; All District, **Approved and the Clerk is instructed to give notice of hearing date set for June 14, 2005 at 9:00 a.m.**
- B-2 Introduction of an ordinance amending to Title 19 – Building and Construction Ordinance; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for June 14, 2005 at 9:00 a.m.**
- B-3 Introduction of an ordinance amending sewer service charges for County Service Area No. 18, (Country Club Area Sewer System) and directing the collection of these charges on the 2005-2006 property tax bills; 3rd District, **Approved and the Clerk is instructed to give notice of hearing date set for June 28, 2005 at 9:00 a.m..**
- B-4 Introduction of a resolution to collect delinquent service charges for County Service Area No. 16 (Shandon-Water Service), County Service Area No. 23 (Santa Margarita Water Service), and County Service Area No. 18 (San Luis Country Club Estates – Sewer/Waster Disposal) on the 2005-2006 county property tax bills; 1st, 4th and 5th Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for June 7, 2005 at 9:00 a.m..**
- B-5 Introduction of a resolution to collect existing service charges on property tax bills for County Service Areas: 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy, Nipomo), 7-A (Oak Shores), and 21 (Cambria); All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for July 19, 2005 at 9:00 a.m.**
- B-6 **RESOLUTION NO. 2005-156**, ordering amended assessments for the North Mesa A.D. (Road District); 4th District, **Adopted and the Clerk is instructed to give notice of hearing date for June 28, 2005 at 9:00 a.m.**

Board of Supervisors Items:

- B-7 Request by Supervisor Bianchi to appoint Lynn R. Cooper as an alternate member to the Assessment Appeals Board, **Approved.**
- B-8 Request by Supervisor Bianchi to re-appoint Glen Whittemore as District Two representative to the Cayucos-Morro Bay Public Cemetery District, **Approved.**
- B-9 Request by Supervisor Patterson to re-appoint Dawn E. Williams to the Commission on the Status of Women, **Approved.**

County-Clerk Items:

- B-10 Submittal of the results and certified statement of the Pension Trust election of trustees as provided for in Section 9 of the Rules of Election by the County Clerk, **Received and Filed.**
- B-11 Minutes of the Board of Supervisors meetings of April 5, 12, and 19. 2005, **Approved.**

General Services Items:

- B-12 Amended sublease between Airport Facilities Associates and Aviation Consultants, Inc. for lease site “G” at the San Luis Obispo County Regional Airport, **Approved.**

- B-13 Sublease agreement with the Economic Opportunity Commission for office space to be used by the Department of Social Services located at 227 Bridge Street in the City of Arroyo Grande, **Approved.**
- B-14 The creation of a new capital improvement project entitled “San Luis Obispo County Airport – Terminal Interior Improvements” to modify interior spaces at the existing passenger terminal at the San Luis Obispo County Regional Airport; and a corresponding budget adjustment in the amount of \$130,000 from Passenger Facility Charges, **Approved.**
- B-15 Budget adjustment in the amount of \$35,000 from unanticipated revenue into an existing maintenance project entitled “Coastal Access, Park and Trail Upgrades”, **Approved.**
- B-16 Budget adjustment in the amount of \$1,000 from unanticipated revenue into an existing project entitled “Bob Jones Pathway between San Miguel Street and Avila Park”; and, acceptance of funding for the project from unanticipated revenue, **Approved.**
- B-17 Delay of reporting the bid results to no later than June 28, 2005 for the construction of a new restroom and shower facility at Santa Margarita Lake Park, **Approved.**
- B-18 Bid opening report for the install of a left turn lane at the new North County Regional Center in Templeton; 1st District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction in the amount of \$125,013.**

Planning and Building Items:

- B-19 Agreement (Clerk’s File) with Rincon Consultants Inc. to provide mitigation monitoring services for construction improvements for Tract 2408 Phase I (Biddle Ranch); 4th District, **Approved.**
- B-20 **RESOLUTION NO. 2005-157**, authorizing an application for grant funds to the Federal Supportive Housing Program administered by the United States Department of Housing and Urban Development for continued operation of the North and South County Case Management programs, the San Luis Obispo Case Management program, and the Transitional Housing Program, **Adopted.**
- B-21 Budget adjustment in the amount of \$6,600 from the Environmental Trust Account for purchase of equipment to aid in environmental investigation, **Approved.**

Probation Department Items:

- B-22 Authorization for the Chief Probation Officer to execute and sign a contract between the Probation Department and Solutions Unlimited for the Revenue Recovery Collection Unit of the Probation Department to provide collection services to Solutions Unlimited for delinquent court-ordered debt, **Approved as amended.**
- B-23 **RESOLUTION NO. 2005-158**, authorizing the Chief Probation Officer to apply for and accept an award in the amount of \$20,805 from the California Office of Criminal Justice Planning for the Juvenile Accountability Incentive Block Grant Program, **Adopted.**
- B-24 **RESOLUTION NO. 2005-159**, regarding a renewal contract with the California Youth Authority for emergency housing services and request to approve authorizing the Chief Probation Officer to sign the contract, **Adopted.**

Public Health Items:

- B-25 Renewal agreement (Clerk's File) for Fiscal year 2004-2005 with the Area Agency on Aging to provide funding to the Public Health Department for the Active Aging Program; and 2) authorizing the Public Health Officer to sign the agreement and future certifications, **Approved**.
- B-26 Annual Child Health and Disability Prevention Program (CHDP) and California Children Services (CCS) Plan and certification statement (Clerk's File) for Fiscal Year 2004-2005, **Approved**.

Public Works Items:

- B-27 Amended contract with TY Lin, International, increasing the total contract amount to \$544,250 for engineering services on the San Luis Bay Drive Bridge Widening Project (P12A702/300181); 3rd District, **Approved**.
- B-28 Agreement (Clerk's File) with Geomatrix Consultants, Inc. in the amount of \$549,800 for geotechnical consulting services on the Nacimiento Water Supply Project; All Districts, **Approved**.
- B-29 **RESOLUTION NO. 2005-160**, authorizing the execution of notice of completion for the Orcutt Widening Phase II overlay contract on Avocado Lane; 4th District, **Adopted**.
- B-30 **RESOLUTION NO. 2005-161**, establishing the 2005-2006 special tax rate and confirming the per parcel special tax amount in County Service Area No. 21, London Lane Road Improvement Zone; 2nd District, **Adopted**.
- B-31 **RESOLUTION NO. 2005-162**, establishing the 2005-2006 special tax rate and confirming the per parcel special tax amount in County Service Area No. 9, Ash Street Improvement Zone; 2nd District, **Adopted**.
- B-32 **RESOLUTION NO. 2005-163**, authorizing the execution of a notice of completion for the construction of the Olde Towne Nipomo Enhancement Project – Phase 1; 4th District, **Adopted**.
- B-33 **RESOLUTION NO. 2005-164**, authorizing the execution of a notice of completion for the construction of the Main Street Project enhancement in Cambria; 1st District, **Adopted**.
- B-34 Bid opening report for the construction of Prefumo Canyon Paving Contract and request to approve a corresponding budget adjustment in the amount of \$336,500; 3rd District, **Approved and Chairperson is instructed to sign contract documents with Union Asphalt, Inc. in the amount of \$437,055**.
- B-35 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:
- A. CO 02-0015, a proposed subdivision resulting in 2 lots by Bouma/Aley/Haab, Applegate Way, Nipomo Mesa; reject the offer of dedication without prejudice to future acceptance for roads and drainage easements; 4th District, **Approved**.
 - B. Tract 2632, a proposed subdivision resulting in 10 lots, by Dennis and Shirley Daniels, Halcyon Road, Nipomo Mesa; reject the offer of dedication without prejudice to future acceptance for roads and drainage easements, **Approved**; and, **RESOLUTION NO. 2005-165**, to approve an open space easement agreement; 4th District, **Adopted**.

Other Items:

- B-36 Agreement with the State Department of Finance for participation in the State-County Property Tax Administration Program, **Approved.**
- B-37 Audit report on the Courthouse Café Concessionaire contract with General Services for the period of January 1, 2002 through December 31, 2004, **Received and Filed.**
- B-38 Application to the State Department of Alcoholic Beverage Control for a project to reduce underage drinking, **Approved.**
- B-39 Request from the Technology Policy Committee (Probation Dept., Sheriff's Dept, and District Attorney's Office) to approve a contract with MTG Management Consultants in the amount of \$115,241 for professional services regarding the development of "request for proposals" for the acquisition and implementation of a Criminal Justice Information System, **Approved.**

6 C-1 This is the time set for hearing to consider: 1) the use of Justice Assistance Grant (JAG) funds; 2) amend the fixed asset list to include a target system for firearms training at a cost of \$25,537; and 3) approve a corresponding budget adjustment in the amount of \$22,912 from unanticipated revenue and \$2,625 from State Criminal Alien Assistance Program for a total of \$25,537.

Sheriff Pat Hedges: presents the staff report and outlines the staff recommendations.

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

Matter is 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 held a public hearing on the use of Justice Assistance Grant (JAG) funds and amends the Fixed Asset List to include a target system for firearms training at a cost of \$25,537 and approves a corresponding budget adjustment in the amount of \$22,912 from unanticipated revenue and \$2,625 from State Criminal Alien Assistance Program for a total of \$25,537.

7 C-2 This is the time set for hearing to consider and appeal of the South County Road Improvement Fee by Victor Oneschuck located on Evergreen Way in Nipomo; 4th District.

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

Mr. Victor Oneschuck: states he and neighbors have been maintaining this road; he is trying to build a secondary dwelling and this fee is just another form of a tax; discusses the fees he's already paid; and states the road improvement fee is unfair and unjust.

Rev. C. Hite: states the Board should consider this a special circumstance and waive the road improvement fee as the request is not unreasonable; the person is trying to care for a family member.

Board members: address the various planning and road improvement fees with Mr. Marshall explaining the road improvement fee is for major intersections not for the paving of streets.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board denies the appeal.

8 C-3 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Wade and Diane Kuhnle located on Via Alta Mesa in Nipomo; 4th District.

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

Chairperson Bianchi: states the Appellant is not present and opens the floor to public comment without response.

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

9 C-4 This is the time set for hearing to consider a request to authorize the processing of a General Plan Amendment – (LRP2004-00026 – San Miguel Urban Area – County initiated) to allow changes to land use categories and planning area standards to enable urban development within the San Miguel urban reserve line to achieve consistency with the community vision; 1st District.

Mr. John Hand: Planning, presents the staff report; discusses zoning and land use category changes proposed in San Miguel; outlines the Board's options.

Mr. Bud Wimer: Past Chair for the San Miguel Advisory Committee, thanks Mr. Hand for his help; addresses the zoning study conducted by Cal Poly students.

Mr. Fred Thacker: San Miguel Advisory Committee member, thanks Mr. Hand for his help; indicates all the affected property owners were invited to attend the Advisory Committee meetings and urges the Board to authorize this for processing.

Mr. Gordon Marshall: discusses the difficulties in creating a zoning plan for the community of San Miguel and praises Mr. Hand for his work.

Supervisor Patterson: thanks the Advisory Committee, staff and Cal Poly students for their work; states this is the proper way to design a community and this has his support.

Supervisor Lenthall: agrees with the previous speakers, states this is a win-win situation and commends staff, and especially Mr. Hand for his work.

Supervisor Ovitt: discusses the dual zoning area.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried the Board authorizes Application LRP2004-00026 for processing.

10 C-5 This is the time set for hearing to consider a request to authorize the processing of a General Plan Amendment – (LRP2004-00007 – San Miguel Ranch) to allow changes to land use categories to enable urban development for a future 324 lots subdivision consisting of approximately 363 acres of residential development at various densities adjacent to San Miguel; 1st District.

Mr. John Hand: Planning, presents the staff report and outlines the Board's options.

Supervisor Achadjian: questions sewer availability; questions whether San Miguel Community Services District (SMCSD) is looking into annexing the area; questions the impacts on existing businesses.

Mr. Hand: responds that SMCSD is looking into the benefits of annexing this area into

the District; LAFCO will be doing a Sphere of Influence study in the near future on the area and the municipal review process; discusses the impacts on downtown businesses.

Supervisor Ovitt: states he believes an informal application for annexation into the SMCSD has been submitted to LAFCO; LAFCO is waiting to see if the Board authorizes this for processing; states water availability is the main reason for the annexation.

Mr. David Church: LAFCO, states the SMCSD has applied for annexation; they are updating the Sphere of Influence, which should be available for public review in July or August.

Mr. Brent Grissle: Applicant, discusses the concept and design work with the Advisory Committee to develop this project; the variety of parcel sizes; creating parks and trails; the reserve of open space; creation of new roads to avoid traffic impacts; the results of well tests; and the wastewater plant this is nearby.

Mr. John Knight: RRM Design, states there is strong community support; infill will occur before the project is completed; presents a soils class map; this project is consistent with the 2050 vision; and asks the Board authorize this for processing.

Mr. Eric Justensen: RRM Design, states the project will meet the needs of the community; urges the Board to authorize this for processing; this project will take 2 to 3 years once approved by Board.

Mr. Eric Greening: thanks Board for their prior action; addresses the problems he sees with the project; states that Agriculture Policy #24 addresses infill and Agriculture Policy #11 addresses water supply for agricultural uses not for residential use; suggests the use of organic crops and asks the Board to follow smart growth principals.

Mr. Mike Ellison: San Miguel Community Services District General Manager, discusses working with Mr. Grissle; SMCSD fully supports this project; states the SMCSD has applied for annexation; this is the right project and time for San Miguel; states the infill issue is being addressed with other existing projects that have not yet been completed and states San Miguel is one of the few areas in the County where land values are reasonable.

Ms. Sharon Brower: addresses her concern to the traffic impacts on 10th Street and the highway access; questions who will pay for services to these houses.

Mr. Jack Varian: asks the Board to not approve the project; and expresses his concerns to the social impacts of the project; believes it is in the best interest of agriculture to deny this project.

Mr. Paul Campomenosi: thanks Mr. Hand for his help; discusses the zoning changes, pesticide impacts, and the project destroying the community's rural character; would support the project if the lots were 20 acres or larger; and believes the Board needs to wait until infill occurs.

Mr. Bill Neilson: Chair for the San Miguel Advisory Committee, reads their letter into the record supporting the project.

Mr. Chris Myers: agrees with the previous speaker and thanks Mr. Hand and Mr. Grissle for listening to the community's input.

Ms. Janice Myers: Director of the San Miguel Resource Connection, reads a letter, dated June 5, 2005, regarding support of the project, into the record.

Mr. Raymond Baker: member of the San Miguel Advisory Committee, states he supports the project.

Mr. Gordon Marshall: states the agriculture land is not in the Williamson Act; believes the project fits the community's desire.

Ms. LaVon James: states she supports the project; believes it will be good for San Miguel.

Mr. Fred Thacker: states the owner listened to and addressed community concerns; suggests the only place to grow is in agriculture land; appreciates the owner's efforts and thanks the Board for their support.

Mr. Rex Awalt: discusses the agricultural approach; water issues; the history of land; and room for additional wells; states this is a good project for San Miguel.

Mr. Bud Wimer: states there were no negative comments at meetings he's attended; the owner has addressed community concerns and the water needs for San Miguel; the infill concerns will be resolved by the time the project is ready; asks the Board to support this request.

Ms. Lynne Schmitz: supports the project and thanks the Board for their support.

Mr. Norman J. Grecius: questions where the children will go to school; states the Air Pollution Control District doesn't support this item due to pollution concerns; states he is against the project and hopes the Board will reject this request.

Mr. Jeff Hoffert: states the only way to get needed services is through growth; this project has taken children's needs into account.

Supervisor Ovitt: states San Miguel has been ignored for years; the community has taken it upon itself to address water and sewer needs in the past; the population base has not supported economic development with the current infill it's beginning to develop; the community is divided by the highway and railroad which is difficult; addresses the current vacant land and future uses; states this project is not premature and has community support; discusses highway access; asks the Board to support authorizing this amendment.

Supervisor Patterson: addresses his concerns regarding the project; states he doesn't believe it's consistent with the General Plan; the project is too much too soon; he is worried growth will exceed the resources; water needs should be saved for agricultural land and growth doesn't have to go into agriculture land; this project is an example of what not to do; he would support a smaller development but won't support this proposal.

Supervisor Achadjian: questions whether an EIR would address the concerns discussed today if approved for processing, with Mr. Hand responding.

Supervisor Lenthall: states the community supports this proposal and so will he.

Chairperson Bianchi: states she supports some of Supervisor Patterson's comments; in addition the community of San Miguel is a good location for growth; the community wants are for good reasons however, looking at a regional level, she will not be able to support the project because it doesn't follow the General Plan; would support Option #2.

Supervisor Ovitt: states the population level won't ever reach the same as during World War II; states the Board has never completed a General Plan in under two years; the community plan and downtown design were just completed; the community wants to move forward; expresses his objection to Option #2.

Mr. John Eurphrat: Planning, states the downtown project just approved by the Board and will take approximately 6 months to a year to complete the environmental process; the Community Plan update could be a 3 year effort and will need additional funding.

Supervisor Patterson: questions if any of the agricultural land on the east side of San Miguel is in the Williamson Act, with Ms. Linda Auchinachie, Agricultural Commissioner's Office responding and states he would support Option #2.

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

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

the Board authorizes LRP 2004-00007 for processing to change the 550 acre site from Agriculture to the various residential and non-residential land use categories requested.

- 11 D-1 This is the time set for presentation of the Mental Health Services Act Community input process.
- Mr. Jess Montoya:** Health Agency Director; presents the staff report; discusses the Mental Health Services Act (MHSA) process and the history and trends of mental health services in the County.
- Ms. Dale Magee:** Catalyst Consulting, discusses the six original components of the MHSA; receiving State funds to be used for local planning only; discusses the program planning project use of comprehensive community input; the plan requirements, timelines, public forums and phone survey results; and welcomes suggestions from the Board on where else they should provide the information packet and any additional locations to hold forums.
- Supervisor Achadjian:** suggests holding a meeting at the Oceano Elementary School.
- Supervisor Patterson:** questions which services are available through other community services, with Mr. Brad Sunseri, Mental Health, responding.
- Chairperson Bianchi:** suggests staff attend the other 11 advisory committee meetings, not related to land, to present the information packet to.
- Supervisor Ovitt:** questions if the trend is for more community based programs or clinics, with response from Mr. Montoya and Dr. Greg Thomas, Public Health Officer, respond to the trend in Public Health to contract out.
- Supervisor Lenthall:** discusses Mental Health's progress and commends staff on their efforts.
- Ms. Magee:** states Proposition 63 funds have restricted guidelines for use and the State is continuing to revise guidelines.
- Mr. David Edge:** County Administrative Officer, discusses Mental Health funding; indicates State and Federal funds for mental health services are being reduced; staff is trying to minimize program cut backs in the traditional areas.
- 12 E-1 This is the time set for presentation and discussion of the Smart Growth Principles.
- Mr. Victor Holanda:** Director of Planning and Building, introduces the item and asks the Board to support the resolution.
- Mr. Chuck Stevenson:** Planning, presents the staff report; discusses the guiding principles of Smart Growth; recommends the Board adopt the resolution and guiding principals for Smart Growth.
- Supervisor Achadjian:** questions how these principals would have affected the San Miguel General Plan Amendment with Mr. Stevenson responding.

Supervisor Bianchi: discusses the importance of proper planning.

Dr. Greg Thomas: Public Health Officer, states walkable communities have been shown to lower obesity rates and improve mental health; urges the Board to adopt staff recommendation.

Mr. Eric Greening: urges the Board to adopt the resolution and guiding principals; discusses the traffic in Atascadero near the Junior High when parents drop their children off because it is not a walkable community; suggests the Vision 2050 meetings be held in a location accessible by public transit.

Mr. Paul Hood: Executive Director of LAFCO, states these principals mirror the 2050 Vision Statement and urges the Board to adopt the staff recommendations.

Mr. Steve Devencenzi: SLORTA, congratulates Mr. Stevenson on his presentation; states the guidelines make it easy to do the right thing; and supports staff recommendation.

Ms. Aeron Arlin Genet: Air Pollution Control District staff, discusses increasing public awareness of land use strategies; addresses the environmental impacts with longer commuter trips; urges the Board to move forward by adopting the principles.

Supervisor Patterson: states he is thrilled with this item; discusses the trends with longer vehicle trips; changing the design of communities will benefit the public's health; and endorses staff recommendations.

Supervisor Ovitt: states the principles should be used as a tool; addresses the need to respect the community concerns and how they should be interpreted.

Supervisor Lenthall: states he believes there is no progress without change; believes there is enough flexibility in the principles.

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

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

the Board approves the Guiding Principals for Smart Growth marked as Exhibit A in the staff report dated June 7, 2005 and RESOLUTION NO. 2005-166, adopting Guiding Principles for Smart Growth for the unincorporated areas of San Luis Obispo County, adopted.

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

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) *Santa Margarita Area Residents Together v. County of San Luis Obispo*; (2) *Building a Better Environment v. County of San Luis Obispo*; (3) *Maria Vista Estates (CV050242) v. County of San Luis Obispo*; (4) *Berge v. County of San Luis Obispo*; **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** (10) *Building a Better Environment 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.

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: (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*.

III. PERSONNEL (Gov. Code § 54954.5) It is the intention of the Board to meet in Closed Session to: (9) *Consider public employee performance evaluation for the position of County Counsel*.

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

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

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.

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, June 7, 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/C.M. Christensen,
Deputy Clerk-Recorder

DATED: June 23, 2005
cmc