

Tuesday, December 20, 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 IS LED BY CHAIRPERSON SHIRLEY BIANCHI.

SUM AGN

1 A-1-A **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. 2005-415, resolution recognizing John "Jack" Tompkins Ready for his strength and courage in his battle with cancer, adopted.

Supervisor Achadjian: reads the resolution and presents the same to the Ready Family.

Mr. Paul Ready: thanks the Board for the recognition.

Supervisor Achadjian: states the donated land will be the site for the only special needs park between Los Angeles and San Francisco; discusses forming an organization to fund building and maintaining the park.

2 A-1-B **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. 2005-416, resolution commending John Hand for 15 years of service to the County of San Luis Obispo, adopted.

Chairperson Bianchi: reads the resolution and presents the same to Mr. John Hand.

Mr. Hand: thanks the Board for the recognition; states he is not retiring but entering a "new career phase" and discusses the wonderful staff he has worked with at the County.

Mr. Vic Holanda: Director of the Planning and Building Department, thanks Mr. Hand for his professionalism and loyalty to the County and states he will miss his friendship.

3 A-2 This is the time set for presentation to the Board of Supervisors by the Pacheco Elementary School Kindergarten Class. **(All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

Mr. Duane Leib: General Services Director, introduces the teachers of the dual immersion program at the school, Ms. Katie Collins and Ms. Daria Hernandez.

Ms. Collins: states the class will present their gift of song and a card to the "Bosses of San Luis Obispo County," with Ms. Hernandez echoing her comments in Spanish.

The students sign several Christmas songs for the Board and audience.

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

Dr. Brahama D. Sharma: discusses Resolution No. 96-465 (not the correct resolution number cited) still being in full force and effect regarding advisory councils; the resolution does allow individual Supervisors to direct advisory councils; Items 3, 4 and 5 requires adopting bylaws by each advisory council; requests an independent committee investigation to see if any of the existing advisory members have violated the respected bylaws on their own or as directed by a Supervisor.

Mr. Eric Greening: states today's presentation shows the power the arts has on children; the Estero Area Plan is being held up at the Coastal Commission in connection with the Los Osos Sewer Project; asks the Board to work with the Coastal Commission to remove the Cayucos area from the plan so they can move forward; urges the Board to create an advisory committee with expertise in biological and cultural resources to join the Water Resources Advisory Committee in creating the Conservation Element Update; encourages the Board to get moving on Open Space policies; thanks Chairperson Bianchi for her work as Chair this year.

Mr. David Duggan: expresses his regrets and discusses the past, present and future of the Los Osos Sewer Project.

Mr. Don Bearden: states he is not in favor of the present or past Los Osos Community Service District Board building the sewer; urges the Board, if they become responsible for building the sewer, that they build it expeditiously.

Mr. Jesse Arnold: speaks to the history of genetic engineering; discusses the "Round-up Patent." **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. Jesse Arnold: urges the Board to pull Items B-2 and B-4; expresses his concern regarding "contracting in" and privatization; expresses his concern regarding the importance of paper ballots; discusses the privatization by the State with regard to election equipment.

Mr. Eric Greening: states he agrees with Mr. Arnold regarding the importance of paper ballots; urges the Board to pull Item B-14; states he would like to see auto allowances being used for alternative modes of transportation such as transit passes and van pools and not restricted to driving vehicles only.

Mr. Tony Perry: Executive Director of the Deputy Sheriff Association (DSA), urges the Board to defer action on B-15 and outlines the DSA's reasons for the request.

Mr. Michael Winn: expresses his concern with the funds being spent on Item B-8 and he wishes the funds were being spent on recreational activities directed more towards children and their families; urges that the next time the Board looks at spending this amount of funds on recreation, that they set a public hearing not place the item on the consent agenda.

Ms. Trudy Jarratt: San Luis Obispo County League of Women Voters President, expresses the League's support for Item B-8.

Ms. Kathy Veder: President of Dana Adobe Nipomo Amigos, expresses her support of Item B-8; discusses the proposed use of the land and urges the Board to support this. **No action taken.**

5 B-1 thru B-31 Consent Agenda Item B-13 is amended by replacing the transmittal page, staff report and budget adjustment. Item B-14, Exhibit "A" is amended as presented by staff. Item B-15 is amended by adding pages which were inadvertently left out of the staff report. Item B-25-A, the coversheet is amended by adding the following language: "act on the resolution to accept the offer of dedication for widening of Hischer Lane." Items B-9 and B-19-E through B-19-J are withdrawn. Item B-15 is withdrawn for separate action.

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

Consent Agenda Items B-1 through B-31 are approved as recommended by the County Administrative Officer and as amended by the Board.

Consent Agenda Items B-1 through B-31, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Item Set For Hearing:

- B-1 **RESOLUTION NO. 2005-417**, resolution of intention to vacate a portion of Sixth Street in the community of Cayucos; and **RESOLUTION NO. 2005-418**, resolution of intention to vacate portions of Seventeenth, Eighteenth and Mission Streets in the community of San Miguel; 1st and 2nd Districts, **Adopted and the Clerk is instructed to give notice of hearing date set for February 7, 2006 at 9 a.m..**

Administrative Office Items:

- B-2 Budget goals and policies for Fiscal Year 2006-2007, **Approved.**
- B-3 Contract with Med + Stops Medical Clinic, Inc. for pre-employment medical exam services, **Approved.**

Clerk-Recorder Items:

- B-4 Agreement (Clerk's File) with ES&S for the purchase of a voting system; an amendment to the fixed asset list adding 110 Automark Ballot Marking Devices and deleting the high speed absentee ballot counter and the 10 Accuvote units; and a budget adjustment in the amount of \$445,030 (\$347,613 from services and supplies and \$97,417 from unanticipated revenue), **Approved.**
- B-5 Agreement (Clerk's File) with VIP for consulting services relating to the Voting System implementation; and a budget adjustment in the amount of \$80,000 from unanticipated revenue, **Approved.**

General Services Items:

- B-6 **RESOLUTION NO. 2005-419**, accepting a donation of real property in the unincorporated area of Nipomo to be used for a passive recreational park; 4th District, **Adopted.**
- B-7 **RESOLUTION NO. 2005-420**, executing an offer to dedicate an additional 10 feet of public right-of-way easement on County-owned real property and a public utility easement to Pacific Gas and Electric on a one-acre parcel located at Reindeer Place in the outskirts of Paso Robles; 5th District, **Adopted.**
- B-8 Acquisition of property adjacent to the Dana Adobe in the community of Nipomo; and a budget adjustment in the amount of \$1,000,000 from Quimby Funds; 4th District, **Approved.**

Health Agency Items:

- B-9 Appointment of Clint Weirick as the youth representative to the Drug and Alcohol Advisory Board, **Withdrawn.**
- B-10 Contracts (Clerk's File) with the following group homes and residential treatment facilities to provide mental health services to youth: Canyon Acres Children and Family Services, Inc., Families First, Inc., Milhous Children's Services, Inc, San Diego Center for Children Inc., Seneca Residential and Day Treatment Center for Children, Inc., and Victor Treatment Centers, Inc., **Approved.**
- B-11 Request to adopt a uniform fee schedule and methodology for The Society Group Foundation Inc. to disburse payments to physicians from the Emergency Medical Services Fund (EMS), **Approved.**

Information Technology Items:

- B-12 Contract (Clerk's File) with Mainline Information Systems for the purchase and related services

of an IBM Mainframe Model Z890; and a corresponding budget adjustment in the amount of \$162,306 from the Automation Replacement Reserves to Countywide Automation Replacement Fund, **Approved**.

- B-13 Budget adjustment in the amount of \$31,406 for the purpose of purchasing additional fixed assets, **Approved as amended**.

Pension Trust Items:

- B-14 **RESOLUTION NO. 2005-421**, adding section 1.14.2 Employer Paid “Auto Allowance” as “Compensation” to the retirement plan, **Adopted**.

- B-15 Resolution amending section 6.02: Safety Member Service Retirement, Appendix B of the retirement plan, Appendix B-2 of the retirement plan and adding Appendix B-3 to the retirement plan establishing the 3%@50 formula for Safety Members in the Sworn Classifications, **withdrawn for separate action**.

Planning and Building Items:

- B-16 Contract (Clerk’s File) with Intermap Technologies, Inc. for a countywide Digital Elevation Model; All Districts, **Approved**.

- B-17 Agreement (Clerk’s File) with Lew Rosenberg to provide independent review of engineering geology report and consultation on geology issues, **Approved**.

- B-18 **RESOLUTION NO. 2005-422**, granting an open-space agreement for Caryl S. Leonard, Trustee of the Caryl S. Leonard Trust and Kirke Leonard, Trustee of the Kirke Leonard Trust for property located on the north side of Rodman Drive, approximately 100 feet east of Houston Drive in the community of Los Osos; 2nd District, **Adopted**.

- B-19 Ten resolutions (Clerk’s File) approving land conservation contracts and amendments to contracts (Clerk’s File) pursuant to the California Land Conservation Act of 1965; 1st and 5th Districts.

A. **RESOLUTION NO. 2005-423**, Paul Page (AGP2004-00015) Request to enter into a land conservation contract; 5th District, **Adopted**.

B. **RESOLUTION NO. 2005-424**, Thomas Newlin Hastings (A970023A) Request for an amendment to a land conservation contract to add 40 acres; 1st District, **Adopted**.

C. **RESOLUTION NO. 2005-425**, Joseph & Jamie Kies/William Ernst (AGP2004-00021) Request to rescind an existing contract and simultaneously enter into a new contract to reflect a lot line adjustment; 1st District, **Adopted**.

D. **RESOLUTION NO. 2005-426**, Peter Harrison (AGP2004-00014) Request to enter into a land conservation contract; 5th District, **Adopted**.

E. T. Franklin Twisselman (AGP2004-00010) Request to add 10 acres of land to an existing contract to reflect a lot line adjustment COAL 02-0329; 1st District, **withdrawn**.

F. Robert A. Grant (AGP2004-0-0011) Request to rescind an existing agricultural contract and simultaneously enter into a new contract to reflect a lot line adjustment involving 5 acres; 1st District, **withdrawn**.

G. Joseph MacGregor (AGP2005-00004) Request to rescind an existing contract and simultaneously enter into one (lot 4) of two new contracts to reflect two existing, individually eligible lots; 1st District, **withdrawn**.

H. Joseph MacGregor (AGP2005-00010) Request to rescind an existing contract and simultaneously enter into one (lot 12) of two new contracts to reflect two existing, individually eligible lots; 1st District, **withdrawn**.

I. Surrey Six Holdings, LLC (AGP2004-00002) Request to enter into a land conservation contract on approximately 211 acres within an approved agricultural preserve; 1st District, **withdrawn**.

J. Michael Grissom (AGP2003-00004) Correction to the minimum parcel size provision for Michael Grissom Preserve and Contract amendment for a previously approved application to amend the boundaries of an existing agricultural preserve and enter into a new contract to reflect a lot line adjustment; 5th District, **withdrawn**.

Public Works Items:

- B-20 An amended environmental services agreement for design phase environmental consulting services for the Nacimiento Water Project; All Districts, **Approved**.
- B-21 **RESOLUTION NO. 2005-427**, commending Donna Simmer (35 years of service), **RESOLUTION NO. 2005-428**, Mikel Goodwin (28 years of service) and **RESOLUTION NO. 2005-429**, Jim Litzenberger (22 years of service) upon their retirement from the County; All Districts, **Adopted**.
- B-22 **RESOLUTION NO. 2005-430**, authorizing an application for a Safe Drinking Water Loan for Supplemental Water in an amount of \$500,000 for County Service Area No. 23 (Santa Margarita), **Adopted**.
- B-23 **RESOLUTION NO. 2005-431**, adopting the Urban Water Management Plan (Clerk's File) for Zone 3 (Lopez Dam and Reservoir) of the San Luis Obispo County Flood Control and Water Conservation District; 3rd and 4th District, **Adopted**.
- B-24 **RESOLUTION NO. 2005-432**, for the acceptance of road improvements on Nasella Lane, in Los Osos Valley, County Road No. 2222 and L Street, County Road No. 6021, San Buenaventura Way, County Road No. 6073, St. Francis Way, County Road No. 6074, 20th Street, County Road No. 6075, 19th Street, County Road No. 6076, Pala Mission Way, County Road No. 6077, La Purisima Court, County Road No. 6078, Ladrillos Way, County Road No. 6079 and San Juan Bautista Street, County Road No. 6080, in the community of San Miguel; 1st and 2nd Districts, **Adopted**.
- B-25 The following maps have been receive and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:
- A. CO 02-0057, a proposed subdivision resulting in 3 lots, by TLC & Development LLC, Hischier Lane, reject the offer of dedication for public utility easements without prejudice to future acceptance; **RESOLUTION NO. 2005-433**, to accept the offer of dedication for widening of Hischier Lane ; **RESOLUTION NO. 2005-434**, to approve an open space easement agreement, 4th District, **Approved as amended**.
- B. CO 04-0116, a proposed subdivision resulting in 3 lots, by Phillis A. Sorenson, Chamisal Lane, south of Arroyo Grande; 4th District, **Approved**.

Other Items:

- B-26 An interim rate adjustment of 3% for Paso Robles County Disposal and San Miguel Garbage Company; and a rate increase for San Luis Garbage Company rural areas for the implementation of a combined recycling/greenwaste program, **Approved**.
- B-27 Cooperative fire protection agreement (Clerk's File) with Cayucos Fire Protection District; and 2) a corresponding budget adjustment in the amount of \$59,744 from unanticipated revenue, **Approved**.
- B-28 **RESOLUTION NO. 2005-435**, authorizing submittal of an application to the Corrections Standards Authority for approval of the San Luis Obispo County's Juvenile Probation and Camps Funding Program for Fiscal Year 2005-2006; All Districts, **Adopted**.
- B-29 Contract with Gary Walter, M.D., for pathology services related to autopsies; All Districts, **Approved**.
- B-30 Contract (Clerk's File) with Economic Opportunity Commission of San Luis Obispo County, Inc. for homeless emergency shelter and case management services for Fiscal Year 2005-2006; All Districts, **Approved**.
- B-31 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map:

A. COAL 04-0180, a proposed lot line adjustment resulting in 2 lots which will not create any new lots, by Winslow Property and Development, a General Partnership, Baron Way, east of Paso Robles; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

- 6 C-1 This is the time set for hearing to consider the formation of Tract 2494 Assessment District for drainage basin maintenance and the results of the election; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board declares the results of the election.

- 7 C-2 This is the time set for hearing to consider a resolution annexing Tract 2494 to Zone 16 of the San Luis Obispo County Flood Control and Water Conservation District; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2005-436, resolution of the San Luis Obispo County Flood Control and Water Conservation District Annexing Tract 2494 in the County of San Luis Obispo to Flood Control Zone 16, adopted.

- 8 C-3 This is the time set for hearing (continued from November 15, 2005) to consider the action to uphold an appeal by Almond Heights, LLC of the Planning Director's determination concerning application for merger SUB 2004-00362/M05-155 from Almond Heights, LLC for 13 merged parcels on 10.6 acre portion of a 30 acre property located off of 21st Street near Paso Robles; 1st District.

Ms. Kim Murry: Planning, reminds the Board of their direction to staff at the November 15, 2005 hearing.

Mr. Eric Greening: discusses the environmental impacts of the project; states the project is not ministerial and should require an environmental determination; quotes from the *Day vs. Glendale* case.

Mr. Bill Eckert: urges the Board to deny the merger; discusses the validity of the Boston Tract Map; addresses his concern that the approval of the project will be precedent setting; addresses the impacts of the project on the community.

Ms. Bonnie Nelson: expresses her concern with the notice of the hearing being misleading; urges the Board to reconsider and deny the appeal.

Mr. Ron Stock: presents photos of the roads in the area; discusses the traffic impacts on the roads for the project; expresses his concern with the use of the Boston Tract Map; and urges the Board to deny the appeal.

Mr. Larry Lynch: discusses the impacts of the merger on himself and the City of Paso Robles; urges the Board to deny the appeal.

Ms. Carolyn Dildine: expresses her concern to the confusion of the notice; discusses confusion with respect to the Boston Tract Map; urges the Board to deny the appeal and presents a petition signed opposing the merger.

Ms. Kathleen Cairns: expresses her concern regarding the roads in the area of the merger and urges the Board to deny the merger.

Ms. Susan Harvey: Paso Watch , urges the Board to reconsider recognizing the Boston Tract

Map; expresses her concern that the Board action will be precedent setting; submits the brief of *Gardner vs. Sonoma County* and comments from the *San Luis Obispo Coastkeeper* for the record.

Mr. Andrew Christie: Chapter Coordinator of the Sierra Club, presents a letter to the Board dated December 20, 2005 regarding the Napa County amendment to the Subdivision Map Act.

Mr. Jesse Arnold: states he agrees with previous speakers who urge the Board to deny the merger.

Mr. Tom Vaughan: representing Almond Heights, LLC, presents a copy of the 1893 Subdivision Map Act (SMA) which is the basis for the lawfully created lots; discusses the 1901 revision to the SMA; states the grading permits were applied for in 2002.

Supervisor Ovitt: states all this information was made available at the public hearing; comments on the relationship with the Gardner case; expresses his desire to move this item forward; the grading permit will require an environmental investigation; states the first step is to certify the lots; addresses the comments made regarding the notification; the applicant is working with Public Works and the City of Paso Robles regarding the road issues.

Supervisor Lenthall: expresses his concern regarding the confusion with the notification and the need for further discussions.

Supervisor Achadjian: questions the subdivision process and expresses his concern regarding the impacts on the City of Paso Robles.

Ms. Murry: clarifies the difference between a subdivision and merger; states a merger doesn't require an Environmental Determination but the grading permit does.

Supervisor Patterson: states his support for recognizing the 6 lots; expresses his concern regarding the breakdown of communication between the County and the City of Paso Robles regarding this matter.

Mr. James Lindholm: County Counsel, clarifies the difference between the environmental review for a subdivision and a grading permit.

Chairperson Bianchi: states she will not support this matter.

A motion by Supervisor Ovitt, to approve the tentative action of the appeal and uphold the appeal by Almond Heights, dies for lack of a second.

Supervisor Achadjian: states he would like the City to be able to look further into this matter.

Supervisor Ovitt: discusses cooperative efforts by the County to communicate with the City; the grading permit process would require the City to review the matter.

A motion of Supervisor Lenthall, seconded by Supervisor Achadjian, the Board tentatively deny the appeal by Almond Heights, LLC and uphold the Planning Director's determination and continue this item for 120 days to allow the Applicant to work with County staff, the City of Paso Robles, neighbors and further determine the number of legal lots that exist on the property and under what configuration, is discussed.

Supervisor Ovitt: suggests the matter be set to a date certain.

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, Chairperson Bianchi
NOES: Supervisor Patterson
ABSENT: None

the Board tentatively denies the appeal by Almond Heights, LLC and upholds the Planning Director's determination and continues this item to March 14, 2006 at 9:00 a.m. to allow the Applicant to work with County staff, the City of Paso Robles, neighbors and further determine the number of legal lots that exist on the property and under what configuration.

- 9 C-4 This is the time set for hearing to consider an appeal of the South County Road Improvement Fee by Cary and Karla Goldman located at Nopal Way in the South County Road Improvement Area; 4th District.

Mr. Richard Marshall: Public Works, presents the staff report and recommendation.

Mr. Cary Goldman: Appellant, suggests prior to the issuance of the Minor Use Permit that the road improvement fee amount be given at that time; discusses an *Adobe Press* article addressing road improvement fees; urges the Board that if the fee can't be waived, to please adjust the fee appropriately.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board denies the appeal.

- 10 D-1 This is the time set for consideration of the Mental Health Services Act Community Services and Supports Plan (Clerk's File).

Ms. Karen Baylor: Behavioral Health Administrator, presents the staff report and discusses the background on the funding of this plan.

Ms. Dale Magee: Mental Health, continues presenting the staff report, discusses the input process for the Plan; highlights the ten new or enhanced programming initiatives.

Ms. Baylor: highlights the full service partnerships; the Wellness and Recovery Program; Latino Outreach Services; Mentally Ill Probationers Program; Enhanced Crisis Response and Aftercare; Community School Mental Health Services; and Countywide Outreach and Education Campaign; addresses the impacts on current services and the staff recommendations.

Ms. Magee: discusses funding possibilities and introduces the Mental Health Advisory Board members.

No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board approves the Mental Health Services Act Community Supports and Services Plan and authorizes the Behavioral Health Department to submit the plan to the California Department of Mental Health.

- 11 E-1 This is the time set for consideration of the environmental determination for Major Domo (Santa Margarita Ranch) lot line adjustment (SUB2004-00369/COAL 04-0457); 5th District.

Mr. James Caruso: Planning, asks the Board to continue this item to January 24, 2006.

No one appearing and thereafter, on motion of Supervisor Patterson, seconded by Supervisor Lenthall and unanimously carried, the Board continues this item to January 24, 2006. at 9:00 a.m.

- 12 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 B Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *Joshua D., et al. v. County of San Luis Obispo, et al.*, (2) *In re PUC Application of the County of San Luis Obispo v. U.P.R.R.*, (3) *San Luis Obispo County Land Conservancy v. Greenhart Farms, et al.*, and (4) *Heritage Ranch Owners Association v. County of San Luis Obispo.*

B. Conference with Legal Counsel B 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, Name of employee organization: Sheriffs Management;* (8) *Negotiator's Name: Santos Arrona, Gail Wilcox, Name of employee organization: Deputy Sheriffs Association;* (9) *Negotiator's Name: Santos Arrona, Gail Wilcox, Name of employee organization: SLOGAU.*

Chairperson Bianchi: 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.

- 13 B-15 Resolution amending Section 6.02: Safety Member Service Retirement, Appendix B of the Retirement Plan, Appendix B-2 of the Retirement Plan and adding Appendix B-3 to the Retirement Plan establishing the 3%@50 formula for Safety Members in the Sworn Classifications, is presented.

Ms. Gail Wilcox: Deputy Administrative Officer, amends the item to change the effective date from June 1, 2006 to March 1, 2006.

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

RESOLUTION NO. 2005-437, a resolution amending Section 6.02: Safety Member Service Retirement and Appendix B of the Retirement Plan and adding Appendix B-3 to the Retirement Plan, adopted as amended.

- 14 C-5 This is the time set for hearing to consider an appeal by Clay Akey of the Planning Commission's decision of September 22, 2005 to not allow a third time extension of Minor Use Permit/Coastal Development permit No D990152P; a request to 1) remodel an existing 5,546 square foot commercial building (at 2150 Center Street); and 2) demolish an existing building and construct a 4,697 square foot commercial building (at 2164 Center Street) in the community of Cambria; 2nd District.

Ms. Martha Neder: Planning, presents the staff report, addresses the appeals issues and recommendations.

Supervisor Patterson: questions the historical significance of the property.

Ms. Neder: states the response to the letter dated October 25, 2000 from the State Historical Preservation Society urging an environmental determination was sent to the State on November 12, 2000.

Mr. Clay Akey: Appellant, reads the letter he wrote to the Editor of the *Cambrian Press*; speaks to the business he operates on the property, Cambria Bike Outfitters; states he had to move a portion of the business to Paso Robles during this appeal process; indicates he urges the employees to use alternative sources of transportation to get to and from work; addresses some of the concerns of residents.

Ms. Carla Drovdal, states she opposes the project; expresses her concern to the look of the proposed project on the area.

Ms. Sonnie Hendricks: expresses her concerns with the impacts of the project on tourist traffic and parking; urges the Board to deny the appeal.

Ms. Sally Friend: states she opposes the project and urges the Board to deny the appeal.

Ms. Barbara Walter: echoes the comments of the previous speaker.

Ms. Dawn Dunlap: states she supports the Planning Commission's denial of the third time extension; discusses the history of the property and the impacts of historical properties on the community.

Ms. Faye Walker: states visitors come to Cambria for its historic charm; urges the Board to preserve the building and oppose the project.

Ms. Michelle Carroll: discusses a conversation she had with a family visiting Cambria; urges the Board to preserve the historical look of Cambria.

Ms. Kathryn Clayton: states the reason visitors come to Cambria is for its uniqueness; urges the Board to deny the appeal.

Mr. Rob Saperstein: Attorney representing Bruce Black, states he will reserve his comments and allow Mr. Black to speak on his own behalf.

Mr. Jerry Praver: speaks to the fundraising efforts of the Cambria Historical Society to restore the Guthrey Biaggini house; expresses his belief that it is inappropriate to approve this project.

Ms. Linda Finley: states she opposes the project; discusses the historical restoration projects in Cambria; urges the Board to reject the appeal.

Mr. Bruce Black: states the project is not compatible with the historical look of the neighborhood; discusses the negative impacts to businesses if the project is approved; urges the Board to deny the appeal.

Ms. Sharon Budge: states she supports denial of this appeal; expresses she agrees with one of the Planning Commission's reasons for denying the extension due to the new building being out of scale for the area; urges the Board to preserve the historic character of Cambria and deny the appeal.

Ms. Shannon Covey: owner of Robin's Restaurant, states the project is not compatible with the historical charm of the area.

Mr. Duane Budge: states she agrees with the Planning Commission's denial of this appeal and urges the Board to deny the appeal.

Mr. Jesse Arnold: urges the Board to listen to the previous speakers and deny this appeal.

Mr. Akey: states the property is not a historical building; discusses properties he owns that are historical; states if he is not allowed to build the building as requested he will have to move his business.

Chairperson Bianchi: questions the reasons for the extensions.

Ms. Neder: states the numerous conditions of approval that needed to be met prior to issuing the building permit.

Mr. Akey: discusses the various conditions and deed restrictions that delayed the project; states there will be 24 parking spaces available once the project is complete.

Supervisor Patterson: expresses his concern with the project; states the new building is much larger than neighboring properties; expresses his belief that the project is not appropriate for the

area and he supports the Planning Commission's decision to deny the appeal.

Chairperson Bianchi: states she won't support this appeal; the Appellant had four years to start the project and has not provided any evidence to support a third extension.

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, Achadjian, Chairperson Bianchi
NOES: Supervisor Ovitt
ABSENT: None

the Board denies the appeal and RESOLUTION NO. 2005-438, resolution affirming the decision of the Planning Commission and disapproving the application by C.B.O. Inc. for a third time extension of Minor Use Permit/Coastal Development Permit D990152P, adopted.

15 C-6 This is the time set for hearing to consider the Resource Management System (RMS) - 2005 Annual Resource Summary Report (Clerk's File); All Districts.

Mr. John Hand: Planning, presents the staff report; outlines the growth in the unincorporated areas of the County; discusses the Nipomo Mesa Water Supply and requests from the Nipomo Community Services District (NCSD), Nipomo Community Advisory Committee (NCAC) and Water Resources Advisory Committee (WRAC) urging a Level of Severity (LOS) III for Nipomo; highlights concerns with the Los Osos Valley Groundwater Basin, the history of LOS for the area and recommends a LOS III; discusses the Tefft/Highway 101 Interchange, based on the recent calculations recommends a LOS III; states additional information to support the findings will follow in the South County Circulation Study; discusses the water conservation efforts by the Atascadero Mutual Water Company, City of San Luis Obispo, Cambria Community Services District (CCSD), Templeton Community Services District (TCSD), City of Grover Beach, Los Osos Community Services District (LOCSD), and the NCSD; presents a memorandum dated December 20, 2005 to the Board with suggested changes to the report by the WRAC.

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

Mr. Ryan Sealy: presents a letter from Bornholdt & Associates dated December 13, 2005, urging the Board to include quoted language from the 2004 Report regarding the Woodland's project.

Mr. Bill Garfinkel: Los Osos Area Advisory Council member, states the Council recommends a certified Level of Severity (LOS) III for Los Osos; urges a building moratorium for all of Los Osos until the seawater intrusion has been stopped.

Mr. Michael Winn: Water Resource Advisory Committee (WRAC) member, urges the Board to adopt a LOS III in Nipomo with the stipulation that it revert to a LOS II when mitigating area planning standards are approved in May; addresses their support of the RMS; urges the Board to use tools to avoid having to create a moratorium.

Mr. Jerry Bunin: Government Affairs Director for the Home Builder's Association, discusses Nipomo water conditions; states a LOS III is not justified; the builders are providing alternatives for water and traffic issues; urges the Board to not approve a LOS III for Nipomo.

Mr. Ray Allen: WRAC member, discusses Paso Robles groundwater problems and states there is no cohesive efforts between the City of Paso Robles and the County to address issues outside of Paso Robles city limits.

Ms. Susan Hemreck: Chairperson of the Nipomo Area Advisory Committee, urges the Board to adopt and certify a LOS III for Nipomo.

Mr. Rob Saperstein: Attorney representing Golden State Water Company, urges the Board to

not take any action regarding Los Osos; states the information from the study used is from 2000; urges the Board to allow purveyors time to update the studies with current information; states there may be Brown Act violations regarding the agenda and noticing of this matter.

Supervisor Patterson: questions if Mr. Saperstein has new information available for the Board from studies done or are they in process.

Mr. Saperstein: states there are confidentiality issues regarding providing water information due to ongoing litigation.

Mr. Dan Bleskey: Interim Manager for the LOCSD, states he agrees with Mr. Winn's comments; expresses his support of the staff's findings to expedite the initiating of the Resource Capacity Study.

Ms. Julie Tacker: LOCSD Director, asks the Board to help protect their groundwater basin; states she supports the staff and committee recommendations; urges the Board to create the Resource Capacity Study.

Chairperson Bianchi: asks if LOCSD realizes to do a Resource Capacity Study the Board would have to certify a LOS III and it would stop everything in Los Osos, with Ms. Tacker agreeing.

Ms. Gwynn Taylor: discusses comments by County Engineering staff regarding a LOS III in Los Osos in the late 1980's and early 1990's; states there is a need for a water management plan.

Mr. Ed Eby: NCSO Director, urges the Board to certify a LOS III for Nipomo; presents three levels of alert for the water supply and Nipomo Mesa water consumption; states there is a need for supplemental water and the facts support the LOS III.

Ms. Janet Pelkey: urges the Board to certify a LOS III for Nipomo.

Mr. Jim Pelkey: urges the Board to certify a LOS III for Nipomo based on the information from previous years which supports this need.

Mr. Larry Vierheilig: NCSO President, urges the Board to base their decision on the facts; states the NCSO recommends a LOS III for Nipomo.

Mr. Eric Greening: states the LOS findings are based on physical facts; states he supports a LOS III for Los Osos; expresses his concern with Mr. Allen's comments as there may be a violation of Agriculture Policy 13.

Mr. Michael LeBrun: NCSO General Manager, expresses his concern to meet the Board's directives; discusses the directive by the Board to create an area water planning standard requiring supplemental water for all future urban development; states the District urges the Board to certify a LOS III for Nipomo.

Mr. David Duggan: discusses the need for a LOS III in Los Osos; expresses his concern with saltwater intrusion in the area and the consequences if a LOS III is not adopted.

Mr. Rick Nyznyk: addresses the assessment payment already paid for a sewer that doesn't appear to be happening; presents a letter to the Board dated December 20, 2005 to take a measured approach to addressing water resource limitations and urges the Board to only impose a LOS I or II for Los Osos.

Mr. Greg Nester: urges the Board to focus on the mechanics; states there is no benefit from a LOS III for Nipomo; the LOS III will create more problems with finding funding to solve water and traffic problems in Nipomo.

Ms. Linde Owen: urges the Board to certify a LOS III for Los Osos; implement solutions to the saltwater intrusion issues and adopt water conservation measures.

Ms. Kathleen Jensen: urges the Board to create an emergency water basin moratorium for Los Osos; suggests there is a need to prevent damage to environmentally sensitive areas in Los Osos.

Mr. Ken Bornholdt: representing the owners of the Woodland's project, discusses the letter presented by Mr. Sealy regarding the request to include quoted language from the 2004 Report regarding the Woodland's project.

Mr. Richard Margetson: reads from Page 12 of the staff report regarding the LOCSD Water Management Plan; discusses saltwater intrusion issues; states Los Osos residents use 14 units of water per household a month; there is a need for water conservation measures for Los Osos.

Ms. Lisa Schicker: LOCSD President, expresses her concerns regarding incorrect information in the staff report; discusses updated studies that are missing; the LOCSD Board's efforts for water conservation measures and addressing issues regarding saltwater intrusion and groundwater recharge; recommends the Board direct staff to coordinate a meeting with water purveyors and LOCSD to address these concerns.

Mr. Jeff Edwards: discusses wells that have been located on the west side of Los Osos; comments on buildout; urges the Board to prepare the Resource Capacity Study (RCS), implement water conservation measures and explore State water; recommends a LOS II for Los Osos.

Mr. Michael Jobe: states there is no justification for a LOS III in Nipomo.

Mr. Chris Allebe: asks for a LOS III and to expedite the RCS for Los Osos.

Mr. Warren Morgan: Golden State Water Company District Manager, clarifies the Company's profits are not based on water sold; outlines improvements done by water purveyors in Los Osos.

A motion by Supervisor Ovitt to approve the report as submitted by staff, is discussed.

Supervisor Patterson: questions the impacts if a LOS III is not certified.

Mr. Hand: clarifies a LOS III does not start a moratorium.

Mr. Tim McNulty: Deputy County Counsel, states the need for an environmental determination is based on a case by case basis; expresses his concern regarding adopting a LOS III.

Supervisor Lenthall: questions how to solve water issues in Los Osos and the effects on resolving issues when you use a different LOS.

Mr. Hand: states the data for Los Osos states a LOS III is warranted.

Supervisor Patterson: states he would like to revisit this matter in April after additional information is available to the Board that may impact this matter rather than waiting an entire year to revisit it.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall and unanimously carried, the Board adds to the staff letter on Page C-6-3, under Roads: "Halcyon Road - between its intersections with Highway 1"; the language in Mr. Hand's memorandum to the Board dated December 20, 2005 regarding the requested language by representatives of the Woodlands project, be replaced with the language as follows: "The Woodlands Village Specific Plan and certification of its 20 year water supply have been approved by the Board of Supervisors through separate water verification under State Law. Any change to water supply level of severity for the Nipomo Mesa area do not apply to the Woodlands Specific Plan area."; that the Annual Resource Summary Report should include a recommendation for Level of Severity III for water supply in the Nipomo Mesa area and that the "Recommended Actions" be amended to include additional actions as follows: 1) at this time, a building moratorium is not considered an appropriate action for the Nipomo Mesa area. The Board of Supervisors has specified other appropriate actions that are currently in the implementation process; 2)

Complete the processing of planning area standards that would require new development to incorporate specific water conservation features and make the provision of supplemental water a condition of general plan amendments. Direct staff to return with an amendment to reduce the Level of Severity at such time as those planning area standards become effective; 3) Environmental determinations for development proposals on the Nipomo Mesa will continue to be made on a case by case basis, do not require environmental impact reports for projects that would not otherwise be required to prepare an environmental impact report. Mitigation measures and project amendments may be available to lessen or avoid Class I water impacts in some circumstances, approved.

Chairperson Bianchi: expresses her concern with Golden State Water Company moving their well and its potential impacts on the upper aquifer, expresses her support of a certified LOS III for Los Osos until a Resource Capacity Study (RCS) is complete.

Mr. Hand: clarifies the process for certifying a LOS III.

A motion by Chairperson Bianchi to approve staff recommendations for the Los Osos area with a Level of Severity III and a Resource Capacity Study be done and come back to the Board as soon as possible, is discussed.

Supervisor Ovitt: questions who would fund the RCS, with Mr. Hand responding.

Supervisor Lenthall: questions if there is any middle ground on the LOS, can a LOS II be approved with water conservation measures to wait until new information is available in April.

Supervisor Ovitt: suggest maintaining a LOS III with restrictions on the implementation of water conservation methods and other appropriate measures to be brought back for further evaluation.

Board members: discuss LOS options.

Supervisor Patterson seconds Chairperson Bianchi's motion.

A subsequent motion by Supervisor Ovitt is made to approve a Level of Severity III, with the water purveyors within the community of Los Osos to begin a water conservation program, urge the water purveyors to provide County staff information related to the actual water usage that can be looked at and reviewed in April with Nipomo dies for lack of a second.

Mr. Hand: points out the staff recommendation on Page 12 of the Report under the Los Osos Water Management Plan, Recommended Actions implements the same action the Board is wishing to take.

Chairperson Bianchi amends her motion to approve a Level of Severity III for the Los Osos area and a Resource Capacity Study be done, with Supervisor Patterson concurring and thereafter, on motion, seconded and unanimously carried the Board approves a Level of Severity III for the Los Osos area and a Resource Capacity Study be done.

Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board approves the 2005 Annual Resource Summary Report as amended and directs staff to continue implementation of the ongoing RMS programs and to initiate work on new approved programs.

16 C-7 This is the time set for hearing to consider the Annual and 5-Year Update of the South County Air Quality Mitigation Program (Clerk's File) for the South County Planning Area; 4th District.

Mr. John McKenzie: presents the staff report and recommendation.

No one appearing 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 Board approves the 2005 South County Air Quality Mitigation Program combined Annual and 5-year Update Report (Attachment A) and RESOLUTION NO. 2005-439, resolution of the Board of Supervisors of the County of San Luis Obispo amending the South County Air Quality Mitigation Program, adopted.

17 C-8 This is the time set for hearing for public input on the proposed 2006 Community Development Block Grant (CDBG), HOME Investment Partnerships Act (HOME), American Dream Downpayment Initiative (ADDI), and Emergency Shelter Grant (ESG) Program needs and proposed amendments to the Urban County of San Luis Obispo Program Year 2003 and 2004 Action Plans; All Districts.

Mr. Tony Navarro: Planning, presents the staff report; highlights the needs of the County regarding affordable housing, homelessness, public services, public facilities, economic development, and requests by the City of San Luis Obispo to amend the previous years Action Plan.

Supervisor Achadjian: questions if the County received FEMA funds to help the Oceano Community Services District repair sewer lines.

Mr. Navarro: states the County applied for State funding through Housing and Urban Development and for Federal funds to help with sewer repairs.

Ms. Pearl Munak: Homeless Housing President, discusses their applications to fund motel vouchers and the rest and recovery center; urges the Board to approve their request for funds.

Supervisor Ovitt: states Mr. Gene Bergman, Paso Robles Housing Authority, could not stay but will be sending a letter to request funding.

Mr. Richard N. Warne: City of Grover Beach Interim Manager, urges the Board to support the City of Grover Beach's request for HOME funds; discusses the City's contribution to operate a Soup Kitchen.

Ms. Barbara Carey: thanks the Board and County staff for their work and support; discusses the request for fencing and a security system for the Oceano Community Center.

Ms. Catherine Manning: EOC Director, urges the Board's continuing support of the Homeless Shelter and Prado Day Center; discusses the number of clients who come to the Shelter and Center and the impacts if funding is not received.

Ms. Evan Mendelson: Hotline Executive Director, highlights the National objective of CDBG funds; discusses Hotline's efforts to update the 211 disaster response phone number and use of the requested funding.

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, Patterson, Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2005-440, resolution approving the amendment of the Urban County of San Luis Obispo Program Year 2003 and 2004 Action Plans, 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, December 20, 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: January 20, 2006