

Tuesday, July 18, 2006

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall, James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON K.H. 'KATCHO' ACHADJIAN.**

**SUM AGN**

1 Added **Supervisor Bianchi:** speaks to *The Tribune* article regarding the County Administrative Officer (CAO) and asks the Board to add an item to the agenda regarding a Vote of Confidence for the CAO and prepare a letter (for the viewpoint) in response to *The Tribune* article.

**Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Lenthall and unanimously carried, the Board determines that the need to add an item to the agenda arose subsequent to the 72-hour noticing requirements of the Brown Act and adds an item to address *The Tribune* article to their agenda (This item will be heard after the Consent Agenda).**

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2006-237, resolution designating July 17-23 "Invasive Weed Awareness Week" in San Luis Obispo County, adopted.**

**Chairperson Achadjian:** reads the resolution and presents the same to Mr. Mark Lea, Agriculture Commissioner's Office.

**Mr. Mark Lea:** thanks the Board for the recognition; highlights the purpose for creating a Weed Management Area (WMA); discusses the effects of invasive weeds; speaks to their public outreach program; introduces WMA members.

**Mr. Roy Freer:** Caltrans, highlights the progress made by the WMA.

**Ms. Lauren Brown:** California Native Plants Society, San Luis Obispo County Chapter President, speaks to invasive weeds; thanks the Board for this recognition.

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

**Mr. Jesse Arnold:** comments on the need for labeling of Genetically Engineered (GE) crops; invites the Board and public to attend the upcoming Health Commission meeting addressing GE crops; suggests the Board listen to their constituents on this matter not the Biotech industry; urges the Board and public to support upcoming legislation on the matter.

**Mr. Eric Greening:** questions when the reports, requested by the Board, regarding the Dalidio Initiative will be ready for public review and what action the Board will take with the information.

**Mr. David Duggan:** expresses his concern with Assemblyman Blakeslee's proposed legislation regarding the Los Osos Sewer Project; states the Los Osos Community Services District cannot afford to build a sewer after all the money that has been spent on litigation; comments on *The Tribune* article regarding the County Administrative Officer;

urges the Board to reconsider their decision regarding the web streaming contract with Granicus.

**Ms. Holly Sletteland:** Upper Salinas/Las Tablas Resource Conservation District, thanks the Board for their recognition of “Invasive Weeds Week”; addresses the damage done by invasive weeds.

**Ms. Gidi Pullen:** thanks the Board for the resolution; questions if the weed abatement program still exists.

**Mr. David Edge:** County Administrative Officer, speaks to the Dalidio Initiative meetings; addresses how and when the meetings will be conducted. **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:** speaks to Item B-22, questions the selection process for Health Commission Members; states the Commission is not representing the community with regards to the labeling of Genetically Engineered crops.

**Ms. Jessica Berry:** Bicycle Program Administrator for Rideshare, speaks on Item B-6 and Recommendation #1; clarifies where grant money will be spent; discusses Bicycle Education.

**Mr. Eric Greening:** speaks on Item B-4, questions Counsel’s response to Recommendation #5; on Item B-5, questions collecting data for the “real concerns” relating to foster care children; questions if the foster children are aware of transit services; on Item B-6, questions if the Grand Jury talked to the San Luis Obispo County Council of Government; B-29, questions why there is not a topographical map and development plan for this project.

**Mr. Adam Fukushima:** SLO County Bicycle Coalition Executive Director, addresses Item B-6 regarding the Bicycle Education Program; discusses the Bicycle Coalition Bicycle Education program; comments on funding and trainers needed for the program; asks the Board for their support in the next budget cycle; states this is the first Grand Jury report regarding bicycling in the country and urges the Board to take it seriously.

**Mr. Robert Davis:** Bicycle Advisory Committee (BAC) Chairperson, addresses Item B-6 and the BAC’s response to the report; thanks Mr. Morici for his help with the response; highlights the way the Board can help the Committee; expresses his support for “Bike Education” and suggests it’s use as traffic school for bicycle riding violations.

**Ms. Carol Biddle:** Kinship Center President, comments on Item B-23 and thanks the Board for their support; outlines the purpose of the clinics; states working with staff has been a pleasure. **No action taken.**

5 B-1 Items B-38 and B-39 are 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, Bianchi, Patterson, Chairperson Achadjian**

**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 this 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.

Items set for bid opening and hearing:

B-1 RESOLUTION NO. 2006-238, resolution of intention to vacate a portion of Vineyard Drive, County Road No. 5156 near the Town of Templeton; 1<sup>st</sup> District, **Approved and**

**the Clerk is instructed to give notice of the hearing date set for August 15, 2006 at 9:00 A.M..**

- B-2 Plans and specifications (Clerk's File) for the expansion of the Juvenile Services Center at the County Operational Center; 3rd District, **Approved and the Clerk is instructed to give notice of the hearing date set for August 17, 2006 at 3:00 P.M..**

Administrative Office Items:

- B-3 An amended contract with Carl Warren & Co. (Clerk's File) extending the contract for liability program administration services, **Approved.**
- B-4 Responses to finding and recommendations contained in the Grand Jury report on the Area Advisory Council Resolution, **Approved.**
- B-5 Responses to finding and recommendations contained in the Grand Jury report on the future of foster children, **Approved.**
- B-6 Responses to finding and recommendations contained in the Grand Jury report on bicycle riding in the county, **Approved.**
- B-7 Responses to finding and recommendations contained in the Grand Jury report on community schools, **Approved.**

Auditor-Controller Items:

- B-8 An audit report on the District Attorney's Worker's Compensation Insurance Fraud Program Grant for the period July 1, 2004 through June 30, 2005, **Received and Filed.**
- B-9 An audit report on the District Attorney's Worker's Spousal Abuser Prosecution Program Grant for the period July 1, 2004 through June 30, 2005, **Received and Filed.**
- B-10 Inmate welfare trust and commissary fund audit report for 03/04 and 04/05, **Received and Filed.**

Board of Supervisors Items:

- B-11 Appoint Karen Woodling to the Workforce Investment Board, **Approved.**
- B-12 Re-appoint Curt Boutwell, Lee Collins, Nicki Edwards, Lee Ferrero, Arline Graham, Russ Jensen, Judy Kelley, Per Mathiesen, Charley Senn, and Elizabeth Steinberg to the Workforce Investment Board, **Approved.**
- B-13 Appoint Paula Campbell-Taylor as a District One representative to the Estrella Public Cemetery District, **Approved.**
- B-14 Allocate \$1,500 from District Four Community Projects Funds to the South County Advisory Council to be used for costs associated with holding monthly advisory council meetings, **Approved.**
- B-15 **RESOLUTION NO. 2006-239**, commending Miner's Hardware on its 50<sup>th</sup> Anniversary, **Adopted.**
- B-16 **RESOLUTION NO. 2006-240**, recognizing James M. Massey for 33 years of service to the Governor's Office of Emergency Services, **Adopted.**

General Services Items:

- B-17 Contracts with Mead & Hunt, Tartaglia Engineering, and Earth Systems Pacific, for construction inspection and testing of the Runway 25 and Eastside Ramp construction at the San Luis Obispo County Regional Airport; All Districts, **Approved.**
- B-18 A contract with DMJM H+N to provide architectural/engineering services for the expansion of the County Main Jail at the County Operations Center and approve a corresponding budget adjustment in the amount \$1,290,000; All Districts, **Approved.**

- B-19 Amend the fixed asset list for Parks Lopez Lake budget to replace a boat motor for a lake patrol vessel; and 2) approve a budget adjustment transferring \$9,800 from the Sheriff's Office to Parks to cover the purchase, **Approved**.
- B-20 A bid opening report for the construction of t-hangers at the San Luis Obispo County Regional Airport and approve a corresponding agreement; All Districts, **Approved and the Chairperson is instructed to sign contract documents with Nunno Corporation Ltd. in the amount of \$3,336.647.**

Health Agency Items:

- B-21 Appoint Ed Guerena and Robert Thielscher and reappoint Pam Heatherington, Jan Hicks, James Mase, M.D., David Odell and Susan Warren to the County Health Commission, **Approved**.
- B-22 **RESOLUTION NO. 2006-241**, amending the position allocation list for Fund Center 160 – Public Health adding one full time Patient Services Representative and one full time Physical/Occupational Therapist II, and a corresponding budget adjustment in the amount of \$84,425 from unanticipated revenue, **Adopted**.
- B-23 A contract (Clerk's File) with Kinship Center to provide outpatient mental health services to full-scope Medi-Cal children; All Districts, **Approved**.
- B-24 Renewal contracts (Clerk's File) with the following group homes and residential treatment facility to provide mental health services to youth: Canyon Acres Children and Family Services, Inc.; Casa Pacifica, Inc.; Intermountain Children's Home and Services, Inc.; Milhous Children's Services, Inc.; Seneca Residential and Day Treatment Center for Children, Inc.; Summitview Child Treatment Center, Inc.; and Victor Treatment Centers, Inc.; All Districts, **Approved**.
- B-25 A contract (Clerk's File) with San Luis Obispo County Office of Education for the Health Agency's Behavioral Health to provide specialty mental health services to AB 3632 eligible children in County Emotionally Disturbed classes; All Districts, **Approved**.
- B-26 Renewal contracts (Clerk's File) with Catholic Healthcare West, dba Arroyo Grande Community Hospital and French Medical Center for the County Medical Services Program and Jail Inmates; All Districts, **Approved**.
- B-27 Renewal contracts (Clerk's File) with Sylmar Health and Rehabilitation Center, Inc., Merced Behavioral Health, Inc., dba Merced Manor, 7<sup>th</sup> Avenue Center, Davis Guest Home, Inc., and American Care Home to provide a continuum of adult residential care services; All Districts, **Approved**.

Planning and Building Items:

- B-28 **RESOLUTION NO. 2006-242**, approving an agreement establishing restrictions and obligations for real property for real property adjusted by lot line adjustment COAL 04-0470 with Happie L. Lee, Trustee of the Bill V. Lee Trust, UDT dated February 12, 1988; 3<sup>rd</sup> District, **Adopted**.
- B-29 **RESOLUTION NO. 2006-243**, approving an open-space agreement for development plan D940214D, with Monastery of the Risen Christ, a non-profit corporation, located at 2308 O'Conner Way, west of the City of San Luis Obispo; 2<sup>nd</sup> District, **Adopted**.

Public Works Items:

- B-30 Contract amendments to extend the term of feasibility study for the sale of 15 acre-feet of County Service Area No. 16 (Shandon) State Project Water to County Service No. 12 (Avila Valley) on behalf of Dr. John DeVincenzo; 1<sup>st</sup> District, **Approved**.
- B-31 **RESOLUTION NO. 2006-244**, the addition of delinquent water and sewer availability charges for County Service Areas Nos. 7-A (Oak Shores), 16 (Shandon), 18 (County Club Estates) and 23 (Santa Margarita) to the 2006-07 property tax bills; 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Districts, **Adopted**.

- B-32 **RESOLUTION NO. 2006-245**, levy assessments for costs of the San Luis Obispo County Flood Control and Water Conservation District the parcels of Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area); 3<sup>rd</sup> and 4<sup>th</sup> Districts, **Adopted**.
- B-33 **RESOLUTION NO. 2006-246**, accepting conveyance to the County from Pacific Cambria, Inc., for Burton Drive Slope Stabilization project; 2<sup>nd</sup> District, **Adopted**.
- B-34 **RESOLUTION NO. 2006-247**, accepting conveyance to the County from Grace Kobbe Tevis et al, for a drainage easement located near Mountain View Road and South Bay Boulevard in the community of Los Osos; 2<sup>nd</sup> District, **Adopted**.
- B-35 **RESOLUTION NO. 2006-248**, authorizing execution of a notice of completion for the construction of a bridge over the Salinas River on Las Pilitas Road; 5<sup>th</sup> District, **Adopted**.
- B-36 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: COAL 04-0590, a proposed lot line adjustment by the Irving Family Trust, Chimney Rock Road, located west of Paso Robles; 1<sup>st</sup> District, **Approved**.

Other Items:

- B-37 **RESOLUTION NO. 2006-249**, granting the Director of Human Resources administrative authority to allocate new job classes to a department for specified management position when the position becomes vacant, **Adopted**.
- B-38 **RESOLUTION NO. 2006-250**, approving the formation of a Tourism Business Improvement District (SLOCTBID) to fund tourism countywide, **Adopted**.
- B-39 **RESOLUTION NO. 2006-251**, proclaiming July 16-22, 2006 as “Probation, Parole and Community Supervision Week”, **Adopted**.

- 6 Added **Supervisor Bianchi:** speaks to *The Tribune* article regarding the County Administrative Officer’s (CAO) reorganization of the Personnel Department; urges the Board to take an action for a Vote of Confidence for the CAO; indicates Mr. Edge is not acting on his own and that Mr. Edge is an “at-will” employee and takes his direction from the Board.

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

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

**the Board expresses a Vote of Confidence for the County Administrative Officer.**

**Supervisor Bianchi:** urges the Board to allow her and Chairperson Achadjian to prepare an educational viewpoint to be sent to *The Tribune*, after it is reviewed by the Board members.

**Ms. Kimberly Daniels:** San Luis Obispo County Employee Association General Manager, urges the Board to take an action to show confidence in the Civil Service Commission.

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

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

**the Board directs Supervisor Bianchi and Chairperson Achadjian to prepare an educational viewpoint to be sent to *The Tribune* after it’s reviewed by the Board members.**

**Supervisor Bianchi:** expresses her support for the Civil Service Commission; directs staff to create a subcommittee of Department Heads as follows: Kim Barrett, Phil Lowe, Janette Pell, Patrick Hedges, Lee Collins, a staff member from the Administration Office and a San Luis Obispo County Employee Association representative, to do a comprehensive review of the Civil Service Rules and to prepare a report for the Board's review.

**A motion by Supervisor Bianchi, seconded by Supervisor Ovitt to create a subcommittee of Department Heads as follows: Kim Barrett, Phil Lowe, Janette Pell, Patrick Hedges, Lee Collins, a staff member from the Administration Office and a San Luis Obispo County Employee Association representative, to do a comprehensive review of our Civil Service Rules and to prepare a report for the Board's review, is discussed.**

**Ms. Kimberly Daniels:** San Luis Obispo County Employee Association General Manager, urges the Board to include a representative from General Services on the subcommittee.

**Mr. Eric Greening:** questions if the motion is creating the subcommittee today and urges the Board to not create it today but return next week's meeting as a regular agenda item.

**Chairperson Achadjian:** questions if the creation of the subcommittee qualifies as an urgent matter, with Mr. James Lindholm, County Counsel, responding.

**Supervisor Patterson:** expresses his support for continuing the creation of the subcommittee to a later date.

**Mr. David Edge:** County Administrative Officer, discusses the Board's direction to him regarding succession planning; comments on the openness of this process to create the Human Resources Department and the transfer of Ms. Hossli to the newly created position under Rule 505A; expresses his concern regarding the comments made against Ms. Hossli and Ms. Wilcox in *The Tribune* article "blogs"; addresses the leadership qualifications of Ms. Hossli and Ms. Wilcox; states the County taxpayers are truly fortunate to have Ms. Hossli as a part of this organization and hopes she will not seek employment elsewhere.

**Supervisor Bianchi:** apologizes to Ms. Hossli and Ms. Wilcox for the comments made against them; expresses her displeasure at the comments made in the "blogs".

**The motion maker and second amend the motion to include the General Services Director or his designee on the subcommittee and additionally requests the subcommittee review the issues that will be impacting this County in the future relative to housing and demographic problems for the aging.**

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

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

**the Board creates a subcommittee of the following Department Heads: Kim Barrett, Phil Lowe, Janette Pell, Patrick Hedges, Lee Collins, a staff member from the Administration Office, the Director of General Services or his designee and a San Luis Obispo County Employee Association representative, to do a comprehensive review of the Civil Service Rules and to prepare a report for the Board's review, including how the County will be impacted in the future relative to housing and demographic problems for the aging.**

7 C-1 This is the time set for a hearing to consider an appeal of the Templeton Road Improvement Fee by Michael English, for property located on Marquita Avenue; 1<sup>st</sup> District.

**Mr. Richard Marshall:** Public Works, recommends the hearing be continued to September 19, 2006 to allow the Appellant to be present.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Lenthall and unanimously carried, the Board continues the hearing to September 19, 2006 at 9 a.m..**

- 8 C-2 This is the time set for a hearing to consider a resolution to collect delinquent service charges on property tax bills for the following County Service Areas: No. 16 (Shandon – Water Service), No. 23 (Santa Margarita Water Service) [sic], No. 10-A (Cayucos Water Service), No. 1 (Nipomo Sewer Service), No. 18 (San Luis Country Club Estates – Sewer/Waster Disposal) to the 2006-2007 County property tax bills; All Districts.

**Ms. Strait Smith Zanartu:** presents the staff report and recommendations.

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

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

**NOES: None**

**ABSENT: None**

**RESOLUTION NO. 2006-252, Resolution of the Board of Supervisors acting as the Governing Board of the San Luis Obispo County Service Area No. 16 (Shandon – Water Service), No. 18 (San Luis Country Club Estates – Sewer/Waster Disposal), No. 10-A (Cayucos Water Service), No. 1 (Nipomo Sewer Service) resolution verifying delinquent service charges and confirming report, adopted.**

- 9 C-3 This is the time set for hearing to consider a resolution amending the County's previous submittal to the Coastal Commission of the Estero Area Plan update; 2<sup>nd</sup> District.

**Mr. Mike Wulkan:** Planning, presents the staff report; outlines the history of the Plan; discusses the Coastal Commission concerns with the Plan; highlights the Advisory Committee comments; presents the staff recommendation.

**Supervisor Bianchi:** expresses her support for separating the Los Osos area from the Plan; addresses her concern with the amount of staff time needed to separate this area out of the Estero Area Plan.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**Mr. Wulkan:** addresses the amount of staff time needed to update the Plan; discusses the potential impacts on other planning projects; comments on the coordination between Planning and the Coastal Commission to update the Plan.

**Mr. Eric Greening:** expresses his support for the staff recommendation; addresses environmental concerns in the letter from Steve Monowitz, of the Coastal Commission.

**Mr. Bill Walter:** representing the Pratt Family, discusses the family's efforts to divide their property in the Cabrillo Estates area; discusses the litigation the family filed against the Coastal Commission regarding their denial of the property split; presents a map of the area for the record; urges the Board to clarify if the Pratt property will be in the new Plan.

**Ms. Beverly Pratt:** outlines the history of the property and her family's efforts to develop the same.

**Mr. Wulkan:** responds that the Pratt property would continue to be in the Los Osos urban area and would continue to be under the current rules.

**Mr. Tim McNulty:** Deputy County Counsel, comments on the continuing lawsuit by Pratt Construction.

**Mr. Walter:** asks that the Pratt property be excluded from the Plan.

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

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

**RESOLUTION NO. 2006-253, resolution to amend San Luis Obispo County's submittal to the California Coastal Commission of the update of the Estero Area Plan, a part of the San Luis Obispo County General Plan, Land Use Element/Local Coastal Plan and Circulation Element (included within Local Coastal Program Amendment No. 2-04), approved by the Board of Supervisors on November 2, 2004 by Resolution No. 2004-350, adopted.**

10 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) *County of San Luis Obispo v. Level 3 Communications, LLC*, (2) *Almond Heights, LLC v. County of San Luis Obispo*; (3) *Los Osos CSD v. Golden State Water Company.*; (4) *Daniel Gardner 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*, Name of employee organization: *SLOGAU*; (8) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SAN LUIS OBISPO COUNTY EMPLOYEE ASSOCIATION Trades and Crafts*; (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOPPOA*; (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DCCA*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *DAIA*.

**Chairperson Achadjian:** 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.

**(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

11 D-1 This is the time set for consideration of a revised Syringe Access Implementation Plan.

**Dr. Greg Thomas:** Public Health Officer, presents the staff report; highlights the background of the plan and direction given to staff at the previous Board meeting; outlines the health and law enforcement goals and the changes made to the plan by the Committee; comments on the various statistical information to be presented to the Board on an on-going basis; speaks to the involved agencies agreement to conduct quarterly follow-up meetings; discusses the HIV and AIDS cases reported in the County; addresses the various benefits of implementing the plan.

**Ms. Alessandra Ross:** State Department of Health Services, highlights her job duties; addresses the controversy around the needle exchange programs; outlines the positive effects and the State's support of exchange programs.

**Mr. Fredrick "Bull" Chaney:** Public Health Outreach Worker, discusses his experience working with injection drug users (IDU); expresses his support for the Plan.

**Ms. Cathy Lewis:** San Luis Obispo Hepatitis C Project Benefit Coordinator, expresses her support for the needle exchange program; comments on the damage to the liver from Hepatitis C.

**Mr. Rodger Anderson:** states a needle exchange program does not encourage drug use, its use is for increased disease control; suggests the ultimate goal of the plan is the sobriety of the user.

**Ms. Gail Lightfoot:** Chairperson for Local Libertarian Party, expresses the Party's support for a Syringe Exchange Program (SEP); comments on her health issues from Hepatitis C; states this is a health care issue, not a law enforcement issue.

**Ms. Mary Luceu:** expresses her support for the needle exchange program; addresses the need for a "mobile" needle exchange program.

**Ms. Maronee Hollister:** states the local pharmacies involved are on a voluntary basis with local agency approval, if necessary.

**Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Bianchi, and unanimously carried, the Board approves the Health Agency's Revised Syringe Access Implementation Plan.**

12 C-4

This is the time set for hearing to consider a recommendation by the Planning Commission regarding a request for interpretation by the Department of Planning and Building concerning the establishment of Medical Marijuana dispensaries.

**Mr. Bill Roberson:** Planning, presents the staff report; discusses the basic operational cycle of the dispensaries; addresses potential land use category changes; speaks to the goals of a Medical Marijuana Dispensary (MMD); states only a non-profit organization is allowed to be a dispensary; highlights the distribution process; explains how businesses who violate the guidelines will be handled.

**Board members:** addresses various issues, comments and concerns regarding: State and Local enforcement; the discretionary requirement of a Minor Use Permit; who grows the marijuana and where it can be smoked; control of the distribution; assurances that patients cannot sell marijuana; how patients will be identified as a prescription user.

**Mr. Charles C. Lynch:** owner of the Central Coast Compassionate Caregivers, comments on his MMD in Morro Bay; expresses his support for MMD guidelines; outlines the requests by patients; highlights his business license requirements with the City; discusses the benefits of medical edible cannabis (edibles); urges the Board to direct the Health Department to set reasonable guidelines regarding edibles; states he hopes the Board will support the identification program for medical marijuana users; responds Board member questions regarding hours of operation, who may enter the dispensary and who regulates the dispensaries.

**Mr. Mark Wampler:** speaks to the negative impacts of marijuana use; addresses the mixed message being sent to children when a MMD's are allowed.

**Mr. Freddie Sarenana:** presents his doctor's statement for the medical use of marijuana; addresses his health issues and the benefits he's experienced from the use of medical marijuana; highlights the importance of edibles; urges the Board to allow edibles and other cannabis products.

**Ms. Mary Lucey:** discusses the passage of Proposition 215; addresses the need for compassion for those in medical need; believes there is a need for a clinical setting for the MMD; highlights her experience with a Los Angeles County dispensary and its closure.

**Mr. Gary Gall:** expresses his support for MMD; comments on his mother-in-law's use of marijuana; speaks to Dr. Haskins' Study regarding the positive use of medical marijuana; urges the Board to support the use of MMD.

**Mr. Austen Connella:** North County Resource Center, discusses the importance and positive impacts of MMD's; highlights their proposed business plan for security and procedures for their MMD in Templeton; urges the Board to support the establishment of MMD's and allow the North County Resource Center to become one.

**Ms. Toni Paradis (Mr. Matt Green):** expresses her support for medical marijuana and the positive impacts it has had on her son, Matt; addresses the need for a MMD in the North County.

**Ms. Virginia Brady:** urges the Board to support the establishment of MMD's; states as a health care provider she has seen the benefits of medical marijuana as it relates to the quality of life for Matt Green; comments on the need for a North County dispensary.

**Mr. Adam Vincent:** discusses his health issues and the benefits he's experienced from the use of medical marijuana; urges the Board to allow the establishment of MMD's.

**Mr. Kent Connella:** owner of the property for the proposed North County Resource Center, expresses his support for MMD's.

**Under-Sheriff Steve Bolts:** states the Department's opposition to the establishment of MMD's; outlines the conflicts between Federal and State laws regarding this use; comments on the violations of the Controlled Substance Act and the U.S. Supreme Court ruling regarding medical marijuana; expresses his concern regarding the mixed message being sent to our youth if medical marijuana is allowed.

**Mr. Rodger Anderson:** urges the Board to move forward cautiously; discusses the narrow health benefit of medical marijuana use; expresses his concern regarding the potential abuse of medical marijuana; comments on his tour of Mr. Lynch's facility; encourages the Board to look into other areas with existing dispensaries.

**Mr. Eric Greening:** outlines the benefits of medical marijuana; questions the difference between medical marijuana and prescription drugs; expresses his agreement with the zoning area suggested by staff; asks the Board to consider locations for dispensaries accessible by public transit for patients who are unable to drive.

**Ms. Gail Lightfoot:** Chairperson for Local Libertarian Party, comments on the Libertarian Party's support for the use of medical marijuana and the legalization of marijuana; expresses her support for MMD's; addresses the comments by previous speakers regarding sending mixed messages to children.

**Mr. Richard Venable:** states a poor decision was made in the past when they categorized marijuana as a controlled substance; comments if the Board approves the use of MMD's, the Board can direct the Sheriff to look the other way.

**Supervisor Patterson:** questions the approval of use of edibles, with Dr. Thomas responding.

**Board members:** addresses various issues, comments, and concerns regarding: edibles; the conflict between State and Federal laws on this use; whether the County can deny a MMD without litigation, with Mr. James Lindholm, County Counsel and Mr. Tim McNulty, Deputy County Counsel, responding.

**Supervisor Ovitt:** states he doesn't want the MMD's in the unincorporated area where public services are thin; would like to see the MMD given a special designation in the Commercial Retail zoned areas; outlines requirements he'd like to see in place as follows: a Minor Use Permit be required; restricted hours of operation; a minimum age for employees; security measures be in place; a limitation on other items for sale, with law enforcement involvement with restrictions.

**Supervisor Lenthall:** clarifies the Sheriff is not employed by the Board; comments on the response from constituent opposing MMD's.

**Supervisor Bianchi:** addresses the need for medical marijuana use; comments on the need for use of a controlled substance for medical purposes; states she agrees with the requirement of a Minor Use Permit; expresses her support for the medical use, not recreational use, of marijuana.

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

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

**the Board returns the matter to staff to begin the process of citing medical marijuana dispensaries in the unincorporated area; requires obtaining a Minor Use Permit for this use; define the appropriate zoning areas; which could be Commercial Retail or Commercial Services; include the restrictions outlined by Supervisor Ovitt to: restrict the hours of operation; there need to be a minimum age for employees; security measures need to be in place; a limitation on other items for sale, with law enforcement involvement on those restrictions and restrictions outlined in the Planning Commission report.**

13 C-5

This is the time set for hearing to consider an appeal by Alan and Chris Volbrecht of the Subdivision Review Board's denial of their request for a vesting tentative parcel map (CO 05-0122) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a Transfer of Development Credit (TDC) Receiver Site; 5<sup>th</sup> District.

**Ms. Elizabeth Kavanaugh:** Planning, presents the staff report; highlights the issues of the appeal; states the permit is a discretionary permit not ministerial; addresses parcel sizes in the South Atascadero area; presents the staff recommendation.

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

**Ms. Pamela Jardini:** representing the Appellant, describes the property; speaks to the services available to the property; discusses the use of the TDC Program in South Atascadero; addresses the site and neighborhood characteristics; highlights the cumulative impacts and the benefits of the TDC Program; reviews the Findings; urges the Board to approve the map.

**Supervisor Patterson:** questions the average lot size in the area, with Ms. Kavanaugh responding.

**Ms. Tina Salter:** expresses her opposition to the map; states the parcels are too small for the neighborhood; urges the Board to deny the appeal.

**Mr. Ryan Seeley:** Attorney representing the Bonnheim Family, presents a letter to the Board highlighting their reasons for supporting the appeal and the Board's previous actions regarding the TDC program.

**Mr. John Rinaldi:** states he purchased his property for the minimum parcel size of 2.5 acre in the area; discusses the growth in the San Fernando Valley he witnessed; urges the Board to support Subdivision Review Board's (SRB) decision to deny the appeal; expresses his concern that the lot split will erode the neighborhood character.

**Mr. Eric Greening:** states the Appellant's presentation reflects the lots are not within the standards; addresses TDC projects that were in the pipeline at the time of the moratorium; expresses his concern regarding the continuing character breakdown and the cumulative impacts on the area; urges the Board to deny the appeal.

**Mr. Rory Livingston:** urges the Board to deny the appeal; expresses his concern to the traffic impacts on Santa Margarita Road.

**Ms. Sue Harvey:** PasoWatch, speaks to the American Planning Associates opinion regarding TDC programs; urges the Board to deny the appeal.

**Ms. Kellie Delkener:** reads a statement of support for the appeal by Ms. Dana Domer, and expresses her personal support of the appeal.

**Mr. John Smith:** discusses the engineering services he has provided regarding the map; speaks to the Will-Serve letters from the utility companies for the site; urges the Board to uphold the appeal.

**(SUPERVISOR JERRY LENTHALL IS NOW ABSENT.)**

**Mr. Alan Volbrecht:** Appellant, speaks to the purpose of the map; discusses the pre-application meetings with Ms. Kami Griffin; reminds the Board of their comments at the time the moratorium was imposed, stating projects in the pipeline were not to be denied; urges the Board to uphold the appeal.

**(SUPERVISOR JERRY LENTHALL IS NOW PRESENT.)**

**Ms. Chris Volbrecht:** Appellant, speaks to the history of the map; urges the Board to uphold the appeal; the request to split the lot is to create an affordable home for her daughter.

**Mr. C.Z. Whitney:** highlights the Receiver Sites in the area; expresses his support for the TDC Program; states the Appellant has complied with all the requirements of the program; urges the Board to uphold the appeal.

**Ms. Dolores Simons:** addresses her concerns with the TDC Program; states she opposes splitting the lot; expresses her concern with the cumulative impacts and the existing drainage problems; urges the Board to deny the appeal.

**Ms. Kathryn Sweet:** reads comments from the Air Pollution Control District staff report and the SRB meeting minutes regarding this matter; urges the Board to deny the appeal.

**Ms. JoAnn Head:** expresses her support for the map and urges the Board to uphold the appeal.

**Ms. Dena Whitaker:** urges the Board to uphold the appeal.

**Mr. John French:** expresses his support for this appeal; states the map is the perfect example of how the TDC program was meant to be used.

**Ms. Janet Haley:** urges the Board to deny the appeal and keep the rural atmosphere of the area.

**Mr. Eric Cleveland:** expresses his support for this map; states this had staff support at the SRB.

**Ms. Mandi Raike:** expresses her support and reads, into the record, a statement from Chris Pintor giving his support for the map.

**Ms. Jamie Kirk:** speaks to the lot sizes and the 2.5 acre minimum in the area; expresses her support for the map; highlights the public benefits using the TDC Program.

**Ms. Sue Owen:** speaks to the poor roads in this area; expresses her concern regarding available services and emergency response time; urges the Board to deny both requests by the Volbrecht's.

**Ms. Jardini:** responds to public comment and gives her closing arguments.

**Supervisor Lenthall:** speaks to the Appellant's efforts to meet the criteria set by the TDC Program; states he will support upholding the appeal.

**Supervisor Bianchi:** states because the Appellant has met all the criteria, she will have to support the appeal.

**Supervisor Patterson:** addresses various comments from the public; outlines the SRB's reasons for denial; addresses his concern that this is inconsistent with the General Plan; the traffic impacts in the area; and the parcel size is too small for this location.

**A motion by Supervisor Patterson to adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO 05-0122 based on the findings in Exhibit A, dies for a lack of a second.**

**Supervisor Patterson:** offers a motion to uphold the appeal and Ms. Kami Griffin, Planning, indicates she has a resolution prepared with findings and conditions to support that motion that she can present now.

**Thereafter, on motion by Supervisor Patterson, seconded by Supervisor Lenthall and on the following roll call vote:**

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

**NOES: Supervisor Patterson**

**ABSENT: None**

**the Board upholds the appeal and RESOLUTION NO. 2006-254, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Alan and Chris Volbrecht for a Vesting Tentative Parcel Map for Parcel Map CO 05-0122, adopted.**

14 C-6

This is the time set for hearing to consider an appeal by Alan and Chris Volbrecht of the Subdivision Review Board's denial of their request for a vesting tentative parcel map (CO 05-0191) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a Transfer of Development Credit (TDC) Receiver Site; 5<sup>th</sup> District.

**Ms. Karen Nall:** Planning, presents the staff report; highlights the issues of appeal; comments on neighborhood parcel sizes; and presents the staff recommendation.

**Ms. Pamela Jardini:** representing the Appellant, describes the property; discusses the use of the TDC program in South Atascadero; addresses the site and neighborhood characteristics; highlights the cumulative impacts and the benefits of the TDC Program; explains how drainage concerns are being addressed; reviews the Findings; urges the Board to approve the map.

**Mr. Roy Parsons:** states he feels the TDC Program is a useful tool; expresses his support for the map.

**Mr. C.Z. Whitney:** restates his comments from the previous item, C-5, in support of upholding the appeal.

**Mr. Eric Greening:** echoes his comments from the previous item opposing this appeal; comments on traffic concerns in this area.

**Mr. John Rinaldi:** speaks to his disappointment with the Board's decision on the previous item and suggests they have contributed to the erosion of the rural character; encourages the Board to consider a 50 year moratorium for the area; addresses areas of confusion with Mr. Bonneheim being on the TDC Program Committee; discusses the TDC Programs intention was to keep the rural character of the Receiver Site area.

**Mr. Tim Haley:** states changes to an area should not be to the detriment of the area's rural character; comments on the poor road conditions in this area; agrees with Supervisor Patterson's comments on the previous item.

**Ms. Sue Owen:** thanks Supervisor Patterson for his comments regarding this matter; expresses her concern with the roads and services response time; urges the Board to uphold the Subdivision Review Board's decision for the sake of the neighborhood.

**Mr. Alan Volbrecht:** Appellant, speaks to the purpose of the map; discusses the pre-application meetings with Ms. Kami Griffin; reminds the Board of their comments at the time the moratorium was placed, stating projects in the pipeline were not to be denied; urges the Board to uphold the appeal.

**Mr. John Smith:** echoes his comments from the previous item and in support of the map.

**Ms. Chris Volbrecht:** Appellant, outlines the reasons for splitting the lot; urges the Board to uphold the appeal.

**Mr. Bob Rutledge:** addresses his concern regarding drainage in the area; explains he purchased the property based on the 2.5 acre minimum for neighboring properties; urges the Board to keep the 2.5 acre minimum approved years ago and urges to deny the appeal.

**Mr. Manfred Mazer:** states the minimum parcel size was his reason for purchasing his property; suggests this goes against the grain of the neighborhood; urges the Board to deny the appeal.

**Ms. Julie Rutledge:** states she purchased property based on 2.5 acre minimum; questions why the promise to keep this at 2.5 acres is not being kept; expresses her opposition for the map.

**Ms. Sue Harvey:** PasoWatch, expresses her disappointment in the Board's action on the previous item; speaks to the American Planning Associates opinion regarding TDC programs; urges the Board to deny the appeal.

**Ms. Tina Salter:** echoes her comments from the previous item; discusses her opposition to the proposed drainage basins; urges the Board to deny the appeal.

**Mr. Eric Cleveland:** urges the Board to uphold the appeal.

**Ms. Kellie Delkener:** daughter of Appellant, discusses the positive impacts of having her family close; urges the Board to uphold the appeal.

**Ms. Dana Domer:** outlines her reasons for supporting this appeal.

**Mr. Ryan Seeley:** Attorney representing the Bonnheim Family, echoes his comments from the previous item; requests the Board add the letter he presented on the previous item to this record.

**Mr. Tom Coughlin:** outlines his reasons for opposing this; addresses his concerns regarding drainage and the impacts on wells in the area.

**Ms. Fran Coughlin:** explains her reasons for opposing this; presents a petition, in opposition, signed by neighbors; comments on the response time for health and safety services; questions why are her property rights aren't being protected.

**Ms. Dolores Simons:** states her opposition to the project; addresses drainage concerns; urges the Board to deny the appeal.

**Ms. Kathryn Sweet:** comments on the "Bait and Switch" process occurring with the approval of this map.

**Mr. Roy Aguirre:** speaks to the impacts on his neighborhood from the TDC Program; comments on the changing country atmosphere.

**Ms. Jardini:** gives her closing arguments.

**A motion by Supervisor Patterson to adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO 05-0191 based on the findings in Exhibit A, dies for a lack of a second.**

**Supervisor Patterson:** offers a motion to uphold the appeal and Ms. Kami Griffin, Planning, indicates she has a resolution prepared with findings and conditions to support that motion that she can present now.

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

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

**the Board upholds the appeal and RESOLUTION NO. 2006-255, resolution reversing the decision of the Subdivision Review Board and conditionally approving**

**the application of Alan and Chris Volbrecht for a Vesting Tentative Parcel Map for Parcel Map CO 05-0122, 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, July 18, 2006, 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: August 8, 2006

cmc