

Tuesday, November 13, 2012

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 AM

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.

Consent Agenda – Review and Approval:

1-3. This is the time set for consideration of the Consent Agenda.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 3 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve the 2012-13 Fish and Game project listing as recommended by the Fish and Games Fines Committee. All Districts.

Ms. Peggy Koteen (handout), Ms. Linde Owen, Dr. C. Hite - Rural Community Workshop and Mr. Eric Greening: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Tax Collector/Treasurer/Public Administrator Items:

2. Request to receive, review, and file the Annual Treasury Compliance Audit For the Fiscal Year Ended June 30, 2012.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve the 2013 County Treasury Investment Policy.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Cal-Fire Chief Rob Lewin: provides an update on the Coon Creek Prescribed Fire.

Mr. Jerry Bunin - Homebuilders Association Government Affairs Director: comments on Item No. 14.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): addresses concerns regarding the Fall and Winter General Plan Amendment Cycle agenda items; how they are displayed on the website; and

suggests the amendments for these items should be heard separately.

Ms. Gwynn Taylor, Ms. Linde Owen, Mr. Richard Margetson (handout) and Mr. Ben DiFatta: address various concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen comments on the proposed seismic testing.

Ms. Elaine Watson: announces a benefit at New Frontiers Natural Marketplace in San Luis Obispo on November 14, 2012 to help homeless in the County.

Dr. C. Hite and Mr. Eric Greening: discuss various comments and concerns relating to the proposed seismic studies.

Mr. Fred Collins - Northern Chumash Tribal Council Tribal Administrator: comments on the Avila Point Project. **No action taken.**

Board Business - Public Works - Board Sitting as Flood Control District

- 5. Presentation of a status report on Oceano Flood Mitigation and Winter Storm Preparation Efforts and a request to approve a \$50,680 amendment to an existing agreement for engineering consulting services with Environmental Service Associates / Phillip Williams Associates for the Arroyo Grande Creek Interim Sandbar Management Program for a total contract amount not to exceed \$118,750. District 4.

Chairperson Patterson: opens the floor to public comment.

Mr. Eric Greening: speaks.

The Board acting as the Board of the San Luis Obispo County Flood Control and Water Conservation District receives the status report on Oceano Flood Mitigation and Winter Storm Preparation Efforts; approves Amendment No. 1 to the Agreement with Environmental Service Associates / Phillip Williams Associates in an amount not to exceed \$50,680 for the Arroyo Grande Creek Interim Sandbar Management Program, for a total contract amount of \$118,750; and authorizes the Public Works Director to approve written amendments for a total amount not to exceed \$20,000.

Motion by: Paul Teixeira

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

- 6. Consideration of the proposed Memorandum of Agreement for the Sphere Of Influence update between the City of Arroyo Grande and the County of San Luis Obispo. District 4.

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

The Board approves the Memorandum of Agreement between the City of Arroyo Grande and the County of San Luis Obispo regarding the Sphere of Influence.

Motion by: Paul Teixeira

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			

Hill, Adam (Board Member)	x			
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Hearings:

- 7. Hearing to consider the Annual Report and Action Plan prepared in conformance with Title 29 – Affordable Housing Fund, and annual adjustment of the in-lieu and housing impact fee schedules of Title 29. All Districts.

Chairperson Patterson: opens the floor to public comment.

Mr. Jerry Bunin – Homebuilders Association Government Affairs Director, Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB) and Ms. Christine Rodgers – Economic Vitality Corporation (EVC): speak.

RESOLUTION NO. 2012-287, a resolution to approve the Annual Report and Action Plan for year 2013 pursuant to Title 29 – Affordable Housing Fund of the County of San Luis Obispo and RESOLUTION NO. 2012-288, a resolution to adopt adjustments to the in-lieu fee schedule and housing impact fee schedule of Title 29 – Affordable Housing Fund, adopted.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

- 8. I. PENDING LITIGATION (Government Code, section 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 (Government Code, section 54956.9(a).) (Formally initiated) 1. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 2. Dubbink v. County of San Luis Obispo.
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 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 Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. DCCA; 6. Unrepresented Management and Confidential Employees; 7. SLOCPPOA; 8. SLOCEA-Public Services, Supervisors, Clerical; 9. Deputy Sheriff’s Association; 10. DAIA; 11. SLOCEA-Trades and Crafts; 12. Sheriffs’ Management; 13. SLOCPMPOA.

Ms. Rita Neal – County Counsel: states there are no items to be discussed today in Closed Session.

Presentations:

- 9. Resolution recognizing Frank L. Freitas for over 38 years of service to the residents of the County of San Luis Obispo.

Mr. Art Bacon – Acting as Treasurer/Tax Collector/Public Administrator, Mr. Frank Freitas and Mr. Gere Sibbach – Auditor-Controller: speak.

RESOLUTION NO. 2012-289, a resolution recognizing Frank L. Freitas for over 38 years of service to the residents of the County of San Luis Obispo, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

10. Submittal of a resolution proclaiming November 14, 2012 as "Geographic Information Systems (GIS) Day" in San Luis Obispo County. All Districts.

Ms. Desiree Ramos, Mr. Anthony Richardson and Mr. David Yun - GIS Data Planning Committee: speak.

RESOLUTION NO. 2012-290, a resolution to proclaim November 14, 2012 as Geographic Information Systems (GIS) Day in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

11. Submittal of a resolution to recognize November 2012 as "National Adoption Month" in the County of San Luis Obispo.

Ms. Tracy Schiro: speaks.

RESOLUTION NO. 2012-291, a resolution proclaiming November as "National Adoption Month" in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

12. Request to receive and file the Adult Services Policy Council Annual Report for FY 2011-2012.

Ms. Marie Brinkmeyer: speaks.

The Board receives and files the Adult Services Policy Council Annual Report for FY 2011-2012.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

13. Submittal of resolutions recognizing employees for 30 years of service.

Ms. Kathy MacNeill and Ms. Cindy Couzzi – General Services Agency: receive their 30 year service award, with Ms. Janette Pell – General Services Agency Director, speaking to their history with the County.

RESOLUTION NO. 2012-292, a resolution commending Kathy MacNeill upon her achievement of thirty years of service to the citizens and to the County of San Luis Obispo and RESOLUTION NO. 2012-293, a resolution commending Cindy Couzzi in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings Continued:

14. Hearing to consider a request by the County of San Luis Obispo to amend: (1) Sections of the Land Use Ordinance (Title 22) relating to Olive Oil processing and Agricultural Retail Sales - replacing Roadside Stand with Field Stand and Farm Stand requirements; and (2) Agriculture Element Policies AGP 5, 20, 22 and 23, the San Luis Obispo Area Plan, sections of the Land Use Ordinance (Title 22) and sections of the Coastal Zone Land Use Ordinance (Title 23) regarding agricultural cluster land divisions. All Districts.

Chairperson Patterson: opens the floor to public comment on the amendments to Sections 22.06.030, 22.30.070, 22.30.075, 22.80.030 of the Land Use Ordinance relating to Olive Oil processing and Agricultural Retail Sales - replacing Roadside Stand with Field Stand and Farm Stand requirements (LRP2011-00010).

Mr. Bob Roos – Central Coast Oil Growers, Ms. Joy Fitzhugh – Farm Bureau, Mr. Mike Winn and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

The Board amends Attachment A - LRP2011-00010, page 4 of 10, under Section A. Limitation on use, Subsection 1. Field Stand; by adding to the end of the first sentence “or on another site controlled by the grower.” Further, the Board tentatively approves the amendments to Sections 22.06.030, 22.30.070, 22.30.075, 22.80.030 of the Land Use Ordinance relating to Olive Oil processing and Agricultural Retail Sales - replacing Roadside Stand with Field Stand and Farm Stand requirements (LRP2011-00010) and continues the item to Tuesday, December 18, 2012 for final action.

Motion by: Frank Mecham

Second by: James R. Patterson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Chairperson Patterson: opens the floor to public comment on the amendments to Agriculture Element Policies AGP 5, 20, 22 and 23, the San Luis Obispo Area Plan, Title 22 (the Land Use Ordinance) and Title 23 (the Coastal Zone Land Use Ordinance) of the County Code regarding agricultural cluster land divisions to: a) revise Land Use Ordinance Sections 22.22.150 (Agricultural Lands Clustering), delete 22.22.152 (Major Agricultural Cluster) and 22.22.154 (Minor Agricultural Cluster) and b) add Coastal Zone Land Use Ordinance Section 23.04.037 to allow Agricultural Lands Clustering in the Coastal Zone (LRP2008-00010).

Mr. Jim Irving – Planning Commissioner, Mr. Mike Winn – Water Resources Advisory Committee (WRAC) Chairperson, Ms. Sue Luft - Water Resources Advisory Committee (WRAC) Vice-Chairperson, Ms. Lisa

Bonnier, Ms. Anna Negranti – Farm Bureau, Ms. Joy Fitzhugh – Farm Bureau (handout), Mr. John Teixeira, Ms. Chris Volbrecht, Mr. Scott Scott, Mr. Richard Pratt, Ms. Karen Reed, Ms. Jeannette Watson, Mr. Erick Schaefer, Mr. Mikhail Gannage, Mr. Mike Frederick, Ms. Sue Schimandle, Ms. Laura Mordaunt, Ms. Laurie Alexiev, Ms. Lydia Thompson, Ms. Bev Phifer, Ms. Sheila Healy, Mr. Tom Dawson, Mr. Edward Veek, Mr. T. Keith Gurnee (handout) and Mr. Mike Jackson: speak.

On motion of Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, to continue the meeting past 5:00 P.M., with Supervisor Frank Mecham voting no. Motion fails.

Supervisor Mecham: states his reason for not supporting the motion is because he would like to hear the remainder of public comment today but would like to review and absorb what was heard and continue this hearing for deliberations at another time.

On motion of Supervisor Adam Hill, seconded by Supervisor Frank Mecham, to continue the hearing to Tuesday, December 4, 2012, is discussed.

The Board questions the rules of procedures regarding reconvening this hearing; receiving public testimony and the noticing requirements, with Mr. Timothy McNulty – Assistant County Counsel, clarifying that it is at the Board’s discretion if they wish to reconvene this hearing to tomorrow at 9:00 A.M. or at another date. Further, states the item is properly noticed for the Board to act on the proposal that is before them today and that there is not a legal requirement to allow the people who spoke today the opportunity to speak again, as long as there is no new information presented at the continued hearing.

Upon discussion, Supervisor Hill amends the motion to continue this hearing to Tuesday, December 4, 2012, with the understanding that those who spoke today in public comment will not have an opportunity to speak again on December 4, 2012 but may submit written materials before or at the continued hearing, with the second concurring.

The Board continues the hearing regarding the amendments to Agriculture Element Policies AGP 5, 20, 22 and 23, the San Luis Obispo Area Plan, Title 22 (the Land Use Ordinance) and Title 23 (the Coastal Zone Land Use Ordinance) of the County Code regarding agricultural cluster land divisions to: a) revise Land Use Ordinance Sections 22.22.150 (Agricultural Lands Clustering), delete 22.22.152 (Major Agricultural Cluster) and 22.22.154 (Minor Agricultural Cluster) and b) add Coastal Zone Land Use Ordinance Section 23.04.037 to allow Agricultural Lands Clustering in the Coastal Zone (LRP2008-00010) to Tuesday, December 4, 2012, with the understanding that those who spoke today in public comment will not have an opportunity to speak again on December 4, 2012 but may submit written materials before or at the continued hearing.

Motion by: Adam Hill
Second by: Frank Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion of Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, the Board unanimously agrees to continue the meeting past 5:00 P.M.

Chairperson Patterson: continues public comment for those who wish to speak today and not on December 4, 2012.

Mr. Jamie Rudnick, Mr. Kosta Radisavljevic and Ms. Barbara Radisavljevic: speak.

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, November 13, 2012, 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/ Annette Ramirez, Deputy Clerk-Recorder

DATED: November 16, 2012