

Tuesday, April 17, 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 -6. 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 6 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson

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			

Consent Agenda - Administrative Items:

1. Submittal of a resolution of the Board of Supervisors of the County of San Luis Obispo declaring its intention of renewing the San Luis Obispo County Tourism Business Improvement District (CBID) Ordinance, declaring its intention to continue to levy an assessment on lodging businesses within such District beginning Fiscal Year 2012-13, and fixing the time and place of a public meeting thereon and giving notice thereof.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-93, adopted.

Motion by: Bruce S. Gibson

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			

Consent Agenda - Auditor - Controller Items:

2. Submittal of a cash procedures review of the Planning and Building Department conducted on December 22, 2011.

The Board approves as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

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			

Consent Agenda - Public Works Items:

3. Submittal of right of way documents accepting conveyances from Charles M. Molinari, and Wade L. Rhoades, et al, for the Main Street Bridge Replacement Project, Cambria (WBS 300180).

The Board approves as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

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			

4. Submittal of right of way documents accepting conveyances from Jill Heilmann, from Thomas Mora, from Gary and Carol Duff, and from John Seward, for the Templeton Road Widening Project, Atascadero (WBS 300386).

The Board approves as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

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			

5. The following maps have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:
 1. Parcel Map CO 04-0575, a proposed subdivision resulting in 2 lots by Jean B. and Virginia T. Jaureguy, Trustees of the Jean B. and Virginia T. Jaureguy Revocable Living Trust, north of Paso Robles; act on the attached resolution to approve an Open Space Agreement (Supervisory District: 1); and
 2. Tract 3014, a proposed subdivision resulting in 2 lots by Paula Browne Revocable Trust and Paula Browne Glenhaven Place, Nipomo (Supervisory District: 4).

Mr. Michael Winn: speaks.

The Board pulls this item from the Consent Agenda to allow staff time to address Mr. Winn’s questions.

Motion by: Bruce S. Gibson

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			

Consent Agenda - Sheriff - Coroner Items:

- 6. Request to approve a lease for property located at 835 Aerovista in San Luis Obispo in the amount of \$60,000 annually for use as the Coroner’s Office and morgue and the use of \$30,000 from the Asset Forfeiture trust fund for the purchase of equipment in the facility.

Sheriff Ian Parkinson: amends the item by removing the requirement of approval by 4/5th vote.

The Board approves as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson

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			

Presentations:

- 7. Submittal of a resolution commending County volunteers and proclaiming the week of April 15-21, 2012 as “National Volunteer Week” in San Luis Obispo County.

Chairperson Patterson: opens the floor to public comment.

Mr. Brian Reynolds - Library Director, Mr. Curtis Black - Parks , Ms. Vera Wallen - San Luis Obispo County Library Foundation President, Sheriff Ian Parkinson, Ms. Julie Rodewald - County Clerk-Recorder, Dr. Eric Anderson - Animal Services, Mr. Jim Salio - Chief Probation Officer, Sister Theresa - Restorative Partners (Pamphlet), Ms. Janette Pell - General Services Director, Ms. Leslie Rebick - University of California Cooperative Extension , speak.

RESOLUTION NO. 2012-94, resolution commending County volunteers and proclaiming the week of April 15-21, 2012 as “National Volunteer Week” in San Luis Obispo County, adopted.

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			

5. The following maps have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:
1. Parcel Map CO 04-0575, a proposed subdivision resulting in 2 lots by Jean B. and Virginia T. Jaureguy, Trustees of the Jean B. and Virginia T. Jaureguy Revocable Living Trust, north of Paso Robles; act on the attached resolution to approve an Open Space Agreement (Supervisory District: 1); and
 2. Tract 3014, a proposed subdivision resulting in 2 lots by Paula Browne Revocable Trust and Paula Browne Glenhaven Place, Nipomo (Supervisory District: 4).

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-95, adopted.

Motion by: Paul Teixeira
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			

Public Comment Period:

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

Chairperson Patterson: opens the floor to public comment.

Mr. Eric Greening and Mr. Michael Winn – Water Resources Advisory Committee (WRAC) Chairperson: comments on a recent WRAC meeting regarding the Rural Area Plan.

Ms. Julie Tacker, Ms. Gwynn Taylor, Mr. Ben DiFatta, Ms. Linde Owen and Mr. Al Barrow: address concerns regarding the Los Osos Wastewater Project.

Mr. Jim Grant – County Administrative Officer and Ms. Julie Rodewald – County Clerk-Recorder: update the Board and public on changes being made to the website for ease of use.

Dr. C. Hite: speaks on stereotyping and profiling by law enforcement.

Ms. Willow Walking Turtle Kelly: discusses the ongoing collection of signatures for requiring labeling of genetically modified organisms.

Hearings:

9. Continued hearing to consider amendments to Coastal Zone Land Use Ordinance Section 23.08.165, Residential Vacation Rentals, regarding definition, location, tenancy, noise, notice, existing residential vacation rentals, Transient Occupancy Tax, violations and complaints.

Chairperson Patterson: opens the floor to public comment.

Mr. John McGarry, Mr. Mike Brown – COLAB, Ms. Vicki Milledge – Los Osos Community Advisory Council Chairperson, Ms. Marie Ducasse, Ms. Susan Villain (Handout), Ms. Margol Roberts, Ms. Joyce Renshaw –

North Coast Advisory Council Chairperson, Ms. Shaunna Sullivan (Map), Mr. Martin Verhaegh, Mr. Bob Shanbrom, Ms. Toni LeGras – Beachside Rentals, Ms. Barbara Crowley, Mr. Joseph Crowley, Mr. John Lamb, Dr. C. Hite, and Ms. Shirley Lyon: speak.

ORDINANCE NO. 3226, an ordinance amending Title 23 of the San Luis Obispo County Code, the Coastal Zone Land Use Ordinance, Section 23.08.165 relating to Residential Vacation Rentals, adopted.

Motion by: Bruce S. Gibson

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			

Closed Session Items:

10. The Board announces it will be going into Closed Session regarding:

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. Application of Pacific Gas and Electric Company for Approval of Ratepayer Funding to Perform Additional Seismic Studies Recommended by the California Energy Commission, California Public Utilities Application # 10-01-014; 2. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water).

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 (Government Code, section 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. District Attorney Investigator’s Association; 6. Association of San Luis Obispo County Deputy Sheriffs; 7. Deputy County Counsel Association; 8. San Luis Obispo Government Attorney’s Union.

III. PERSONNEL (Gov. Code, § 54954.5.) It is the intention of the Board to meet in closed session to:

9. Consider Public Employee Appointment for the Position of County Counsel.

Chairperson Patterson: opens the floor to public comment.

Dr. C. Hite: speaks.

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

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 17, 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/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: April 27, 2012