

Tuesday, January 29, 2013

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, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Chairperson Teixeira:** requests a moment of silence for the passing of Ms. Jan Potter, Mr. Nick Marquart and Ms. Linda McCutcheon.

**Consent Agenda – Review and Approval:**

**1-24.** This is the time set for consideration of the Consent Agenda.

**Chairperson Teixeira:** opens the floor to public comment.

**Supervisor Hill:** states he will be recusing from voting on Item Nos. 13 and 24.

**On Motion by Supervisor Gibson, seconded by Supervisor Arnold, to approve the Consent Agenda, is discussed.**

**Board Members:** discuss pulling Item Nos. 8, 13 and 24 from the Consent Agenda.

**Supervisor Gibson, amends the motion to approve all the Consent Agenda Items 1 through 7, 9 through 12 and 14 through 23 and pull Item Nos. 8, 13 and 24 from the Consent Agenda for separate action, with Supervisor Mecham seconding the motion.**

The action taken for Consent Agenda items 1 through 7, 9 through 12 and 14 through 23 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Frank R. Mecham

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

**Consent Agenda - Administrative Office Items:**

**1.** Submittal of a notice to commence negotiations and a resolution approving the property tax agreement for Annexation No. 1 to the Nipomo Lighting District (Tract 1747).

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-6, adopted.**

**2.** Request by the San Luis Obispo County Tourism Business Improvement District (CBID), to re-appoint Ken Cooper and Victoria Moreno and appoint Nancy Carr to replace Lesliann Godfrey for three-year terms on the Cambria Local Area Advisory Board.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller Items:**

**3.** Submittal of a resolution adopting the Countywide Cost Allocation Plan for fiscal year 2013-2014.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-7, adopted.**

- 4. Submittal of a cash procedures review of the Law Library conducted on April 11, 2012.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

- 5. Submittal of resolutions honoring Gail and Don Campbell as the 2013 Roblans of the Year.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-8 and 2013-9, adopted.**

- 6. Submittal of a letter to Bureau of Land Management nominating Debbie Arnold to serve as the District 5 representative on the Carrizo Plains National Monument Advisory Council.

**The Board approves as recommended by the County Administrative Officer.**

- 7. Request by Chairperson Paul Teixeira to re-appoint Ron and Ruth Vasconcellos to the Area Board on Developmental Disabilities.

**The Board approves as recommended by the County Administrative Officer.**

- 9. Request by Supervisor Frank Mecham to re-appoint Norma Moye, Louise Wood-Jennings, and Daryl Stinchfield to the Paso Robles District Cemetery Board of Trustees.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - District Attorney Items:**

- 10. Request to approve recurring contracts (Clerk's Filed) for \$38,400 each with the Women's Shelter Program of San Luis Obispo County and the North County Women's Shelter and Resource Center for disbursement of County Domestic Violence Program Special Fund Monies and Battered Women's Shelter Trust Account Monies.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Agency Items:**

- 11. Request to approve the Amendment No. 1 to the lease agreement with MetroPCS for cell site at Nipomo Community Park. District 4.

**The Board approves as recommended by the County Administrative Officer.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

**Consent Agenda - Health Agency Items:**

- 12. Request to approve: 1) the renaming of the Mental Health Board to the Behavioral Health Board to serve as the singular advisory body for Behavioral Health; and 2) a resolution to dissolve the Drug & Alcohol Advisory Board and integrate some Board members and duties into the Behavioral Health Board.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-10, adopted.**

14. Request to approve: 1) a two-year agreement (Clerk's File) with the University of the Pacific, Arthur A. Dugoni School of Dentistry in the amount of \$80,000 to fund an Oral Disease Prevention Program; 2) an agreement (Clerk's File) with the Children and Families Commission of San Luis Obispo County (First 5) in the amount of \$64,000 to continue funding for the coordination of the County's Oral Health Strategic Plan; 3) an amendment to an existing agreement (Clerk's File) with the Children and Families Commission of San Luis Obispo County (First 5) in the amount of \$43,477 to continue funding for the County's Breastfeeding support program; and 4) a related budget adjustment in the amount of \$44,492 from unanticipated revenue for Fund Center 160 - Public Health.

**The Board approves as recommended by the County Administrative Officer.**

15. Request to appoint Richard Roberts to the Board of Directors of the Santa Barbara San Luis Obispo Regional Health Authority (CenCal Health).

**The Board approves as recommended by the County Administrative Officer.**

16. Request to approve renewal contracts (Clerk's File) with Hani Boutros M.D.; Joshua Deane, M.D.; Rose Drago, M.D., David K. Fennell, M.D.; Enn Mannard, M.D.; and Victor Perez Preciado, M.D. for calendar year 2013 in the cumulative amount not to exceed \$295,791 to provide psychiatric services for Mental Health patients.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

17. Request to approve Amendment No.1 to extend the Los Osos Landfill Gas Control System Operation, Monitoring and Maintenance Contract with SCS Field Services, Inc. in the amount of \$28,800 per year for a period of two years. District 2.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

18. Request to appoint members to the Zone 9 Advisory Committee of the Flood Control and Water Conservation District. Districts 2, 3 & 5.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Sheriff - Coroner Items:**

19. Request to approve a resolution to accept Fiscal Year 2012-13 funds from the Anti-Drug Abuse Enforcement Team grant (ADA) from the Board of State and Community Corrections (BSCC) in the amount of \$126,411 and certify that the Sheriff-Coroner is authorized to submit and sign all FY 2012-13 contracts and grant documents related to this program.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-11, adopted.**

20. Request to approve the use of Asset Forfeiture funding in the amount of \$6,856 to purchase a video camera, authorize a corresponding budget adjustment in Fund Center 136 – Sheriff-Coroner and amend the fixed asset list.

**The Board approves as recommended by the County Administrative Officer.**

21. Request to declare a firearm surplus property and transfer the weapon to the Estrella Warbirds Museum in Paso Robles.

**The Board approves as recommended by the County Administrative Officer.**

- 22. Submittal of a resolution declaring February 01, 2013 as “Start by Believing Day” in San Luis Obispo County.

**Sherriff Ian Parkinson, Under Sheriff Tim Olivas and Ms. Jennifer Adams - North County Woman's Shelter and Sexual Assault Recovery and Prevention Center Executive Director (brochure):** speak.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-12, adopted.**

**Consent Agenda - Social Services Items:**

- 23. Request to approve the appointments of Sara Kennedy, Phillip Koziel, Thomas Wood, Verena Latona-Tahlman and Kimberly Daniels to the San Luis Obispo County Workforce Investment Board.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda – Board of Supervisors Item:**

- 8. Request to approve appointment of Board Members to various committees and commissions.

**Mr. Dane Senser, Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Tom Dawson, Ms. Elsa Dawson, Ms. Gwen Pelfrey, Ms. Laura Mordaunt, Mr. Bill Pelfrey (handout), Ms. Laurie Alexiev, Ms. Andrea Seastrand, Mr. Hank Hohenstein, Ms. Sue Schimandle, Ms. Julie Tacker and Ms. Jeanette Watson:** speak.

**Supervisor Arnold:** outlines why she will not be supporting approval of this item.

**The Board approves as recommended by the County Administrative Officer.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

**Consent Agenda – Health Agency Items:**

- 13. Request to approve an amendment to the contract (Clerk’s File) with Community Action Partnership of San Luis Obispo County for Fiscal Year 2012-13 to expand case management services and add supportive housing in support of the 2011 Public Safety Realignment Implementation Plan Update. The amendment will increase the current contract by \$58,034.

**The Board approves as recommended by the County Administrative Officer.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

- 24. Request to approve the appointments of Dee Torres, Marianne Kennedy, Jessica Thomas, Jennifer Kirn and Dana Cummings to the Homeless Services Oversight Council (HSOC).

**The Board approves as recommended by the County Administrative Officer.**

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

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

**Public Comment Period:**

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

**Dr. C. Hite:** presents and discusses a video of the town of Los Osos on Martin Luther King, Jr. Day.

**Mr. Dane Senser, Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB), Ms. Julie Tacker, Ms. Linde Owen, Ms. Jeanette Watson, Ms. Gail McPherson (handout), Mr. Ben DiFatta, Mr. Bill Pelfrey, Mr. Hank Hohenstein, Mr. Tom Dawson, Mr. Richard Margetson, Ms. Terri Stricklin, Ms. Laura Mordaunt, Ms. Elsa Dawson, Ms. Gwen Pelfrey, Ms. Sue Schimandle and Ms. Sandi Tannler:** address various comments and concerns regarding the relationship between Supervisor Gibson and his Legislative Assistant. Additionally, Ms. Owen speaks to the Los Osos Wastewater Project (LOWWP).

**Mr. Jeff Edwards:** speaks to the use of the Oceano Airport.

**Mr. Eric Greening:** comments on the upcoming Resource Management System (RMS) summary report on February 19, 2013.

**Ms. Mary Bianchi - Model of Care Partners Oversight Committee Chairperson and Friends of Martha's Place Member:** speaks to the 6th Anniversary of the opening of the Martha's Place Children's Assessment Center.

**Mr. Jim Hartzell and Mr. Jon Negranti:** address concerns regarding a notice that pertains to truck restrictions on Old Creek Road in Cayucos. **No action taken.**

**Board Business:**

26. Presentation by Mike Miller, Ferguson Group, on Federal legislative advocacy activities on behalf of the County.

**Mr. Mike Miller – Ferguson Group:** provides an update on Federal legislation and their efforts on behalf of the County.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Eric Greening:** speaks.

The Board receives the presentation. **No action taken.**

27. Consideration of a request for direction on three options for amending/replacing San Luis Obispo County Code Chapter 8.13 Land Application of Treated Sewage Sludge/Biosolids.

**(This item is withdrawn, as indicated on the Addendum to the Agenda, to allow time for the Health Agency staff to discuss this matter with stakeholders. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Eric Greening:** speaks. **No action taken.**

- 28. Direct staff regarding preliminary studies associated with the possible purchase of three parcels near Edna within the Anza Trail corridor. District 3.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Eric Meyer, Mr. Dallam Oliver-Lee, Mr. Dan Rivoire - Bicycle Coalition Executive Director and Mr. Eric Greening:** speak.

**The Board directs staff to discontinue efforts to complete preliminary studies and take no further action to purchase three parcels near Edna along the Edna to Pismo section of the Anza Trail corridor.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

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

**Closed Session Items:**

- 29. The Board announces they 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. Lane v. County of San Luis Obispo; 2. Sunny Acres, et al. v. County of San Luis Obispo, et al., (CV 090360); 3. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 4. In re Los Osos Community Services District (Bankruptcy).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. 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. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

**Chairperson Teixeira:** 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.

**Board Business Continued:**

- 30. Presentation on Veterans Treatment Court (VTC) implementation in San Luis County.

**Mr. Dana Cummings - County Department of Veterans Services Officer:** gives the powerpoint presentation.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Scott Barnes, Mr. Chuck Ward - Military Officers Association of America President and Military Order of the World Wars Vice-Commander, Mr. Daniel Dow, Lieutenant Colonel Joseph Righello - Camp San Luis Obispo Commander, Major Jay Coggan - Camp San Luis Obispo Command Judge Advocate, Mr. Allen Mayer (document), Mr. Mike Young - San Luis Obispo Veteran's Center Team Leader, Lieutenant Dustin Harris Army National Guard Behavioral Health Officer, Dr. Patti Tackett, Ms. Suzanne Dolan, Ms. Renelle Hayes, Mr. Dan Smees, Mr. Bob Chaney - Vietnam Veterans of America, California State Council and Veterans Incarcerated Chairperson, Mr. Sanford Cook, Ms.**

**Gwen Pelfrey and Mr. Milt Batson - San Luis Obispo Disabled American Veterans Commander: speak.**

The Board receives the presentation. **No action taken.**

**Board Business:**

- 31.** Request to authorize processing of amendments to the Housing Element of the County General Plan. All Districts.

**Chairperson Teixeira:** opens the floor to public comment without response.

**The Board authorizes staff to process an update to the Housing Element of the County General Plan.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

- 32.** Submittal of a Memorandum of Agreement between the City of Paso Robles and the County regarding an update to the City’s Sphere of Influence. District 1.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Ed Gallagher, Mr. Bill Pelfrey and Ms. Jamie Kirk: speak.**

**The Board approves the “Memorandum of Agreement between the City of Paso Robles and the County of San Luis Obispo Regarding the City’s 2012 Sphere of Influence Update.”**

**Motion by:** Frank R. Mecham

**Second by:** Debbie Arnold

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

- 33.** Submittal of a resolution acknowledging the Certification by the California Coastal Commission of the San Luis Obispo County Local Coastal Program (LCP) Major Amendment 1-10 – Grading and Stormwater Management Ordinances. Districts 2, 3, 4.

**Chairperson Teixeira:** opens the floor to public comment.

**Ms. Joy Fitzhugh – Farm Bureau (letter):** speaks.

**The Board reviews the modifications the Coastal Commission has made to San Luis Obispo County LCP Amendment 1-10; determines not to acknowledge the Certification by California Coastal Commission; and RESOLUTION NO. 2013-13, a resolution disagreeing with California Coastal Commission’s modified language pertaining to Local Coastal Program – Major Amendment Number 1-10 (Grading and Stormwater Management Ordinances), adopted. Furthermore, directs staff to prepare a letter to submit with the resolution to the California Coastal Commission that includes a provision that expresses the Board’s intent to work collaboratively with Coastal and Regional Board Staff on the upcoming update.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

- 34.** Submittal of bid opening report for the Widening of Templeton Road from Bluebird Hill Lane to South El Pomar near Templeton, to award the subject contract to Whitaker Construction Group, Inc., the lowest responsive bidder, in the amount of \$633,274; and authorize a budget adjustment, by a 4/5th’s vote, in the amount of \$590,000. Contract No. 300386, Federal Project No. HRRRL-5949(111). District 5.

**Supervisor Arnold:** states she will be recusing from voting on this item due to a conflict of interest and is now absent.

**Chairperson Teixeira:** opens the floor to public comment.

**Mr. Terry Schubert – Representing Raminha Construction and Mr. Randy Walters – Whitaker Construction:** speak.

The Board finds that the bid submitted by Raminha Construction, Inc. is non-responsive due to failure to meet the Disadvantaged Business Enterprise (DBE) contract goal of 4% and its failure to demonstrate an adequate good faith effort to meet said DBE participation goal; adopts the “Evaluation of Good Faith Effort of Raminha Construction, Inc.” memorandum dated December 27, 2012 and the “Good Faith Effort Reconsideration Committee Determination” memorandum dated January 15, 2013 as the Board's written decision in support of the finding; rejects the bid submitted by Raminha Construction, Inc. on the grounds of non-responsiveness; awards the subject contract to Whitaker Construction Group, Inc., the lowest responsive, bidder, with a bid of \$633,274; authorizes the Public Works Director or his designee to approve change orders for a contingency amount up to \$63,327, plus an additional amount of \$60,000 for traffic control and supplemental work, for a final total construction amount of \$756,601; and authorizes a budget adjustment in the amount of \$590,000 for a total project budget of \$1,650,000.

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

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, January 29, 2013, 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:** February 4, 2013