

Tuesday, March 26, 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.**

**Consent Agenda – Review and Approval:**

**1-11.** This is the time set for consideration of the Consent Agenda.

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

The action taken on Consent Agenda items 1 through 15 on the following vote is indicated for each item.

**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			

**Consent Agenda - Administrative Office Items:**

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to re-appoint Toni LeGras, Mike Hargett, Grace Lorenzen, Cindy Prange and Carol Kramer to the Cayucos Local Area Advisory Board for two-year terms ending January 31, 2015.

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

**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			

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to reappoint Joe Aguilar and Dena Bellman to the Ocean/Nipomo Advisory Board for four (4) year term ending January 31, 2017.

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

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

3. Submittal of a resolution proclaiming 2013 as "Year of the Child" in San Luis Obispo County.

**Mr. Eric Greening:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-52, adopted.**

**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			

4. Request by Supervisor Frank Mecham to re-appoint Sharon Lininger and Janice Mumford as District 1 representatives to the San Miguel Cemetery District.

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

**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			

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

5. Request to approve a contract with Otis Elevator Company (Clerk's Filed) in the amount of \$52,500 for professional elevator maintenance.

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

**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			

6. Request to authorize a budget adjustment request in the amount of \$287,968 from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) grant funding revenue, and \$71,992 from the SLO-Bob Jones Trail Extension-Higuera Street project to the Avila-Bob Jones Trail Extension-Ontario Road project. District 3.

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

**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			

- Request to authorize a budget adjustment in the amount of \$65,000 transferred from Fund Center - 305 Parks to Lopez Lake Infrastructure Project to complete the 50 amp electrical service upgrade to the Lake Lopez Campaneros Campground. District 4.

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

**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			

**Consent Agenda - Planning & Building Items:**

- Submittal of a contract amendment (Clerk’s File) with Marine Resource Specialists in the amount of \$211,710, to extend mitigation monitoring for the Chevron/Guadalupe Oil Field Remediation and Abandonment Project. District 4.

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

**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			

**Consent Agenda - Public Works Items:**

- The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment COAL 11-0095, a proposed lot line adjustment resulting in 2 lots by Dennis A. Adams, Santa Margarita. District 5.

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

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

- 10. Submittal of a resolution to permit the destruction or disposal of certain Sheriff's Office records, documents and papers.

**This item is amended by replacing the resolution to correct the retention period from two years to one year. Further, the Board approves as recommended by the County Administrative Officer and amended by this Board. RESOLUTION NO. 2013-53, adopted.**

**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			

**Consent Agenda - Social Services Items:**

- 11. Request to approve the appointment of Kim Murphy to the San Luis Obispo County Workforce Investment Board (WIB).

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

**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			

**Presentations:**

- 14. Request to endorse the Children's Bill of Rights for San Luis Obispo County.

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

**Ms. Elsa Dawson, Mr. Tom Dawson, Ms. Laura Berdonte, and Mr. Mike Brown - COLAB:** speak.

**The Board endorses the Children's Bill of Rights.**

**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			

- 12. Submittal of a resolution proclaiming April 2013 as "Month of the Child" and April 13, 2013 as "Day of the Child" in San Luis Obispo County.

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

**Mr. Eric Greening:** speaks.

**RESOLUTION NO. 2013-54, resolution proclaiming April 2013 as “Month of the Child” and “Child Abuse Prevention Month” and April 13, 2012 as “Day of the Child” in San Luis Obispo County, adopted.**

**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			

**13.** Submittal of a resolution proclaiming April 2013 as "Autism Awareness Month" in San Luis Obispo County.

**RESOLUTION NO. 2013-55, resolution declaring April 2013 as “Autism Awareness Month” in San Luis Obispo County, adopted.**

**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			

**15.** Submittal of a resolution proclaiming the week of March 24 – 30, 2013 as “Tsunami Awareness and Preparedness Week” in San Luis Obispo County.

**RESOLUTION NO. 2013-56, resolution proclaiming the week of March 24-30 as “Tsunami Awareness and Preparedness Week” in San Luis Obispo County, adopted.**

**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			

**Public Comment Period:**

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

**Ms. Marty Nelson – Literacy Council volunteer and Ms. Bernadette Bernardi – Literacy Council Executive Director:** thanks and encourage the Board to continue to support their program.

**Mr. Eric Greening:** discusses the upcoming April 16 informational session on Hydraulic Fracking and Assembly Bills 649, 1301 and 1323.

**Ms. Linde Owen, Mr. Ben DiFatta, Ms. Julie Tacker, and Mr. Richard Margetson (e-mail):** comments on the Los Osos Wastewater Project; with Ms. Tacker additionally urging an independent review on Supervisor Gibson and his Legislative Assistant.

**Mr. Brian Stacy:** urges the Board to ask the District Attorney to investigate the medical treatment he received at a local hospital.

**Mr. Keith Swanson:** addresses his concerns with limiting or adding restrictions on public comment. **No action taken.**

**Board Business:**

- 17. Study Session and Legal Overview of the formation, purpose, authority and responsibilities of the San Luis Obispo County Airport Land Use Commission (ALUC).

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

**City of San Luis Obispo Mayor Jan Marx, Mr. Derek Johnson City of San Luis Obispo Community Development Director, and Mr. Nick Johnson – Johnson Aviation (Powerpoint):** speak.

**Board members:** discuss writing a letter addressing concerns to the Commission.

**Chairperson Teixeira:** receives and files the Study Session and Legal Overview of the formation, purpose, authority and responsibilities of the San Luis Obispo County Airport Land Use Commission.

**Closed Session Items:**

- 18. Closed Session is cancelled per the Addendum to the Agenda.

**Board Business - Continued:**

- 19. Request to approve creation of park projects to: 1) repair the exterior walls at Rios Caledonia Adobe in San Miguel; 2) renovate a portion of Bob Jones Trail at Blue Heron Drive; 3) provide design and engineering phase of project to restore Cayucos Pier; and 4) provide capital outlay funding to purchase and install Pool Lifts for disabled persons at all County pools. All Districts.

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

**Mr. Larry Fishman, Mr. Jim Ruddell, Ms. Carol Kramer, Mr. Greg Bettencourt (petition), Ms. Joyce Herman, Mr. John Carsel, Ms. Pandora Nash-Karner – District 2 Parks and Recreation Commissioner, and Mr. Stewart Selkirk:** speak.

**The Board creates Parks projects: repair Rios Caledonia Adobe exterior walls in San Miguel (\$100,000 construction); renovate Bob Jones Trail along Blue Heron Drive (\$14,000 construction); and, restore Cayucos Pier (\$103,000 design and engineering); provides Capital Equipment Outlay funding to purchase and install Pool Lifts for disabled persons at all County Pools (\$96,000 construction); and authorizes a Budget Adjustment Request in the amount of \$313,000 from Parks Designated Project Reserves to the projects and capital outlay for the improvements for Rios Caledonia Adobe, County Pools, Bob Jones Trail and Cayucos Pier.**

**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			

- 20. Update on Women's Jail Expansion Project.

**Chairperson Teixeira:** opens the floor to public comment without response and receives and files the presentation on the current status of the Women’s Jail Expansion project.

- 21. Request to authorize the Director of Public Works to execute sub-grant agreements for State of California Department of Water Resources (DWR) Integrated Regional Water Management Program Grants with participating agencies and authorize associated budget adjustments. All Districts.

**The Board acting as the San Luis Obispo County Flood Control and Water Conservation District authorizes: the Director of Public Works to execute sub-grant agreements, which are attached as Exhibits “B” and “C” in substantial form, for Integrated Regional Water Management Program Grants with agencies leading grant-funded efforts subject to final approval as to legal form and effect by County Counsel; a budget adjustment in the amount of \$10,401,000 to receive and “pass through” the implementation grant funds in accordance with DWR requirements and the sub-grant agreements; and a budget adjustment, by a 4/5<sup>th</sup>s vote, in the amount of \$350,000 to receive and “pass through” the planning grant funds in accordance with DWR requirements and the sub-grant agreements. Further, acting as the Board of Supervisors for the San Luis Obispo County authorizes the Director of Public Works to execute a sub-grant agreement, which is attached as Exhibit “B.2” in substantial form, for an Integrated Regional Water Management Program Implementation Grant for the Los Osos Wastewater Project, subject to final approval as to legal for m and effect by County Counsel.**

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

**Hearings:**

- 22. Hearing to consider three resolutions of necessity for the acquisition of real property interests required from Kendra Santos, et con, from the Clarence E. and Allene F. Elder Living Trust, dated September 7, 1994, and from the Kenneth Raymond Hord Family Trust, dated March 7, 2000, for the La Panza Road Widening Project. District 5.

**Mr. Acosta:** amends Recommendation #4 of the staff report to read: “Adopt, by a 4/5<sup>th</sup> vote, the Resolution of Necessity on the Kenneth Raymond Hord Family Trust, dated March 7, 2000 property.”

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

**Supervisor Arnold:** outlines her reasons for opposing the staff recommendation.

**The Board conducts a hearing on the adoption of the three resolutions of necessity, receives comments from the staff, take testimony from the property owners or their authorized representative, and considers all the evidence; RESOLUTION NO. 2013-57, Resolution of Necessity for the real property interests required from Kendra Satos, et con for the San Luis Obispo County La Panza Road Widening Project, Supervisorial District No. 5, adopted.**

**Motion by:** Adam Hill  
**Second by:** Paul A. Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
T 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		
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**RESOLUTION NO. 2013-58, Resolution of Necessity for the real property interests required from Clarence E. and Allene F. Elder Living Trust for the San Luis Obispo County La Panza Road Widening Project, Supervisorial District No. 5, adopted.**

**Motion by:** Adam Hill  
**Second by:** Frank 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		

**RESOLUTION NO. 2013-59, Resolution of Necessity for the real property interests required from Kenneth Ryamond Hord Family Trust dated March 7, 2000 for the San Luis Obispo County La Panza Road Widening Project, Supervisorial District No. 5, adopted.**

**Motion by:** Adam Hill  
**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		

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, March 26, 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/ Catrina M. Christensen, Deputy Clerk-Recorder

**DATED:** March 28, 2013