

Tuesday, April 16, 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 victims of the explosions at the Boston Marathon.

Consent Agenda – Review and Approval:

1-19. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment.

Supervisor Mecham: states he will not be supporting Item No. 2.

The action taken for Consent Agenda items 1 and 3 through 19 on the following vote is indicated for each item.

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			

Bid Opening:

- Letter transmitting plans and specifications (Clerk’s File) for the Main Street Bridge at Santa Rosa Creek, Cambria, for Board approval and advertisement for construction bids. The recommended bid opening date is Thursday, May 16, 2013. District 2.

The Board approves as recommended by the County Administrative Officer.

Items Set for Hearing:

- Introduction of an ordinance amending Chapter 16.10 of the San Luis Obispo County Code to prohibit the ignition and launching of sky lanterns, with an exception, in the unincorporated areas of San Luis Obispo County that are protected by the County Fire Department. Hearing date set for May 7, 2013.

This item is amended by replacing the subject on the staff report to read: “Introduction of an ordinance amending Chapter 16.10 of the San Luis Obispo County Code to prohibit the ignition and launching of sky lanterns, with an exception, in the unincorporated areas of San Luis Obispo County that are protected by the County Fire Department. Hearing date is set for May 7, 2013.”; and by amending the recommended action in the staff report to read: It is recommended that the Board set May 7, 2013 as the date for a public hearing on an ordinance amending Chapter 16.10 of the San Luis Obispo County Code to prohibit the ignition and launching of sky lanterns, with an exception, in the unincorporated areas of San Luis Obispo County that are protected by the County Fire Department.” Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

4. Submittal of a resolution of intention to renew the San Luis Obispo County Tourism Business Improvement District (CBID) Ordinance for FY 2013-14 and set May 21, 2013 as the date and time of the public hearing to consider any protest to the renewal of the CBID ordinance.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-70, adopted.

Consent Agenda - Administrative Office Items:

5. Request to approve an agreement with AEG Cycling for services related to the Tour of California Bicycle Race Stage 5 Finish in Avila Beach.

This item is amended by clarifying that revisions were made to the subject line on the agenda and the changes were inadvertently posted to the website on Thursday, April 11, 2013 at 8:00 A.M. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Agricultural Commissioner Items:

6. Request to authorize a budget adjustment in the amount of \$71,402 in Fund Center 141 – Agricultural Commissioner to add expenditures offset by unanticipated revenue and to amend the fixed asset list to add a replacement photocopier.

This item is amended by clarifying that revisions were made to the subject line on the agenda and the changes were inadvertently posted to the website on Thursday, April 11, 2013 at 8:00 A.M. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Board of Supervisors Items:

7. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

8. Request by Chairperson Paul Teixeira to re-appoint Douglas Barth and Lynn Cooper to the Assessment Appeals Board.

The Board approves as recommended by the County Administrative Officer.

9. Request by Supervisor Paul Teixeira to appoint William Marsalek as the District 4 representative to the Citizen's Transportation Advisory Committee.

The Board approves as recommended by the County Administrative Officer.

10. Submittal of a resolution recognizing Colonel Barbara A. Nuismer for her service as the Garrison Commander at Camp Roberts and the California National Guard.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-71, adopted.

Consent Agenda - Clerk-Recorder Items:

11. Request to destroy various Clerk of the Board and Clerk-Recorder documents and audio recordings as allowed by various Government and Business and Professions Codes.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda – General Services Items:

12. Request to approve a resolution of intention to surplus and sell county-owned real property in the unincorporated area of Cayucos to a qualified land conservancy. District 2.

Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-72, adopted.

Consent Agenda - Health Agency Items:

13. Request to approve a renewal agreement (Clerk's File) with the California Family Health Council for calendar year 2013 in the amount of \$115,562 to conduct reproductive health outreach and education activities.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

14. Submittal of resolutions to approve avigation easements from Steven Brink and D3KS-elph, LLC, for the Oceano County Airport and San Luis Obispo County Regional Airport, respectively. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS 2013-73 and 2013-74, adopted.

Consent Agenda - Public Works Items:

15. Submittal of a resolution authorizing execution of a notice of completion and acceptance for the bridge deck seal for various County bridges 2011. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-75, adopted.

16. Request to approve Amendment No. 6 to the "Agreement of Sharing Costs of Electrical Facilities on State Highways" with Caltrans to include additions and deletions of lighting facilities. District 1.

The Board approves as recommended by the County Administrative Officer.

17. Request to adopt a mitigated negative declaration for three projects to clean and paint three bridges on Stenner Creek, Tassajara Creek, and Buckley Roads (ED12-095) in San Luis Obispo County. Districts 2, 3, and 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

18. Request to approve a FY 2013-14 renewal employment contract with James Voge in the amount of \$137,280 annually to serve as the Commander of the Sheriff's Professional Standards Unit.

Ms. Linde Owen: speaks.

This item is amended by clarifying that revisions were made to the subject line on the agenda and the changes were inadvertently posted to the website on Thursday, April 11, 2013 at 8:00 A.M. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

19. Submittal of a resolution amending the Position Allocation List in FC 136 – Sheriff-Coroner adding a

1.00 FTE Sheriff’s Forensic Laboratory Specialist and a 0.50 FTE Laboratory Assistant II position.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-76, 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			

Item pulled from the Consent Agenda – Bid Opening:

- Request to reject public bids for construction of improvements, adopt the revised contract documents (Clerk's File), and authorize public rebidding for construction services for the Atascadero Library and North County Service Center located at 6555 Capistrano, Atascadero, CA, and direct the County Clerk to give Notice of Bid Opening date set for May 16, 2013. District 5.

(This item is amended, per the Addendum to the Agenda, to add the Bid opening date of Thursday, May 16, 2013 to the subject line.)

Ms. Grenda Ernst - Atascadero Friends of the Library, Ms. Eileen O’Grady Atascadero - Friends of the Library Vice-President, Mr. James Patterson and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

The Board rejects public bids received on or before January 24, 2013, for the Atascadero Library and North County Service Center construction project; adopts the revised Contract Documents (Clerk’s File) and authorizes the County Clerk to re-advertise to receive new bids for construction services for the Atascadero Library and North County Service Center; makes the findings that particular materials, products and control systems that are components of the proposed construction of the Atascadero Library/North County Service Center are to be designated by specific brand names or trade names to match other materials, products and control systems in use in other facilities within the County, as authorized by the Public Contract Code, Section 3400(c)(2), directs staff to set forth the brand name findings in the Invitation to Bidders, and incorporate the requirements for the particular material, products and control systems into the bid documents; and instructs the County Clerk to give Notice to Bidders, calling for sealed bids no later than 3:00 PM on May 16, 2013.

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			

Presentations:

- Submittal of a resolution proclaiming April 2013 as "National Poetry Month" in San Luis Obispo County.

Ms. Mary Kay Harrington - Arts Obispo Board of Directors President and Ms. Charlotte Alexander - Arts Obispo Executive Director: speak.

RESOLUTION NO. 2013-77, resolution proclaiming April 2013 as “National Poetry Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

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			

21. Submittal of a resolution proclaiming the month of April 2013 as "San Luis Obispo County Crime Victims' Rights Month".

Mr. Gerald Shea – District Attorney, Ms. Cindy Marie Absey – Victim/Witness Assistance Program Executive Director and Ms. Marla Holt: speak.

RESOLUTION NO. 2013-78, a resolution proclaiming the month of April 2013 as “San Luis Obispo County Crime Victims’ Rights Month”, adopted.

Motion by: Frank R. Mecham

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			

22. Submittal of a resolution proclaiming the week of April 14 through April 20, 2013 as "San Luis Obispo County National Public Safety Telecommunicators Week".

Sheriff Ian Parkinson and CalFire Chief Robert Lewin: speak.

RESOLUTION NO. 2013-79, a resolution proclaiming April 14-20, 2013 as the “San Luis Obispo County National Public Safety Telecommunications Week” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

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			

Public Comment Period:

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

Mr. Eric Greening: requests a report on the safety emergency response training on Tuesday, April 9, 2013; and announces the SLO Clean Water Action will be holding a town hall meeting regarding hydraulic fracking at the San Luis Obispo Grange Hall on April 16, 2013 at 7:00 PM.

Ms. Julie Tacker, Ms. Linde Owen (handout), Mr. Ben DiFatta and Mr. Richard Margetson: address various comments regarding the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Tacker, requests a report on the April 15, 2013 Regional Water Quality Control Board meeting and Mr. DiFatta and Mr. Margetson (handout), speak to an email from the District 2 Legislative Assistant to Supervisor

Gibson.

Mr. Jeff Edward: comments on the Endangered Species Act and the Morro Shoulderband Snail in Los Osos.

Supervisor Gibson: presents a time lapse video by Jeff Lewis showing the installation of the main sewer line in front of his residence in Los Osos. **No action taken.**

Hearings:

24. Hearing to consider an appeal by Corr Family Properties of the Director of Planning and Building’s determination to deny the issuance of two unconditional certificates of compliance (C09-0096, SUB2008-00071), for two parcels of approximately 8.58 acres and 8,600 square feet, within the residential multi-family land use category located adjacent to and south of the intersection of Ramona Avenue and Fourth Street, in the community of Los Osos. District 2.

Mr. Spence Hinkle - Agent representing the Appellant Corr Family Properties: speaks.

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

RESOLUTION NO. 2013-80, a resolution denying the appeal by Corr Family Properties and upholding the decision of the Director of Planning and Building denying the issuance of two unconditional certificates of compliance in the application for Certificate of Compliance C09-0096 [SUB2008-00071], adopted. Furthermore, the Board directs staff to work with the Applicant to achieve the Applicant’s goal of one single legal parcel, whether it involves unconditional certificates that can be lot line adjusted to the full parcel size or the necessity of creating conditional certificates of compliance.

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			

Closed Session Items:

25. 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. Sunny Acres, et al. v. County of San Luis Obispo, et al., (CV090360); 2. North County Watch, et al. v. County of San Luis Obispo (Santa Margarita Ranch CV098031); 3. In re Los Osos Community Services District (Bankruptcy).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 4. 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. 5. Initiation of litigation (Government Code, section 54956.9(c.) No. of cases 3.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: 6. Property Description: Book 075, Pages 111-116 and Book 061, Page 091 (LaGrande Beach, Oceano). Parties with whom negotiating: State of California.

(Added Closed Session Item, per Addendum No. 2 to the Agenda: "III. PERSONNEL (Gov. Code, § 54957.) A. It is the intention of the Board to meet in closed session to: 7. Consider Public Employee Appointment for the Position of Director of Building/Planning.")

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.

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 16, 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: April 17, 2013