

Tuesday, June 04, 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.

Supervisor Hill: calls for a moment of silent in honor of Senator Frank Loudenberg.

Consent Agenda – Review and Approval:

1-26. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 26 on the following vote is indicated for each item.

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			

Consent Agenda - Administrative Office Items:

1. Request to approve recommended responses from the Sheriff and Probation Department to the Grand Jury's 2012-13 report "County Jail, Juvenile Hall, and Holding Cells: Inspection and Information Report."

The Board approves as recommended by the County Administrative Officer.

2. Submittal of the Supplemental Document to the FY 2013-14 Proposed Budget.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Assessor Items:

3. Request by Supervisor Debbie Arnold to re-appoint Michelle Blanc as a District 5 representative to the Commission on the Status of Women.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Request by Supervisor Adam Hill to appoint Anita Shower as a District 3 representative to the Commission on the Status of Women.

The Board approves as recommended by the County Administrative Officer.

5. 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.

Consent Agenda - General Services Agency Items:

6. Request to approve Amendment No. 1 to the lease with Woods Humane Society, Inc. to clarify and formalize ongoing services and extend the lease for property located at 875 Oklahoma Avenue, San Luis Obispo.

The Board approves as recommended by the County Administrative Officer.

7. Submittal of a resolution authorizing execution of a Notice of Completion and Acceptance for the construction of improvements at the Norma Rose Park, 2491 South Ocean Avenue, Cayucos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-125, adopted.

8. Request to approve Amendment No. 4 to the lease with the South Bay Community Center to allow an addition to the community center located at 2180 Palisades Avenue in Los Osos on County-owned land and to authorize a sublease of the addition area to People Helping People.

Mr. Ben DiFatta, Ms. Julie Tacker, Mr. Richard Margetson (Photograph), Mr. Bob Simonsen, Dr. C. Hite: speak.

The Board approves as recommended by the County Administrative Officer.

9. Submittal of: 1) a resolution for an Easement Quitclaim Deed; 2) a request to accept and record an executed Easement Quitclaim Deed; and 3) a request to sign the Certificate of Acceptance for the Easement Quitclaim Deed for the Juvenile Hall Expansion project located at 1065 Kansas Avenue.

This item is amended by replacing the Certificate of Acceptance to make a correction to the date. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-126, adopted.

Consent Agenda - Health Agency Items:

10. Request to approve a renewal contract (Clerk's File) with American Care Home for FY 2013-14 in an amount not to exceed \$618,072 to provide residential board and care and social support services for Behavioral Health Department clients.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve a renewal contract (Clerk's File) with C & D's Guest Homes, Inc. for FY 2013-14 in an amount not to exceed \$55,015 to provide residential board and care and social support services to adults with serious mental illness.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve a renewal agreement (Clerk's File) with the State Department of Health Care Services allowing continued participation in the Medi-Cal Targeted Case Management program for a five (5) year period from July 1, 2013 through June 30, 2018.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve the renewal contract with Maxim Healthcare Services (Clerk's file) for FY 2013-14 in an amount not to exceed \$33,000 to provide skilled nursing and psychiatric technician personnel to supplement county staff at the County's Psychiatric Health Facility and Jail Facility.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve a renewal contract (Clerk's File) with Psynergy Programs, Inc. for FY 2013-14 in an amount not to exceed \$1,418,868 to provide residential board and care, social support, and outpatient mental health services to adults with serious mental illness.

This item was amended by the replacing the compensation page (Exhibit B, page 2 of 4) with the current version. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

15. Request to approve two renewal contracts (Clerk's File) with Lisa Moreno and Laura Cooper, licensed occupational therapists, for FY 2013-14 for a combined amount not to exceed \$69,600, to provide specialized pediatric occupational therapy for children at Martha's Place.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

16. Request to approve Amendment No. 1 to the contract with J & B Management Inc., doing business as Courier Systems, to continue providing courier services to transport Library materials for an additional two years, for an estimated annual amount of \$60,000.

The Board approves as recommended by the County Administrative Officer.

17. Request to accept a California State Library/Library Services & Technology Act Grant in the amount of \$17,500 and an associated budget adjustment to increase revenue and expenditures in Fund Center 377 – Library.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

18. Request to approve a contract (Clerk's File) with Aspen Environmental Group, in an amount not to exceed \$362,519, to prepare an Environmental Impact Report for the Hanson Aggregates/ Santa Margarita Quarry Expansion Conditional Use Permit and Reclamation Plan Amendment. District 5.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

19. Request to approve Amendment No. 1 with SWCA Environmental Consultants for biological monitoring on the Los Osos Wastewater Project, in the amount of \$188,230, for a total contract amount including a \$13,211 contingency, of \$333,549. District 2.

Ms. Julie Tacker: speaks.

The Board approves as recommended by the County Administrative Officer.

20. Request to approve a covenant agreement with Cambria Community Services District, for the

preservation of riparian enhancement area, for the Main Street Bridge Replacement Project, Cambria. District 2.

The Board approves as recommended by the County Administrative Officer.

21. 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 04-0135, a proposed lot line adjustment resulting in 3 lots by Jeffrey R. Elmore and Brendan Coalwell, San Miguel. District 1.

The Board approves as recommended by the County Administrative Officer.

22. The following maps have been received and have satisfied all their conditions of approval that were established in their public hearings on their tentative maps: Tract 3023, a proposed subdivision resulting in 2 lots, by Christina Kay Baxley, Constance Biaggini Spradling and Harold James Biaggini, east of the City of Morro Bay; act on the attached resolution to accept the Relinquishment of Access Rights along State Highway 41; and Parcel Map 05-0406, a proposed subdivision resulting in 2 lots, by Thomas R. and Lorina A. Foran and Ray Buban, east of the community of Santa Margarita; act on the attached resolution to accept the Relinquishment of Access Rights along Huer Huero Road. Districts 2 and 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-127 and 2013-128, adopted.

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

23. Submittal of a resolution to levy assessments for Flood Control Zone 18 (Cambria West Village Area). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-129, adopted.

24. Request to approve an agreement with EnerNOC for participation in an electrical Demand Response Program for the pump stations of the Nacimiento Water Project. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

25. Request to approve the use of Federal Asset Forfeiture Funds in the amount of \$88,000 to purchase a replacement K-9 vehicle and equipment, ballistic helmets, surveillance cameras and make repairs to the firing range; authorize a corresponding budget adjustment in Fund Center 136 – Sheriff-Coroner; and amend the Sheriff-Coroner's Fixed Asset List.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

26. Request to approve the appointments of Karen O'Brien and Deborah Wharton to the San Luis Obispo County Workforce Investment Board.

The Board approves as recommended by the County Administrative Officer.

Presentations:

27. Submittal of a resolution recognizing Deborah (DJ) Comstock, Mental Health Therapist III and Karen Robles, Mental Health Therapist III for their exemplary action in administering life-saving aid to a citizen of our community.

RESOLUTION NO. 2013-130, resolution recognizing Deborah (DJ) Comstock, MHT, LVN and Karen Robles, MHT, LVN for their exemplary action in administering life-saving aid to a citizen of our community, 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:

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

Chairperson Teixeira: opens the floor to public comment.

Fire Chief Rob Lewin: discusses the various emergency responders who will be out in the public today teaching hands only CPR; provides an update on this fire season; presents the badge ceremony for Deputy Fire Chief Steve Reeder, with Chairperson Teixeira swearing him in.

Deputy Fire Chief Reeder: thanks everyone for their support.

Dr. C. Hite, Mr. Ben DiFatta, Ms. Julie Tacker, and Mr. Richard Margetson: comment on the Los Osos Wastewater Project.

Mr. Brian Stacy: speaks regarding violation of his civil rights.

Mr. Eric Greening: asks for a public update on the Emergency Training Session held in April and questions how the County is prepared in case of an emergency.

Board Business:

29. Presentation by the Coastal San Luis and the Upper Salinas Las Tablas Resource Conservation Districts on resource conservation activities in the County.

Chairperson Teixeira: opens the floor to public comment.

Mr. Mike Broadhurst - Director Upper Salinas Las Tablas Resource Conservation District, Mr. Eric Greening, Ms. Cheryl Lenhardt, and Mr. Neil Havlik: speak.

Chairperson Teixeira: receives and files the presentation.

30. Request by Chairperson Paul Teixeira to discuss which of two applicants to appoint to the Airport Land Use Commission: Vern Dahl or Wayne Caruthers.

Chairperson Teixeira: opens the floor to public comment.

Mr. Wayne Caruthers: withdraws his application due to holding an incompatible office with his existing appointment on the Civil Service Commission.

Mr. Roger Oxborrow – Airport Land Use Commission Chairperson: speaks.

A motion by Supervisor Adam Hill, seconded by Supervisor Frank Mecham, to continue this matter and re-advertise the vacant appointment.

Ms. Rita Neal – County Counsel: states Mr. Caruthers currently sits as an alternate member on the ALUC and will need to resign; suggests the Board modify their motion to include noticing both the regular and alternate position, with the motion maker and second agreeing to amend their motion.

The Board continues this matter and directs the Clerk to re-advertise the regular position and advertise the alternate position, currently held by Mr. Caruthers.

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			

31. Submittal of a resolution for approval of Certificates of Participation (COP) financing documents to fund the County Service Area (CSA) 10A Water System Improvement Project for Cayucos. District 2.

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

RESOLUTION NO. 2013-131, a resolution relating to the Certificates of Participation for County Service Area 10, Zone of Benefit “A” (CSA 10A) Water System Improvement Project; approving the forms of and authorizing the execution and delivery where applicable of an Installment Sale Agreement, a Purchase Agreement, a Trust Agreement and an Assignment Agreement in connection therewith; and authorizing certain other related actions; and RESOLUTION NO. 2013-132, a resolution of the Board of Supervisors of the County of San Luis Obispo, Acting on behalf of County Service Area No, 10A authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its CSA 10A Water System Facility to serve an area lawfully within its jurisdiction to serve, adopted.

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			

Hearings:

32. Hearing to consider a resolution authorizing the collection of service charges within County Service Areas 1 (Old Galaxy Park and Tract 1690 – Nipomo), 1-A (Galaxy Park and Tract 1898 – Nipomo), 1-F (New Galaxy – Nipomo), 7-A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria, Road Improvements). Districts 1, 2, 3 & 4.

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

RESOLUTION NO. 2013-133, resolution of the Board of Supervisors acting as the Governing Board of the San Luis Obispo County Service Area (CSA) Nos. 1 (Old Galaxy Park and Tract 1690 – Nipomo), 1-A (Galaxy Park and Tract 1898 – Nipomo), 1-F (New Galaxy – Nipomo), 7-A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria, Road Improvements), adopted and the Clerk is directed to file the approved resolution and exhibit to the County Auditor no later than August 10, 2013.

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			

Closed Session Items:

33. 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. County of San Luis Obispo v. Giacomazzi, et al.; 2. County of San Luis Obispo v. Corr Family Properties; 3. Nipomo Parks Conservancy v. County of San Luis Obispo.
 - 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 3. 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 2.

(ADDED – ALL REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.)

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) 6. County of Santa Cruz, et al. v. Kathleen Sebelius; 7. County of SLO v. Kajima Construction Services, et al.

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.

Hearings:

34. Hearing to consider an appeal by Michael R. Erickson on behalf of Helen M. Kilgore of the Health Officer refusal to issue a well permit on the Kilgore property as requested in the application of Ben Giordano for Well Permit No. 2013-001 for property on Richard Avenue, Cambria (APN 024-122-003). District 2.

Mr. Michael Erickson – representing the Applicant: presents and discusses the two exhibits he presented.

Chairperson Teixeira: opens the floor to public comment.

Mr. Greg Berge (Letter) and Mr. Craig Smith: speak.

Mr. Erickson: makes his closing comments.

The Board denies the appeal and RESOLUTION NO. 2013-134, resolution affirming the decision of the Health Officer refusal to issue a well permit on the Kilgore property as requested in the application of Ben Giordano for Well Permit No. 2013-001, adopted.

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		

35. Hearing to consider an appeal by Save the Park of the Planning Department Hearing Officer’s approval of a request by the Morro Coast Audubon Society for a Minor Use Permit/Coastal Development Permit to establish public access improvements to the eastern portion of the Sweet Springs Nature Preserve located on the north side of Ramona Street between Broderson Avenue and 4th Street, Los Osos. District 2.

Ms. Betty Winholtz and Mr. David Dubbink– representing Save the Park, Appellant (powerpoint); Ms. Jennifer Moonjian– representing Morro Coast Audubon Society, Applicant (powerpoint): speak.

Chairperson Teixeira: opens the floor to public comment.

Ms. Rosalie Valvo and Ms. Lynnette Tornatzky: speak.

Mr. Dubbink and Ms. Moonjian: provide closing statement.

The Board denies the appeal and RESOLUTION NO. 2013-135, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Morro Coast Audubon Society for Minor Use Permit/Coastal Development Permit DRC2011-00013, adopted.

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			

36. Hearing to consider an appeal by Jeff Edwards of the Planning Commission’s approval of a Development Plan/Coastal Development Permit for the County Public Works drainage improvement project located on Highway 1, at the intersection of 13th Street/Paso Robles Street and terminating near Arroyo Grande Creek, in Oceano. District 4.

Mr. Jeff Edwards - Appellent: speaks.

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

Mr. Edwards: makes his closing statement.

The Board denies the appeal and RESOLUTION NO. 2013-136, resolution affirming the decision of the Planning Commission and conditionally approving the application of the County of San Luis Obispo for Development Plan/Coastal Development Permit DRC2012-00044, adopted.

Motion by: Paul A. Teixeira

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			

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, June 04, 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: June 6, 2013