

Tuesday, August 06, 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 R. Mecham, Adam Hill, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

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

Acting Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 24 on the following vote is indicated for each item.

Motion by: Frank Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting 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 a 12-month agreement in an amount not to exceed \$116,600 with TJA Advertising and Public Relations to provide marketing services on behalf of the Avila Beach Local Area of the San Luis Obispo County Tourism Business Improvement District (CBID).

The Board approves as recommended by the County Administrative Officer.

2. Submittal of resolutions to amend the Position Allocation Lists for Fund Center (FC) 107 - Auditor-Controller and FC 108 - Treasurer-Tax Collector-Public Administrator and set the salary range for the new position of Auditor-Controller-Treasurer-Tax Collector-Public Administrator as a result of the consolidation of the offices.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-186 and 2013-187, adopted.

3. Request by the San Luis Obispo Business Improvement District (CBID) to approve the re-appointment of Alex Benson and the appointment of Pandora Nash-Karner to the Los Osos/Morro Bay (unincorporated) Local Area Advisory Board for four year terms.

The Board approves as recommended by the County Administrative Officer.

4. Request for approval to apply for federal fiscal year 2013 Emergency Management Performance Grant and approval of related grant documents.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-188, adopted.

Consent Agenda - Auditor - Controller Items:

5. Submittal of the cash procedures review of the Assessor's Office Conducted on October 11, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

6. Request to appoint Monica A. Chudgar as a regular member of the Assessment Appeals Board.

The Board approves as recommended by the County Administrative Officer.

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. Submittal of resolutions honoring the 2013 Wine Industry Person of the Year, the 2013 Wine Grape Grower of the Year, the 2013 Winemaker of the Year, the 2013 Agriculturist of the Year, the 2013 Cattleman of the Year, and the 2013 Cattlewoman of the Year at the California Mid-State Fair.

Ms. Elsa Dawson and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-189, 2013-190, 2013-191, 2013-192, 2013-193 and 2013-194, adopted.

Consent Agenda - General Services Agency Items:

9. Request to approve the surplus and sale of a County-owned 3,000 square foot vacant lot at 3074 Gilbert Avenue in Cayucos to an adjacent property owner, with lot merger required. District 2.

This item is amended by adding clarifying language to the subject line that a resolution is being submitted and reads as follows: "Submittal of a resolution approving the surplus and sale of a County-owned 3,000 square foot vacant lot at 3074 Gilbert Avenue in Cayucos to an adjacent property owner, with lot merger required. District 2." Further the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-195, adopted.

Consent Agenda - Health Agency Items:

10. Request to approve a renewal agreement (Clerk's File) with the State Department of Health Care Services (DHCS) for a three (3) year period from July 1, 2013 through June 30, 2016 in the amount not to exceed \$108,264 to provide AIDS and HIV case surveillance services in the community.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve a new contract with Bryan's House for Fiscal Year (FY) 2013-14 in the amount not to exceed \$245,041 to provide alcohol and drug free housing to pregnant and parenting women, and their children.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve: 1) a contract (Clerk's File) with the County Office of Education and for FY 2013-14 in an amount not to exceed \$134,274 for the County to provide Day Treatment Program Intensive services located at the District's Chris Jespersion school; 2) a budget adjustment in the amount of \$378,617 from unanticipated revenue to Fund Center 166-Behavioral Health; and 3) a related resolution amending the Position Allocation List for Fund Center 166-Behavioral Health to add 2.0 FTE Mental Health Therapist IV and 1.0 FTE Mental Health Therapist III.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-196, adopted.

13. Request to approve a renewal agreement (Clerk's File) with Kathleen Long, M.D., for a three (3) year period from August 1, 2013 through July 31, 2016 in the amount not to exceed \$210,000 to provide Medical Director services for the California Children's Services (CCS) program.

The Board approves as recommended by the County Administrative Officer.

14. Request to approve renewal contracts with Medical Doctor Associates, Inc., LocumTenens.com, and Jackson & Coker (Clerk's File) for Fiscal Year 2013-14 in the aggregate amount not to exceed \$693,000 to provide locum tenens (temporary) licensed psychiatrist services.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

15. Request to approve annual agreement with Economic Vitality Corporation in the amount of \$98,775 to implement the San Luis Obispo County Clusters of Opportunity Economic Strategy. All Districts.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve an amended contract (Clerk's File) with SWCA Environmental Consultants to provide additional cultural resources work in the amount of \$27,522 for the Environmental Impact Report (EIR), for the Dana Adobe Nipomo Amigos Land Use Ordinance Amendment and Conditional Use Permit. District 4.

The Board approves as recommended by the County Administrative Officer.

17. Submittal of a contract with SWCA Consultants, in an amount not to exceed \$119,631 for special services associated with the proposed Phillips 66 Rail Spur Project Development Plan/Coastal Development Permit. District 4.

Mr. Jeff Edwards and Ms. Julie Tacker: speak.

The Board approves as recommended by the County Administrative Officer.

18. Submittal of a contract with Marine Research Specialist in an amount not to exceed \$428,938 to prepare an Environmental Impact Report for the proposed Phillips 66 Rail Spur Project Development Plan /Coastal Development Permit. District 4.

Mr. Jeff Edwards and Ms. Julie Tacker: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

19. Submittal of a resolution establishing the 2013-14 special tax rate, and confirming the per parcel special tax amount to be placed on the 2013-14 tax roll for County Service Area No. 9, Zone I (East of Los Osos Creek). District 2.

Ms. Ann Wilson – representing Fred and Betty Campbell: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-197, adopted.

20. Submittal of a resolution adopting the Pre-Qualification Program for general contractors and electrical subcontractors interested in bidding on the Los Osos Water Recycling Facility, pursuant to Public Contract Code Section 20101, for the Los Osos Wastewater Project, Los Osos. District 2.

Ms. Julie Tacker: speaks.

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

198, adopted.

21. Request to declare selected Public Works vehicles surplus and authorize disposal through public auction. All Districts.

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: A. Parcel Map CO 02-0240 a proposed subdivision resulting in 3 lots, by Frank W. Caron Trust, Nipomo Mesa. District 4. 1. Act on the attached resolution to accept the relinquishment of ingress and egress along State Highway 1; and B. Parcel Map CO 06-0046, a proposed subdivision resulting in 2 lots by Kenneth Raymond Hord, on La Panza Road, Creston. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-199, adopted.

Consent Agenda - Sheriff - Coroner Items:

23. Request to authorize an application for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program totaling \$16,443, and if awarded, accept the grant, authorize a corresponding budget adjustment in Fund Center 136 – Sheriff-Coroner, amend the fixed asset list, and authorize the Sheriff-Coroner to sign all 2013 JAG grant documents.

The Board approves as recommended by the County Administrative Officer.

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

24. Submittal of a resolution to levy assessment for Flood Control Zone 16 (Nipomo, San Miguel, and Shandon Areas). Districts 1 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-200, adopted.

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.

Mr. Eric Greening: comments on the possibility of a special Air Pollution Control District (APCD) meeting in September; informs the Board on the Bureau of Land Management's moratorium on hydraulic fracking in the Monterey Shale area; and speaks to the deadline to submit comments to the State Lands Commission on the low energy seismic testing.

Ms. Terri Stricklin: thanks Supervisor Hill and Acting Chairperson Gibson for their expeditious efforts to place important issues on the agenda.

Mr. Ben DiFatta; Ms. Linde Owen (photographs); Ms. Julie Tacker; Mr. Jeff Edwards; and Mr. Richard Margetson: speak to the Los Osos Wastewater Project (LOWWP). Additionally, Mr. DiFatta and Ms. Owen, comment on the two minute time limit to speak during public comment. Further, Julie Tacker, speaks to the conduct of meeting held on August 5, 2013 by Mayor Peterson in the Grover Beach Chambers of Commerce, and Mr. Margetson, comments on the recent Los Osos Community Advisory Council Meeting.

Dr. C. Hite: addresses concern regarding the County's financial position and its impacts to the community; and the two minute time limit to speak during public comment.

Mr. Jeff Wade - Slow Money SLO: speaks to their organization and announces a free event called "Gather in the Grove" on August 12, 2013 from 5:30 PM to 7:00 PM at the San Luis Obispo Grange

Hall.

Mr. Jeff Graeber: expresses concerns regarding his drying well, the number of vacant homes near his property and need for restrictions on water use.

Ms. April Dury: speaks to the two minute time limit during public comment and importance of public discourse during meetings. **No action taken.**

Board Business:

- 26. Presentation of the grant-funded Oceano Revitalization Plan and approval of a resolution accepting the final plan. District 4.

Ms. Lisa Wise – Lisa Wise Consulting Inc. President: presents a powerpoint.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Jessica Berry – San Luis Obispo Council of Governments (SLOCOG); Ms. Julie Tacker; Ms. April Dury; and Mr. Jeff Edwards: speak.

The Board receives the presentation on the Oceano Revitalization Plan and RESOLUTION NO. 2013-201, a resolution accepting the Oceano Revitalization Plan, adopted.

Motion by: Adam Hill

Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

- 27. Presentation of potential options for an Urgency Ordinance covering the Paso Robles Groundwater Basin. Districts 1 and 5.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Wayne Montgomery; Mr. James Nailor; Mr. Mike Ryan; Mr. Fred Burbank (map); Ms. Mary Galvin; Mr. Gary Kirkland; Ms. Betty Winholtz (handout); Mr. Randy Record; Mr. Michael Baugh; Mr. Charlie Kleemann; Mr. Ryan Newkirk; Mr. Robert Hartzell; Mr. Randy Diffenbaugh; Mr. Fritz Helzer; Mr. Klaus Schumann; Ms. Linda Hardy; Mr. Richard Lauchland; Ms. Laura Mordaunt; Ms. Anna Rapp; Mr. Fred Frank; Ms. Mindy Martinez; Mr. Bob Harrison; Mr. Marshall Wilkinson; Ms. Sheila Healy; Ms. Claudia Engel – Blue Ribbon Committee, Solutions Committee, and Outreach & Education Chairperson; Mr. Greg Stolin; Mr. Patrick McGibney; Ms. Holly Sletteland; Ms. Jeanne Aird; Ms. Carol Rowland; Ms. Kris Beal – Central Coast Vineyard Team (handout); Ms. Jennifer Porter - Paso Robles Wine Country Alliance Executive Director; Mr. C.R Lara; Ms. Claire Wineman – Grower Shipper Association of Santa Barbara and San Luis Obispo Counties; Mr. Eric Greening; Ms. Julie McCloskey; Mr. John Neil – Atascadero Mutual Water Company General Manager, Water Resources Advisory Committee (WRAC) Member and Blue Ribbon Committee; Mr. William Frost; Ms. Patty King; Mr. Matt Merrill; Ms. Joy Fitzhugh – Farm Bureau; Ms. Jackie Crabb – Farm Bureau; Mr. John Crossland; Mr. Mike Winn; Ms. Kathy Lambeth; Mr. Andrew Christie – Sierra Club Santa Lucia Chapter; Mr. Chris Bausch; Ms. Carol DeHart; Mr. Charlie Whitney; Mr. Ted Gilbert; Mr. Joe Plummer; Ms. Kathryn Sweet; Mr. Kevin Buffett; Mr. Matt Hagen; Mr. John Hollenbeck; Mr. Steve Crouch; Mr. Matt Turrentine; Mr. Don Campbell; Mr. Dana Merrill; Ms. Daniella Sapriel (photographs); and Mr. David Broadwater (photograph): speak.

Acting Chairperson Gibson: continues this item to the afternoon calendar following Closed Session.

Closed Session Items:

28. 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. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031).
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. 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. 3. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
 - II. PERSONNEL (Gov. Code, § 54957.)
It is the intention of the Board to meet in closed session to: 4. Consider Public Employee Appointment for the Position of Director of Building/Planning.
 - III. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.)
 - A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 5. Sheriffs' Management.

(This item is amended, per the Addendum to the Agenda, by deleting the following Closed Session item from the agenda: 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. North County Watch v. County of San Luis Obispo (SMR Subd., CV 098031). Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Acting Chairperson Gibson: 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:

27. Presentation of potential options for an Urgency Ordinance covering the Paso Robles Groundwater Basin. Districts 1 and 5, is brought back.

Acting Chairperson Gibson: opens the floor to continue public comment.

Mr. Erick Gobler; Mr. Aaron Johnson – representing Javadi Farms and Ray Francioni; Monterey County Ag Water Advisory Committee; and Monterey County Cattleman's Association Past President; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Tim Cleath - Cleath-Harris Geologists; Ms. Gwen Pelfrey; Mr. Bill Pelfrey (photographs and handouts); Ms. Della Barrett; Ms. Sue Luft - PRO Water Equity (graph); Ms. Jan Seals - PRO Water Equity Treasurer (graphs); Ms. Denise Smith; Ms. Stephanie Smith; Mr. Leo Rosales; Ms. C.C. Coats (photographs); Ms. Elaine Hagen (petitions); Ms. Dianne Jackson; Ms. Lindsay Pera; Mr. Chris Ivey; Mr. Steve Sinton; Dr. Lowell Zelinski (handout); Ms. Sheila Lyons – Creston Advisory Committee (CAB) Chairperson (handout); Ms. Milagro Velasco; Mr. Doug Filipponi; Ms. Jeanne Moraga; Mr. Jerry Lohr and Mr. Steve Lohr – J. Johr Vineyards; Mr. Daniel Sinton; Ms. Susan Harvey – North County Watch; Mr. John Ashbaugh; and Mr. Edward Veek: speak.

Board Members: discuss concerns with enacting an urgency ordinance in an attempt to resolve the Paso Robles Groundwater Basin issues, including areas to be covered, potential solutions, and the need to develop long term solutions; provide questions on items for staff to investigate, with information to be included in future hearings and to be used in the development of an ordinance.

On motion of Supervisor Frank S. Mecham, seconded by Supervisor Adam Hill, the Board

unanimously agrees to continue the meeting passed 5:00 P.M.

Acting Chairperson Gibson: highlights four parallel paths that need to be worked on: demand management; supply enhancement in the basin; establishment of a self-organized and self-governing governance conduct for the basin; and the need to continue to develop technical capabilities to allow for informed decisions. **Further, proposes to direct staff to bring back an urgency ordinance for action as soon as possible; that any new land use, including the planting or expansion of any irrigated agriculture and any new development that requires a new source of water, is prohibited unless it offsets its water use on a 2 to 1 basis; that the ordinance applies to entirety of the Paso Robles Groundwater Basin; applies to housing; new and expanded planting of irrigated crops; and that no new wells are allowed except for replacement wells. Furthermore, directs staff to agendize this matter to be acted on August 20, 2013 or August 27, 2013, with Supervisor Hill seconding and proposing an amendment to include Supervisor Mecham’s focus to also look at an urgency ordinance that pertains to a specific area that is indentified as the area of greatest concern, is discussed.**

Mr. Dan Buckshi – County Administrative Officer: clarifies where the Board is headed and restates the motion as he understands it; recommends August 27, 2013 as the date to return to the Board; and questions if the Board wants staff to notice this as a formal hearing, with the Board agreeing to notice the hearing for August 27, 2013.

Acting Chairperson Gibson: clarifies the motion, with further discussion by Board Members.

Ms. Kami Griffin – Assistant Planning and Building Director: asks for further direction regarding the definition of the sub-part area of greatest concern, with Board Members responding.

The Board reviews the potential options for an Urgency Ordinance within the Paso Robles Groundwater Basin as contained in the staff report and directs staff to notice and prepare two potential urgency ordinances for action on Tuesday, August 27, 2013. One ordinance would apply to the entirety of the Paso Robles Groundwater Basin, as defined in the Resource Management System that carries a level of severity III; and the second ordinance will apply to a sub-part area of the basin. The nature of the urgency ordinances would be that any new land use or structural development that requires an increased water source must offset its total water use by a 2 to 1 reduction elsewhere in the basin that applies to both structural development (housing and commercial development) as well as land uses that include new or expanded planting of irrigated crops and the required water source. The ordinances would include no new wells taking water from the basin except as part of an offset or replacement well; any new or replacement well would be metered and monitored; Ag ponds are to be limited to the size of less or equal to one acre foot; and outdoor water use is to be included in the offset requirement.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Members: request Public Works staff participate at the August 27, 2013 hearing to provide information regarding State water.

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, August 06, 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: August 19, 2013