

**Tuesday, February 28, 2012**

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, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** Supervisors: Bruce S. Gibson

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Supervisor Hill:** requests a moment of silence for the passing of James "Red" Holloway, an internationally known jazz and blues musician.

**Chairperson Patterson:** announces that Supervisor Gibson is in Washington D.C. advocating for issues relating to the County. **No action taken.**

**1-16. Consent Agenda - Review and Approval:**

This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 16 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Mr. Hill, Adam	x			
Mr. Patterson, James R.	x			
Mr. Mecham, Frank R.	x			
Mr. Teixeira, Paul	x			

**Consent Agenda - Administrative Items:**

- Request by the San Luis Obispo Business Improvement District (CBID) to approve the appointments of Maggie Juren and William Lee to the Los Osos/Morro Bay (unincorporated) Local Area Advisory Board.

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

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

- Submittal of a cash procedures review of the San Luis Obispo County Airport conducted on November 15, 2011.

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

- Submittal of a cash procedures review of the County of San Luis Obispo Probation Department conducted on October 13, 2011.

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

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

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

**Mr. Eric Greening:** speaks.

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

5. Request by Supervisor Frank Mecham to reappoint John Bertoni and Sue Minshull to the Paso Robles Public Cemetery District.

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

6. Request by Supervisor James Patterson to appoint Mary Kern to the Children and Families Commission.

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

**Consent Agenda - District Attorney Items:**

7. Request to approve a resolution amending the Position Allocation List for Fund Center 132 - District Attorney to reorganize and improve fiscal and administrative management of the District Attorney's Office.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-32, adopted.**

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

8. Submittal of a resolution to approve acceptance of a grant award totaling \$558,000 under the California Department of Boating and Waterways Non-Motorized Boating Access Development Grant program for the purpose of constructing new boat-in campsites at Santa Margarita Lake and authorize a budget adjustment to allocating the grant funding to the project.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-33, adopted.**

**Consent Agenda - Health Agency Items:**

9. Request to approve a three-year renewal agreement (Clerk's File) with the California Department of Public Health to implement the Women, Infants and Children (WIC) Nutrition Program for the period October 1, 2011 through September 30, 2014.

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

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

10. Submittal of a resolution approving Amendment No. 1 to Open-Space Agreement Granting an Open Space Easement with Kay Williams, Trustee of the Kay Williams Revocable Trust dated October 1, 1997.

**This item is amended by replacing pages to the resolution that were inadvertently cut off when the item was printed. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-34, adopted.**

**Consent Agenda - Public Works Items:**

11. Request adoption of the Mitigated Negative Declaration for the Wineman Road Culvert Repair Project (ED10-216; 245R12B501).

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

12. Request adoption of the Mitigated Negative Declaration for the El Camino Real at Santa Margarita Creek Bridge Scour Project (ED10-185; 245R12B585).

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

13. Submittal of a resolution authorizing execution of a notice of completion and acceptance for the LED Street Light Replacement, various locations, San Luis Obispo County, CA, Contract No. 245R12B133.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-35, adopted.

14. Request to approve Engineer IV recruitment at Step 5 pay scale per County Code 2.48.060.

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

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

15. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from BSR, a General Partnership, for the Los Osos Wastewater Project, Los Osos.

Ms. Julie Tacker: speaks.

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

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

16. Request approval of membership appointment of Andrew Carter for the San Luis Obispo City Council representative position on the Zone 9 Advisory Committee.

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

**Public Comment Period:**

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

**CalFire Chief Rob Lewin:** presents badges to Mr. Eric Cleveland, Administrative Division and Mr. John Richardson, Cuesta Camp Division, on their promotions to Assistant Chief, with Chairperson Patterson swearing in Chief Cleveland and Chief Richardson.

**Mr. Eric Greening:** expresses concerns regarding the homeless population in the County and requests a discussion regarding where the homeless can lawfully reside.

**Ms. Gwynn Taylor:** discusses the financial burden to the Los Osos community in the prohibition zone regarding their ability to pay property and income taxes.

**Ms. Susan Hughes - First Five Executive Director and Action for Healthy Communities Chairperson:** presents their final folio titled "Healthy Community Development"; announces the 2nd Annual Hands-on Hero Awards and the process to nominate a hero for children.

**Ms. Julie Tacker:** requests an update on the Los Osos Wastewater Project (LOWWP); and addresses concerns regarding the request by Public Works to the Coastal Commission to amend the Coastal Development Permit for the LOWWP.

**Ms. Kristina Wong - Cal Poly Science through Translational Research in Diet and Exercise (STRIDE) Administrative Support Coordinator:** announces the Sustainable Ag Lecture Series on March 6, 2012 at the San Luis Obispo Monday Club from 6:00 p.m. to 8:00 p.m.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** announces the upcoming Central Coast Regional Water Quality Control Board meeting on March 14, 2012 regarding the conditional waiver of discharge requirements for irrigated land; and asks for the Boards support.

**Mr. Ben DiFatta:** addresses concerns regarding the LOWWP.

**Ms. Linde Owen:** comments on the need for a designated parking area for the homeless; and addresses various concerns regarding the LOWWP.

**Mr. Al Barrow - Coalition for Low-Income Housing:** presents and discusses a document regarding seismic activity studies. **No action taken.**

**Hearings:**

**18.** Request to: (1) authorize a budget adjustment in the amount of \$306,147 from unanticipated loan repayment revenue; (2) allocate this \$306,147 in 2011 HOME program income to three affordable housing development projects; and (3) approve a resolution amending the 2011 Action Plan to reflect this allocation of funding.

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

**Mr. Ken Trigueiro - Paso Robles Housing Authority and Mr. Jason Reed - Women’s Shelter Program Deputy Director:** speak.

**The Board approves a budget adjustment in the amount of \$306,147; allocates the \$306,147 in 2011 HOME program income to the following affordable housing projects: a) Rehabilitation of Trouville Transitional Housing by the Women’s Shelter Program of San Luis Obispo County - \$65,330; b) Construction of three affordable housing units by Habitat for Humanity - \$140,817; and c) Redevelopment of Oak Park Apartments by the Paso Robles Housing Authority - \$100,000; and RESOLUTION NO. 2012-36, a resolution approving the amendments to the 2011 Action Plan and allocating HOME program income to three affordable housing projects in accordance with the U.S. Department of Housing and Urban Development requirements, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**19.** Continued hearing to consider a request by Ana Torres de Alba for a curb, gutter and sidewalk waiver (DRC2011-00021) for a proposed project within the Residential Multi-Family land use category located at 1176 N Street, in the community of San Miguel.

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

**RESOLUTION NO. 2012-37, a resolution denying the application by Ana Torres De Alba for a waiver of the requirement for curb, gutter and sidewalk improvements and approving a modification of the requirement to allow for the deferment of the improvements (DRC2011-00021), adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**20.** Submittal of a resolution to approve a request by Dana Adobe Nipomo Amigos to: 1) waive permit processing fees for a Land Use Ordinance Amendment to change the South County (Inland) Area planning area standards; and 2) waive permit processing fees for a Conditional Use Permit for a new museum and visitor’s center, and 3) waive permit processing fees for a pre-application meeting.

**Ms. Ellen Carroll - Planning and Building:** clarifies that today’s hearing is only regarding the fee waivers not the projects.

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

**RESOLUTION NO. 2012-38, a resolution approving the request by Dana Adobe Nipomo Amigos to waive permit processing fees to 1) a Land Use Ordinance amendment to change the South County (inland) area planning area standards, 2) a Conditional Use Permit for a new museum & visitor’s center & a pre-application meeting, adopted.**

**Motion by:** Paul Teixeira

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**Board Business:**

**21.** Submittal of Bid Opening Report for the bridge widening project on Price Canyon Road near Edna, California, Contract Nos. 300126, 300360 and 300361, Federal Project Nos. HP21L-5949(126), BHL-5949(092) and BHL-5949(063) and authorize a budget adjustment, by a 4/5th's vote, in the amount of \$50,679.

**Mr. Rudy Bachmann - Specialty Construction President, apparent low bidder:** speaks.

**Mr. Gerald Weaver - Attorney representing Souza Construction and Mr. Steve Souza - Souza Construction, second apparent low bidder:** speak.

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

**Mr. Bachmann and Mr. Souza:** provide closing statements.

The Board finds that the bid submitted by Specialty Construction, Inc. is nonresponsive due to failure to meet the Underutilized Disadvantaged Business Enterprise (UDBE) contract goal of 3% and its failure to demonstrate an adequate good faith effort to meet said UDBE participation goal; approves the "Evaluation of Good Faith Effort of Specialty Construction, Inc." memorandum dated January 19, 2012 (Attachment "A") and the "Good Faith Effort Reconsideration Committee Determination" memorandum dated February 15, 2012 (Attachment "C") as the Board's written decision in support of the finding; rejects the bid submitted by Specialty Construction, Inc. on the grounds of nonresponsiveness; awards the subject contract to Souza Construction, Inc., the lowest responsive, responsible bidder, with a bid of \$3,460,890.53; authorizes the Public Works Director or his designee to approve change orders for a contingency amount up to \$346,089, plus an additional amount of \$250,000 for traffic control and supplemental work, for a final total construction amount of \$4,056,979.53.

**Motion by:** Adam Hill

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.		X		
Patterson, James R.	X			
Teixeira, Paul	X			

The Board authorizes a budget adjustment in the amount of \$50,679 for a total project budget of \$7,568,060.

**Motion by:** Adam Hill

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**Closed Session Items:**

**22.** 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. Kajima Construction, et al.; 2. Nipomo CSD v.

County of San Luis Obispo; 3. Bookout v. County of San Luis Obispo; 4. Application of Pacific Gas and Electric Company for Approval of Ratepayer Funding to Perform Additional Seismic Studies Recommended by the California Energy Commission, California Public Utilities Application # 10-01-014.

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 Patterson:** opens the floor to public comment.

**Mr. Mike Winn - Nipomo Community Services District Director:** speaks.

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.

**Presentations:**

**23.** Submittal of a resolution proclaiming February 28, 2012 as "Spay Day USA."

**Mr. Eric Anderson - Animal Services Manager:** speaks.

**RESOLUTION NO. 2012-39, a resolution proclaiming February 28, 2012 as "Spay Day USA", adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**24.** Submittal of a resolution proclaiming March 2012 as "Grand Jury Awareness Month" in San Luis Obispo County.

**Mr. Norman Baxter - Grand Jury Foreperson and Mr. Jim Ragans - Former Grand Jurors' Association:** speak.

**RESOLUTION NO. 2012-40, a resolution proclaiming March 2012 as "Grand Jury Awareness Month" in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**25.** Submittal of a resolution proclaiming February 2012 as "National Meat Month" in San Luis Obispo County.

**Ms. Lori Gill, Ms. June Kester - San Luis Obispo County Cattlewomen's Association President and Ms. Emily Morrison - Junior Beef Ambassador:** speak.

**RESOLUTION NO. 2012-41, a resolution proclaiming February 2012 as "National Meat Month" in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

**Board Business Continued:**

- 26. Submittal of a resolution to designate the Director of Public Works as the authorized representative to file an application and execute agreements for an Integrated Regional Water Management Program Planning Grant.

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

**Mr. Mike Winn - Water Resources Advisory Committee (WRAC) Chairperson, Ms. Lisa Bodrogi - Paso Robles Wine Country Alliance Government Affairs Coordinator and Paso Robles Steering Committee Member and Mr. Eric Greening:** speak.

**RESOLUTION NO. 2012-42, a resolution designating the Director of Public Works as the authorized representative to file an application and execute agreements for an Integrated Regional Water Management Program Planning Grant, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Hill, Adam	X			
Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	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, February 28, 2012, 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: March 19, 2012