

Tuesday, January 28, 2014

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, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

**ABSENT:** None

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

**Supervisor Mecham:** requests a moment of silence in memory of Ernie Righetti, a longtime local agriculturist.

**Chairperson Gibson:** clarifies the order of the agenda for the morning session.

**Mr. Dan Buckshi – County Administrative Officer:** provides a brief summary of the County’s efforts in response to the federal and State drought declaration, with Board Members responding.

**Consent Agenda – Review and Approval:**

**1-20.** This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 20 and 30 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

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

**Consent Agenda - Administrative Office Items:**

**1.** Request to approve Amendment No. 2 to the Preventive Health Endowment Agreement with the San Luis Obispo County Community Foundation, Inc. allowing a third party investment management fee. All Districts.

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

**2.** Submittal of a resolution to ratify an ordinance adopted by Cambria Community Service District which adopts and amends the 2013 Fire Code. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-12, adopted.**

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

**3.** Request by Supervisor Mecham to correct the term for District 1 County Commission on Aging representative, Maryanne Zarycka to January 1, 2017. District 1.

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

**4.** Submittal of a resolution honoring Justin Smith as the 2013 Paso Robles Wine Country Wine Industry Person of the Year. District 1.

**Mr. Dane Sensor:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-13, adopted.**

5. Request to appoint Phyllis Pascale as District 1 representative to the San Miguel Cemetery District Board. District 1.

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

6. Submittal of a resolution honoring Randy and Nancy Flamm as the 2013 Roblans of the Year. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-14, adopted.**

7. Request to re-appoint Consuelo Meux to the Commission on the Status of Women. District 1.

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

**Consent Agenda - Clerk-Recorder Items:**

8. Request to approve the Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board. All Districts.

**Ms. Julie Rodewald – County Clerk-Recorder:** replaces Exhibit A titled “Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board” to correct a clerical error to the Board of Equalization’s form numbers.

**This item is amended by replacing Exhibit A titled “Policies and Procedures for Operation and Conduct of Hearings before the Assessment Appeals Board.” Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

**Consent Agenda - County Counsel Items:**

9. Submittal of the San Luis Obispo County Law Library Annual Report to the San Luis Obispo County Board of Supervisors for FY 2012-13. All Districts.

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

**Consent Agenda - District Attorney Items:**

10. Request to approve renewal contracts (Clerk's Filed) for \$29,015 each between the County and the Women's Shelter Program of San Luis Obispo County and RISE (formerly the North County Women's Shelter and Resource Center) for disbursement of County Domestic Violence Program Special Fund Monies and Battered Women's Shelter Trust Account Monies. All Districts.

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

**Consent Agenda - Farm Advisor Items:**

11. Request to reappoint Carl Twisselman and to appoint Jane Wooster to the San Luis Obispo County Grazing Advisory Board. Districts 4 & 5.

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

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

12. Request to approve Amendment No. 1 to concession agreement with the Achievement House, Inc., to continue to operate a combined snack bar and gift shop concession in the terminal building at the San Luis Obispo County Regional Airport for an additional two years under modified rent terms. District 3.

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

13. Request to: 1) approve the creation of capital project titled "Expand San Miguel Community Park", authorize a budget adjustment in the amount of \$500,000 from Parks Public Facilities Fees, and adopt a resolution authorizing the General Services Agency Director to submit and sign grant documents under the Land and Water Conservation Fund grant program for an additional \$500,000; and 2) approve the creation of capital project titled "L Street Improvements to Expand San Miguel Park" and authorize a budget adjustment in the amount of \$350,000 from FC 305 Parks Project Reserves, and \$156,675 from a Housing Related Parks Program Grant. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-15, adopted.**

**Consent Agenda - Health Agency Items:**

14. Request to approve a FY 2013-14 contract with Aegis Medical Systems, Inc., in an amount not to exceed \$740,447 to provide Narcotic Treatment Program services. All Districts.

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

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

15. Submittal of a resolution authorizing the Director of the Department of Planning and Building to: 1) submit a grant application to the U.S. Department of Housing and Urban Development (HUD) for the 2013 Federal Continuum of Care program and 2) sign the agreements necessary to participate in the program. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-16, adopted.**

**Consent Agenda - Public Works Items:**

16. Submittal of a "Director's Deed and SCG Quitclaim Deed" for conveyance to Southern California Gas Company of an easement acquired for their use and for release of their former easement to the County related to the Highway 101 / Willow Road Interchange Project. District 4.

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

17. Submittal of a resolution vacating paper roads and roads superseded by relocation in the vicinity of Truesdale Road, Clark Road, and San Juan Road by summary vacation, and determination that the proposed action is exempt from CEQA, south of the community of Shandon. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-17, adopted.**

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

18. Submittal of a resolution appointing Kristen Barneich as the City of Arroyo Grande Member on the Zone 3 Advisory Committee. Districts 3 and 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-18, adopted.**

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

- 19. Request to: 1) authorize a budget adjustment in the amount of \$32,665 from the State Criminal Alien Assistance Program (SCAAP) Trust Fund to Sheriff-Coroner Fund Center (FC) 136 to purchase a transport van for the women’s honor farm and 2) amend the fixed asset list in FC 136 - Sheriff-Coroner. All Districts.

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

- 20. Submittal of Inmate Welfare Fund Statement of Operations for Fiscal Year 2012-13. All Districts.

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

**Added Item – Consent Agenda – General Services Agency Item:**

- 30. Request to approve the Certificate for Other Participating County Funding, as required under the State’s AB 900 grant funding process, and authorize a budget adjustment in the amount of \$4,864,343 from funds previously allocated by the Board for this purpose from the Detention Facilities Designation to the Women's Jail Expansion project, located at 1585 Kansas Avenue, San Luis Obispo. District 2.

**(This item was added to the consent agenda, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)**

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

**Presentations:**

- 21. Submittal of a resolution recognizing the Port San Luis Harbor District on its 60th anniversary. District 3.

**Mr. Drew Brandy – Port San Luis Harbor District Board of Commissioners President: speaks.**

**RESOLUTION NO. 2014-19, a resolution recognizing the Port San Luis Harbor District on its 60<sup>th</sup> anniversary, adopted.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

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

**Chairperson Gibson:** tables the Cambria Friends of the Library and the Community presentation to later in the morning.

**Hearings:**

- 23. Hearing to consider amendments to the 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 Action Plans to clarify the name of the subrecipient of Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds, the uses of CDBG and HOME funds, and to reallocate \$622,277 in CDBG and \$764,431 in HOME funds for the acquisition of the 313 South Street Property for the development of affordable housing in the City of San Luis Obispo. All Districts.

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

**RESOLUTION NO. 2014-20, a resolution approving and authorizing submittal of an amendment to the Urban County of San Luis Obispo program year 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 Action Plans of the Urban County of San Luis Obispo consolidated plan for the Community**

**Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) funds, adopted.****Motion by:** Adam Hill**Second by:** Debbie Arnold

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

**Public Comment Period:**

25. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda.

**Ms. Jill Bolster-White - Transitions Mental Health Association Executive Director:** provides an update on the transitions project to renovate the Sunny Acres building on County property; a project they completed in downtown San Luis Obispo providing 8 studio units to homeless persons; and announces two upcoming events they will be hosting; the Journey of Hope and the Bowlathon.

**Mr. John Snyder:** comments on the monitoring of wells in the Santa Maria and Arroyo Grande Groundwater Basin; presents and discusses handouts regarding an update on the Santa Maria Groundwater Basin litigation and a report on groundwater levels from the Nipomo Community Services District (NCSD).

**Ms. Cindy Steinbeck:** addresses various issues regarding the actions taken on May 23, 2013 relative to the Paso Robles Groundwater Basin.

**Ms. Mary Bianchi - Friends of Martha's Place Volunteer and the Model of Care Partners Oversight Committee (MOCPOC) Chairperson:** speaks to MOCPOC and the Friends of Martha's Place and thanks the Board and staff for their support; and congratulates Dr. Nisha Abdul Cader for receiving her specialization in child abuse pediatrics. **No action taken.**

(Since all parties are now present, the Board returns to agenda items 22 and 24.)

**Presentations:**

22. Submittal of a resolution acknowledging the contributions made by the Cambria Friends of the Library and the Community on behalf of the new Cambria Library with the grand opening celebration set for January 29, 2014 at 5:30 p.m. District 2.

**Ms. Jeri Farrell - Friends of the Library and Mr. Christopher Barnickel - County Library Director:** speak.

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

**Ms. Vera Wallen - The Foundation for the San Luis Obispo County Public Libraries President:** speaks.

**RESOLUTION NO. 2014-21, a resolution recognizing the Cambria Friends of the Library and the community of Cambria for their contributions to the new Cambria Library at 1043 Main Street, adopted.**

**Motion by:** Adam Hill**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			

Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Hearings:**

**24.** Hearing to consider a resolution authorizing the formation of a zone of benefit within County Service Area (CSA) 21 for road improvements and a resolution to call a special tax election for Leonard Place in the community of Cambria. District 2.

**Mr. Michael Britton – Public Works:** presents a letter of support from George Stone that was inadvertently posted as correspondence to Item No. 28.

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

**Mr. Martin Silicato; Ms. Cindy Gustafson; Dr. Robert Detweiler; Dr. C. Hite; and Mr. Bruce Fosdike:** speak.

**Chairperson Gibson:** tables this item to follow general public comment period to allow time for staff to look at alternative options to reduce the size of the zone and encourages any private conversations along interested parties.

**Public Comment – Continued:**

**25.** This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda, continued.

**Mr. Gary Kirkland; Mr. Edward Veek; Ms. Laura Mordaunt; Ms. Lydia Thompson; Mr. Christopher Arend; Ms. Linde Owen; Ms. Julie Tacker; Mr. Richard Margetson; and Mr. Chuck Cesena:** address various concerns relating to a recent newspaper article written by a Supervisor. Additionally, Ms. Owen, speaks to the reduced public comment speaker time at the last meeting for items not on the agenda; and comments on the Los Osos Wastewater Project (LOWWP). Further, Ms. Tacker, comments on the order of the agenda; and Mr. Cesena, discusses water supply in Los Osos.

**Mr. Eric Greening:** speaks to the process for receiving unmet transit, bike way, and pedestrian needs with the San Luis Obispo Council of Governments (SLOCOG); the upcoming California Coastal Commission meeting regarding an update on fracking activities; and the new Planning and Building Director.

**Mr. Dane Senser:** comments on spirituality and his recent visit to church.

**Dr. C. Hite:** speaks to a video she will be presenting in public comment for Item No. 28; and a citizen’s complaint she filed with the County.

**Ms. Pam Fulmer:** comments on the potential formation of a water district for the Paso Robles Groundwater Basin.

**Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB):** speaks to the latest Air Pollution Control District (APCD) meeting; comments on the County’s recently approved policies regarding discrimination, workforce violence, harassment, and equal employment opportunities. **No action taken.**

**Hearing:**

**24.** Hearing to consider a resolution authorizing the formation of a zone of benefit within County Service Area (CSA) 21 for road improvements and a resolution to call a special tax election for Leonard Place in the community of Cambria. District 2, is brought back.

**Mr. Michael Britton- Public Works:** presents a revised map showing the number of parcels reduced

from 16 to 10.

**Ms. Rita Neal - County Counsel:** recommends the hearing be re-noticed if the Board chooses to reduce the number of parcels. Further, discusses the noticing requirements.

**Ms. Julie Rodewald - Clerk-Recorder:** speaks to the election deadlines if this item is continued.

**Mr. Fosdike:** addresses his conversation with Ms. Gustafson, with Ms. Gustafson responding.

**Board Members:** discuss the reduced zoning.

**RESOLUTION NO. 2014-22, a resolution creating a zone for road improvements within the San Luis Obispo County Service Area No. 21 for Leonard Place; and RESOLUTION NO. 2014-23, a mail-ballot election - County Service Area No. 21, Road Improvement Zone – Leonard Place, a resolution calling for a special election in the Road Improvement Zone – Leonard Place of County Service Area No. 21 of San Luis Obispo County for the purpose of submitting to the voters of the zone a measure for imposition of a special tax for road improvement services, adopted.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

**Closed Session Items:**

26. 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. Steinbeck, et al. v. County of San Luis Obispo, et al.; 2. Paso Robles Water Integrity Network v. County of San Luis Obispo, et al.; 3. Coast National Bank 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 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 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) 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: 6. SLOGAU; 7. SLOCEA-Trades and Crafts; 8. DCCA.

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

**Dr. C. Hite:** 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.

**Board Business - Public Works - Board Sitting as Flood Control District**

27. Request to: 1) receive a Paso Robles Groundwater Basin Management Plan implementation update; 2) consider a FY 2013-14 agreement with Carollo Engineers in an amount not to exceed \$1,484,161 to

prepare a Supplemental Water Supply Options Feasibility Study; 3) consider a FY 2013-14 contract with Hollenbeck Consulting in an amount not to exceed \$90,000; 4) consider a budget adjustment in the amount of \$1,574,161 from Flood Control District reserves to Flood Control Fund 19 for the agreements; 5) appoint Megan Silcott as the Farm Bureau alternate member to the Paso Robles Groundwater Basin Blue Ribbon Committee; and 6) create the Paso Robles Groundwater Basin Advisory Committee. Districts 1 and 5.

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

**Mr. Greg Grewal; Ms. Julie McCloskey (handout and powerpoint); Ms. Cindy Steinbeck; Mr. Eric Greening; Mr. John Snyder; Mr. Gary Kirkland; Ms. Susan Harvey; Mr. Bill Pelfrey; Ms. Joy Fitzhugh; Ms. Julie Tacker; Ms. Sophie Treder; and Ms. Sue Luft – Blue Ribbon Committee Member:** speak.

Upon discussion relating to the proposed feasibility studies, concerns regarding the substantial amount of money to prepare the supply options contract, and the alternative phasing options presented by staff, the Board directs staff to phase the work for the supply options study and implement Option B as presented by staff, with Mr. Paavo Ogren – Public Works Director and Mr. Timothy McNulty – Assistant County Counsel responding. Additionally, the Public Works Director is directed to enter into contracts that do not exceed the amount of money that meet the tasks outlined in Option B, and amend the supply options contract with Carollo Engineer by changing the scope of work and budget to reflect Option B. Further, the Board directs staff to support public meetings that will gather public opinion on the matter of the governance structure and other issues regarding the implementation of solutions; and improve their public outreach efforts, clearly identifying the roles of the County, PRAAG’S and PRO Water Equity, with Mr. Ogren responding. Furthermore, direction is provided to staff to continue looking into the technical and legal aspects of exploration of water, including the concerns that have been expressed in public comment.

**A motion by Supervisor Frank R. Mecham, Seconded by Supervisor Caren Ray, to approve staff recommendation No. 1; No. 2, with the modification to the contract amount to reflect Option B; No. 3, the contract with Hollenbeck Consulting; No. 4, with an amendment to the amount of the budget adjustment; No. 5, the Basin Advisory Committee; and No. 6, appointing Megan Silcott as the Farm Bureau alternate member to the Paso Robles Groundwater Blue Ribbon Committee, is discussed.**

**Mr. Tim McNulty - Assistant County Counsel:** clarifies the motion for recommendation No. 2 should be to direct the Public Works Director to enter into a contract with Carollo Engineers in an amount not to exceed \$657,715 to perform the tasks indentified in Option B; the motion for recommendation No. 3 should be to approve the contract with Hollenbeck Consulting as presented, with direction to the Public Works Director to provide a limited direction for a notice to proceed to Hollenbeck Consulting; and recommendation No. 4, the budget adjustment can be reduced to \$657,715, with Mr. Ogren, clarifying the Budget Adjustment would be modified to \$747,715, with the motion maker and the second agreeing to the recommended changes to the motion.

**The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District receives the Paso Robles Groundwater Basin Management Plan implementation update; directs the Public Works Director to enter into a contract with Carollo Engineers in an amount not to exceed \$657,715 to perform the tasks indentified in Option B presented by staff, to prepare a Supplemental Water Supply Options Feasibility Study for the Paso Robles Groundwater Basin; approves a FY 2013-14 contract with Hollenbeck Consulting in an amount not to exceed \$90,000 to provide technical assistance with the development of feasibility studies for the Paso Robles Groundwater Basin; directs the Public Works Director to provide a limited direction for a notice to proceed to Hollenbeck Consulting; and approves a budget adjustment, as amended, in the amount of \$747,715 from Flood Control District reserves in Fund 1300000000 to Flood Control Fund 19 for the Supply Options Study and Technical Assistance Agreements, including the direction that was previously stated. Additionally, the Board approves the creation of the Paso Robles Groundwater Basin Advisory Committee and directs the Clerk to post vacancies pursuant to requirements of the Maddy Act; and appoints Megan Silcott as the Farm Bureau alternate member to the Paso Robles Groundwater Basin Blue Ribbon Committee.**

**Motion by:** Frank R. Mecham

**Second by:** Caren Ray

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
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Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Supervisor Mecham:** addresses two changes recommended by the Blue Ribbon Committee to “Attachment 3 - Paso Robles Groundwater Basin Advisory Committee” that he wanted included in his previous motion, with Ms. Rita Neal - County Counsel, stating they can bring an amendment back as a future consent item.

**Board Business:**

- 28. Update on the Los Osos Wastewater Project and approval of recommendations on: 1) a budget adjustment in the amount of \$9,981,407 from unanticipated revenues and authorization for the Auditor-Controller-Treasurer-Tax Collector to make short-term loans between County funds; 2) collection system approvals including authorization to use existing construction contract contingencies for roads restoration and approval of Amendment No. 2 with HDR Engineering, Inc. in the amount of \$2,840,642; and 3) a resolution extending rebates for the Project Water Conservation Program, and approval of right of way documents securing an easement from Crizer for an amount of \$4,850 for the Los Osos Wastewater Project, Los Osos, CA. District 2.

**Mr. John Waddell - Public Works:** corrects the following typographical errors in the staff report: all incorrect references to the DWR IRWM Grant, the amount should read “\$5,945,444” not “\$5,645,444”; and the title for 2013 monthly cost estimate should read “2013 (SWB Grant/WRF Estimate)” not “(IRWM Grant/WRF Estimate)”.

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

**On motion of Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, the Board unanimously agrees to continue the meeting past 5:00 P.M.**

**Dr. C. Hite (video); Ms. Piper Reilly; Mr. Gary Freiberg; Mr. Don Bearden; Ms. Elaine Watson; Ms. Lacey Cooper; Ms. Linde Owen; Ms. Julie Tacker; Mr. Ben DiFatta; Mr. Richard Margetson; Ms. Jerri Walsh; Ms. Mimi Kalland; Mr. Jeff Edwards; Ms. Lynette Tornatzky; Mr. Lou Tornatzky; Mr. Jon Milledge; Ms. Pandora Nash-Karner; and Mr. Chuck Cesena:** speak.

**The Board:** 1) approves the following actions related to the project budget: authorizes a budget adjustment in the amount of \$9,981,407 from unanticipated revenues to Fund Center (FC) 430 – Los Osos Wastewater Project; and authorizes the Auditor-Controller-Treasurer-Tax Collector (Auditor) to make internal short-term cash-flow loans to support cash flow requirements that result from reimbursement processing timelines, and additionally waives the Board’s adopted requirement to have repayment occur by the end of the fiscal year; 2) approves the following actions related to the collection system construction: authorizes the use of existing contract contingencies for the Collection System Areas A&D Contract No. 300448.08.01.AD for costs related to additional material quantities for road restoration and repaving necessary for the work; authorizes the use of existing contract contingencies for the Collection System Areas B&C Contract No. 300448.08.01.BC for costs related to additional material quantities for road restoration and repaving necessary for the work; and approves amendment No. 2 to the agreement for professional engineering services with HDR Engineering, Inc. in the amount of \$2,840,642 (increasing the total authorized agreement amount from \$6,891,632 to \$9,732,274) for construction management services during construction of the Collection System and directs the Chair to execute said agreement; and 3) approves the following additional other actions: RESOLUTION NO. 2014-24, a resolution extending year 1 rebates of the Water Conservation Implementation Plan for the Los Osos Wastewater Project through 2014, adopted; approves and executes the Real Property Transfer Agreement in an amount of \$4,850, accepts the accompanying Public Road and Slope Easement Deed by execution of the Certificate of Acceptance, and directs the Clerk to record the Deed and return copies of the executed Agreement and recorded Deed to the Department of Public Works for completion of the transaction; and authorizes the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with this real property interest.

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

29. Submittal of bid opening report for the Los Osos Wastewater Project, Los Osos Water Recycling Facility, to award the subject contract to Auburn Constructors, the lowest responsive, responsible bidder, in the amount of \$48,180,299; a resolution approving the Construction Change Order Policy; a resolution approving a project Labor Compliance Program; and authorization of engineering services under the existing agreement with Carollo Engineers, in the amount of \$1,444,095. District 2.

**Mr. Dave Flynn – Public Works:** presents a copy of a letter that was submitted to the 3 apparent low bidders.

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

**Mr. Bill Garfinkel; Mr. Lou Tornatzky; Mr. Terry Lim; Mr. Jon Milledge; Ms. Mimi Kalland; Dr. C. Hite (photographs); Mr. Mark Simonin – San Luis Obispo County Electrical Workers representative; Mr. Andy Granner - Auburn Constructors, Inc. President; Mr. Dan Dischner – Balfour Beatty; Mr. Rick Welshiemer – Balfour Beatty; Ms. Kelly Phariss – Balfour Beatty; Mr. Chris Rutherford; Ms. Linde Owen; Ms. Julie Tacker; Mr. Ben DiFatta; Mr. Gary Freiberg; Mr. Jeff Edwards; Mr. Chuck Cesena; Mr. Jacob Treder – Electricraft; Mr. Jon Treder – Electricraft; and Mr. Richard Margetson:** speak.

**Supervisor Hill:** outlines why he will not be supporting the motion.

The Board awards the subject contract to Auburn Constructors, Inc., the lowest responsive, responsible bidder, at \$48,180,299; and authorizes a construction contingency amount up to \$2,421,515, for a total construction amount of \$50,601,814. Further, RESOLUTION NO. 2014-25, a resolution approving the Los Osos Water Recycling Facility Project Construction Change Order Policy; and RESOLUTION NO. 2014-26, a resolution adopting a Labor Compliance Program for Projects in conformance with Public Resource Code 75075, adopted. Furthermore, the Board authorizes Carollo Engineers to proceed with the construction phase and post-construction phase services in the amount of \$1,444,095, pursuant to the existing agreement which was approved on November 6, 2012.

**Motion by:** Bruce S. Gibson

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)		x		
Ray, Caren (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, January 28, 2014, 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

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**DATED:** February 18, 2014