

Tuesday, February 04, 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.

Mr. Dan Buckshi - County Administrative Officer: discusses the newly created drought task force and states he will be providing an update to the Board on March 4, 2014.

Consent Agenda – Review and Approval:

1-11. 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 11 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			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk’s File) for La Panza Road Widening from Ryan Road to Hord Valley Road near Creston, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, March 6, 2014. District 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

2. Submittal of a resolution recognizing John Neil for receiving the Atascadero Chamber of Commerce 2013 "Citizen of the Year" award. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-27, adopted.

Consent Agenda - Health Agency Items:

3. Request to approve: 1) an amendment to the contract with Davis Guest Home, Inc. (Clerk’s File) for FY 2013-14 to increase the maximum contract amount by \$135,600, and 2) an amendment to the contract with C and D’s Guest Homes, Inc. (Clerk’s File) for FY 2013-14 to increase the maximum contract amount by \$30,000 to provide residential board and care and social support services to adults with serious mental illness. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

4. Submittal of a resolution to approve an Avigation Easement from Quaglino Properties, LLC for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-28, adopted.

Consent Agenda - Probation:

5. Submittal of a resolution authorizing the Chief Probation Officer to enter into a contract with the California Department of Corrections and Rehabilitation for temporary emergency housing of juveniles. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-29, adopted.

Consent Agenda - Public Works Items:

6. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Oklahoma Avenue Sewer Line Replacement Project, County Operations Center, San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-30, adopted.

7. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Los Osos Valley Road widening between Doris Avenue and Pine Avenue in Los Osos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-31, adopted.

8. Request to approve a FY 2013-14 agreement for engineering and environmental consulting services with CH2M Hill, in an amount not to exceed \$51,698.00, for the Geneseo Road at Huerhuero Creek Bridge Replacement Project, Paso Robles. District 1.

The Board approves as recommended by the County Administrative Officer.

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

9. Request to approve three committee appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

10. Request to approve a FY 2013-14 new contract with Henkels & McCoy, Inc. in an amount not to exceed \$123,663 for Workforce Investment Act (WIA) Youth Employment and Training Services. Districts 1 and 5.

Mr. Gil Stork – Workforce Investment Board (WIB) Board of Directors: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Veterans Services Items:

- 11. Request to approve a certificate of compliance for one-time Proposition 63 funding through the California Department of Veterans Affairs (CDVA) and authorize a budget adjustment in the amount of \$24,974. All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 12. Submittal of a resolution proclaiming February 2014 as "Coastal Discovery and Stewardship Month" in San Luis Obispo County. All Districts.

Ms. Cheryl Cuming – County Tourism Business Improvement District (CBID) (brochure): speaks.

RESOLUTION NO. 2014-32, a resolution proclaiming February 2014 as “Coastal Discovery and Stewardship Month” in San Luis Obispo County, adopted.

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			

- 13. Submittal of a resolution proclaiming February 2014 as "National Meat Month" in San Luis Obispo County. All Districts.

Ms. Anne Cochrane - SLO Cattlewomen President: speaks.

RESOLUTION NO. 2014-33, a resolution proclaiming February 2014 as “National Meat Month” in San Luis Obispo County, adopted.

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			

- 14. Submittal of a resolution proclaiming February 2014 as "Children's Dental Health Month" in San Luis Obispo County. All Districts.

Ms. Tracy Anselmo - Oral Health Program Manager (handout): speaks.

RESOLUTION NO. 2014-34, a resolution proclaiming February 2014 as “Children’s Dental Health Month” in San Luis Obispo County, adopted.

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			

Public Comment Period:

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

Mr. Gary Freiberg; Mr. Ben DiFatta; and Mr. Richard Margetson (handout): comment on various issues relating to the Los Osos Wastewater Project (LOWWP).

Mr. Tom Dawson: speaks to “desalinization”.

Mr. Dane Senser: addresses concerns regarding the panga boats found in the County.

Ms. Cindy Steinbeck: presents and discusses maps of water levels in the Paso Robles Groundwater Basin.

Mr. Eric Greening: welcomes the new Planning and Building Director; announces two upcoming California Coastal Commission meetings; and the Water Resources Advisory Committee (WRAC) meeting. **No action taken.**

Hearings:

16. Hearing to consider a request by the County of San Luis Obispo to amend the inland Land Use and Circulation Elements of the County General Plan and the Land Use Ordinance, Title 22 of the County Code (Clerk’s File) by reorganizing them as follows: 1) The 11 existing inland planning areas are consolidated and reorganized into four new inland planning areas, based largely on watershed boundaries; 2) The plans for the four new inland planning areas are combined into a single document called The Area Plans; 3) Community plans are proposed for urban areas and villages and 4) Planning area standards in the Land Use Ordinance (LUO) are reorganized into rural and urban/village standards according to the new planning areas; and approve the environmental document pursuant to the California Environmental Quality Act. All Districts.

Mr. Karen Nall – Planning and Building: amends the resolution to include a new section No. 6 to read: “6. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code” which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this amendment does not need to be submitted to the California Coastal Commission.]”; and adds an ordinance titled “Exhibit F - An ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code.”

Chairperson Gibson: opens the floor to public comment.

Ms. Joy Fitzhugh – Farm Bureau (letter); Mr. Bill Pelfrey; Mr. Eric Greening; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Tom Dawson; and Mr. Dane Senser: speak.

A motion by Supervisor Adam Hill, seconded by Chairperson Bruce S. Gibson, to approve recommendation Nos. 2 and 3, is discussed.

Staff: clarifies the motion should include the amendments addressed above by Ms. Nall.

Supervisor Mecham: addresses why he will not support the motion.

The Board holds the public hearing on the amendments recommended for approval by the Planning Commission; amends the resolution by adding the following paragraph: “6. Adopt, enact and instruct the Chairperson of the Board of Supervisors to sign “An Ordinance Amending Specific Sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code” which is attached hereto and incorporated herein as though fully set forth. [This document does not apply to the Coastal Zone and was not certified as part of the Local Coastal Program. Therefore this

amendment does not need to be submitted to the California Coastal Commission.]”; and adds an ordinance titled “Exhibit F - An ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code.” Further, the Board approves the proposed General Rule Exemption in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.); and RESOLUTION NO. 2014-35, a resolution to amend the framework for planning, part I of the Land Use Element of the San Luis Obispo County General Plan, the Inland Land Use and Circulation Elements of the County General Plan and the Land Use Ordinance, Title 22 of the County Code, adopted as amended. Furthermore, the readings of the proposed ordinances are waived and said proposed ordinances are read by title only and ORDINANCE NO. 3256, an ordinance amending Title 22 of the San Luis Obispo County Code, the land use ordinance, regarding the reorganization of the planning area standards to reflect the reorganized Land Use and Circulation Elements (LUCE); and ORDINANCE NO. 3257, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

Motion by: Adam Hill

Second by: Bruce S. Gibson

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:

17. 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.

(Added Closed Session, per the addendum to 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: B. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 9. Barta v. Bowen et al. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

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.

Hearings:

18. Hearing to consider adoption of a resolution to approve a request by Port San Luis Harbor District to waive permit processing fees associated with the Development Plan/Coastal Development Permit for the Harbor Terrace Project (DRC2013-00044). District 3.

Chairperson Gibson: opens the floor to public comment.

Mr. Steve McGrath – Port San Luis Harbor District Harbor Manager: speaks.

Supervisor Hill: recommends waiving the full amount of permit processing fees.

The Board amends the resolution to reflect waiving the full amount of Land Use Permit processing fees. Further, RESOLUTION NO. 2014-36, resolution to approve waiver of \$17,328.00 of the Land Use Permit processing fees for the Development Plan/Coastal Development Permit for the Harbor Terrace Project as proposed by San Luis Harbor District, adopted as amended.

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			

19. Hearing to consider an appeal by Mesa Dunes Mobile Home Estates, LLC of the Planning Department’s determination of application incompleteness for Vesting Tentative Tract Map 3052 and Conditional Use Permit SUB2013-00031. The proposed project is located at 765 Mesa View Drive, in the Palo Mesa village. District 4.

Ms. Whitney McDonald – Deputy County Counsel: addresses a handout by staff that revises the findings in Exhibit A by adding a new Finding No. 2.

Mr. Thomas Casparian – representing the owner of the Mesa Dunes Mobile Home Park – Applicant (documentation): presents powerpoint.

Mr. Will Constantine – Attorney representing the Mesa Dunes Homeowners’ Association (HOA): speaks.

Chairperson Gibson: opens the floor to public comment.

Dr. Ariel Waterman; Mr. Samuel Waterman; Ms. Ann Silver; Mr. Greg Wine; Ms. Joanne Mancarella (handout); Mr. Bill Wickwire; Ms. Sue LaCabe; Mr. Scott Hillis (letter); Ms. Maralyn Boyd (Exhibits); Mr. Ron Doan – HOA Member; Ms. Joyce Wycoff; Ms. Connie Winstead; Mr. Paul Blanke; Ms. Sharon McMahan – HOA President; Mr. Dan Daniel – HOA Member; Mr. Jerry Schmidt – HOA former Member; Ms. Gail Maggio; Ms. Suzanne Hall; Mr. Robert Sherrill; Ms. Chris Haley; Ms. Sharon Nelson; Mr. Virlon Smoot; Ms. Marie Ponders – Golden State Manufactured-Home Owners League (GSMOL) Member and San Luis Obispo Mobilehome Residents Assistance Panel (SLOMAP) member; Ms. Janice Elam; Mr. Ronald Podrasky; Mr. Jeff McAlister – HOA Member; Ms. Julie Smith – HOA Member and Former President; Ms. Teresa Strang; Mr. Jim Dunne; Mr. David Birt; Ms. Diana Alvarado; Mr. Thomas Gore; and Ms. Susy Forbath: speak.

Chairperson Gibson: enters into the record written comments he received from Ronna Roberts and Lisa Quist.

Mr. Constantine (documentation) and Mr. Casparian: provide closing statements.

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

On motion of Supervisor Caren Ray, seconded by Adam Hill, that the Board has clear evidence to make the following three findings: 1) the HOA Board did not approve an agreement with the park

owner regarding the survey as required by Government Code section 66427.5(d) and they did not approve an agreement to conduct a survey of support as required by Government Code section 66427.5(d); 2) neither the meeting nor the vote was conducted in accordance with the Mesa Dunes HOA By-Laws and no written evidence was submitted; 3) and to make the application complete, the applicant must submit verifiable evidence such as a written agreement showing that the HOA Board has approved a survey of support, is discussed.

Chairperson Gibson: clarifies the motion is to deny the appeal and uphold the decision of the Planning and Building Department, based on the amended findings presented by staff, adding a new Finding No. 2 and re-numbering the subsequent finding (previously No. 2) as No. 3; and adopts the resolution as amended, with the motion maker amending the motion to reflect those changes, with the second concurring.

The Board amends the findings in Exhibit A by adding a new Finding No. 2 that reads as follows: "2. The "show of hands" vote taken by the Mesa Dunes Homeowners' Association (HOA) board members on the morning of June 18, 2013 did not approve an agreement to conduct a survey of support, as required by Government Code Section 66427.5(d). Neither the meeting nor the vote was conducted in accordance with the Mesa Dunes HOA bylaws (see, e.g. Article VI, Section 6) or with applicable provisions of the California Corporations Code, and no written evidence was submitted that the HOA board members took action to approve any agreement outside of a duly held meeting, as required by its bylaws (see, e.g. Article VI, Section 9) and the California Corporations Code." Further, the Board amends the subsequent finding (previously No. 2) as No. 3. Furthermore, the appeal filed by Mesa Dunes Mobile Home Estates, LLC is hereby denied and RESOLUTION NO. 2014-37, a resolution disapproving the appeal of Mesa Dunes Mobile Home Estates, LLC and affirming the decision of the Department of Planning and Building to deem as incomplete the application for Vesting Tentative Tract Map 3052 and Conditional Use Permit SUB2013-00031, adopted as amended.

Motion by: Caren Ray

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			

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 04, 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

DATED: February 5, 2014