

Tuesday, December 09, 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.

Consent Agenda – Review and Approval:

1-15. 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 15 on the following vote is indicated for each item.

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			

Items: Set for Hearing:

1. Introduction of a proposed ordinance amending Section 2.48.095 of the County Ordinance Code regarding compensation increases for the Board of Supervisors. Hearing date set for December 16, 2014. All Districts.

Mr. Dane Senser; Mr. Gary Kirkland; Ms. Julie Tacker; and Ms. Linde Owen: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve an employment agreement with Julie Paik as the Director of Child Support Services. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Submittal of resolutions to amend the Position Allocation lists for Fund Center (FC) 113- General Services, FC 114- Information Technology, FC 305- Parks and Recreation and FC 425- Airports related to the dissolution of the General Services Agency and realignment of financial and administrative positions, and request to authorize corresponding budget adjustments to transfer funding for the positions between fund centers. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-339, 2014-340, 2014-341, and 2014-342, adopted.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

4. Request to authorize an agreement to Purchase Tax-Defaulted Land, Sale Number 233; and to approve a budget adjustment in the amount of \$6,800 from General Fund contingencies to FC 113- General

Services to purchase five parcels of tax-defaulted land located in the paper subdivisions above Cayucos. District 2.

The Board approves as recommended by the County Administrative Officer.

5. Submittal of a resolution accepting notice and approving an internet public auction, Sale Number 235, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-343, adopted.

6. Submittal of a resolution accepting notice and approving a sealed bid sale, Sale Number 234, for tax-defaulted properties subject to the Tax Collector's Power to Sell. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-344, adopted.

Consent Agenda - Health Agency Items:

7. Request to: 1) approve the revised bylaws for the Psychiatric Health Facility; and 2) designate Anne Robin, LMFT, Behavioral Health Administrator, as the Chief Executive Officer/Mental Health Director of the Psychiatric Health Facility. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

8. Submittal of a resolution approving: 1) the July 1, 2013 – June 30, 2015 Memorandum of Understanding between the County of San Luis Obispo and the San Luis Obispo County Government Attorney's Union (BU04); and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-345, adopted.

9. Submittal of a resolution approving; 1) the July 1, 2013 – June 30, 2015 Memorandum of Understanding between the County of San Luis Obispo and the Deputy County Counsel Association (BU12); and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-346, adopted.

Consent Agenda - Planning & Building Items:

10. Request to approve: 1) a contract change order to the emPower Program Contract for \$239,522 to extend through calendar year of 2015; 2) a resolution amending the Position Allocation Listing for Fund Center 142 -Planning and Building to add a Limited Term Administrative Assistant I-III position for 12 months and extend a Limited Term Planner I-III position for 12 months; and 3) a request to authorize a corresponding budget adjustment in the amount of \$70,160 for FY 2014-15. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-347, adopted.

Consent Agenda - Public Works Items:

11. Submittal of a resolution establishing changes to the Traffic Regulation Codes modifying turning movement restrictions on Los Osos Valley Road at Doris Avenue to allow buses, Los Osos. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-348, adopted.

12. Submittal of a resolution establishing changes to the Traffic Regulation Codes to establish no parking zones on Pine Avenue, Los Osos; Cayucos Drive, Cayucos; and disabled parking zones on West Centre Street, Shandon. Districts 1 and 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-349, adopted.

13. Submittal of a resolution vacating a portion of Public Utility Easement (P.U.E.) and offer of road dedication for Tract 1939 as created by Tract 2221 by Summary Vacation, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated area southeasterly of the City of Arroyo Grande. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-350, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

14. Request to approve an amendment to the bylaws for the Paso Robles Groundwater Basin Advisory Committee to increase the number for a quorum from ten (10) to fourteen (14). All Districts.

The Board approves as recommended by the County Administrative Officer.

15. Submittal of a resolution to continue emergency contracting for Nacimiento Water Pipeline repairs and authorize the Director of Public Works to execute contracts for emergency contract work through a sole source process. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-351, adopted.

Public Comment Period:

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

Supervisors Mecham and Ray: commend all the teams, parents, and supporters in the County who participated in the CIF playoffs.

Mr. Jeff Legato - Action for Healthy Communities Chairperson: speaks to their organization; thanks the Board for their continued support; and presents and discusses their homelessness folio.

Mr. Eric Greening: discusses the upcoming Atascadero City Council meeting regarding a groundwater sustainability program; and suggests the Board convene a summit on this matter.

Mr. Dane Sensor; Mr. Ben DiFatta; and Ms. Jeannette Watson: speak to the one-time \$1,000 Health Care Cost Offset payment to county employees. Additionally, Mr. DiFatta, comments on the Los Osos Wastewater Project (LOWWP); and Ms. Watson, addresses the Board's compensation increase.

Ms Julie Tacker and Ms. Linde Owen: comment on the LOWWP. Additionally, Ms. Tacker speaks to Supervisor Hill's statements relating to the Bob Jones Trailhead Project; and Ms. Owen comments on the drought and the need for monitors on all water wells.

Ms. Laura Mordaunt: speaks to the balance of power in government and reads from newsletter from COLAB regarding the proper role of county supervisors.

Mr. Richard Margetson: announces the 9th Annual Needs 'N Wishes Holiday Fundraiser at the Los

Osos South Bay Community Center on December 13, 2014 from 10:00 A.M. to 10:00 P.M.

Ms. George Sullivan: addresses the importance for Board meetings to be broadcast on the radio, with Supervisor Arnold and Mr. Dan Buckshi - County Administrative Officer responding. **No action taken.**

Hearings:

- 17.** Hearing to consider a resolution for approval of an Addendum to the Final Environmental Impact Report and for revisions to Conditions of Approval "92," "27.rrrr" and "28.rrrr" for the Santa Margarita Ranch Agricultural Residential Cluster Subdivision in order to comply with the Peremptory Writ of Mandate issued by the San Luis Obispo County Superior Court in North County Watch, et al. v. County of San Luis Obispo, et al.(Case No. CV098031). District 5.

Ms. Jamie Kirk – Representing Santa Margarita Ranch, Applicant (document); and Ms. Sue Harvey – North County Watch, Plaintiff (letter): speak.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening and Mr. David Blakely: speak.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to approve staff's recommendations, is discussed.

Supervisor Hill: requests motion be amended to have staff do on-site mitigations in the direct area of the development, with Ms. Aaron Arlin-Genet – Air Pollution Control District (APCD) and Board Members responding.

The motion maker amends the motion to add the suggested additions to the resolution presented by the Applicant, with the second concurring.

Chairperson Gibson: addresses why he will not be supporting the motion.

The Board held the public hearing to consider the Addendum to the Final Environmental Impact Report and the revised Conditions of Approval; amends the resolution to add a new No. 9. to read: "That the Addendum to the Final Environmental Impact Report reflects the Board's independent judgment and analysis."; and a new No. 10. to read: "That the Addendum to the Final Environmental Impact Report, including comments and responses received during the public comment period, was presented to the Board which reviewed and considered the information in the Addendum before approving the revisions for Condition of Approval number "92" for the Conditional Use Permit SO3O115U and Conditions of Approval "27.rrrr." and "28.rrrr" for Tract 2586."; amends the Findings in Exhibit A to add a new Finding No. 5. to read: "The off-site air quality fee condition revisions are consistent with the Carl Moyer Program (Guidelines)(2011), including the costs effectiveness standards, the Air Pollution Control District's 2012 Handbook, and correctly apply the 2012 Handbook "equity" ratio which normalizes the daily mitigation rate to the annual rate calculations as discussed on page 7 of the Addendum. The application of the equity ratio does not undercount emissions relative to applicable thresholds, but it adjusts the emissions results to correct for the daily to annual conversion differences. Emissions in the Addendum have been calculated and disclosed in accordance with approved methodologies, which include, in part, use of the California Emissions Estimator Model (CalEEMod). The Addendum correctly applies the off-site mitigation fee calculation consistent with SLOAPCD guidance in the 2012 Handbook. The equity ratio is applied to other projects in the County, is an established standard for evaluating air quality impacts, and allows fees to be calculated with more accuracy and "rough proportionality" to estimated project impacts, consistent with constitutional requirements."; and a new Finding No. 6. to read: "With the implementation of the amended off-site mitigation fee condition, operation of the Project would not exceed the applicable SLOAPCD emissions threshold for ozone precursors, and would therefore not cause San Luis Obispo County to experience additional exceedances of state standards for criteria pollutants, including ozone. Because project operation would not increase the number of exceedance days, human health effects resulting from criteria pollutant emissions would be less than significant." Furthermore, RESOLUTION NO. 2014-352, a resolution to modify two previously approved conditions of approval for the Santa Margarita Ranch Agricultural Subdivision in order to comply with the Peremptory Writ

of Mandate issued by the San Luis Obispo County Superior Court, adopted as amended. (North County Watch, et al. v. County of San Luis Obispo, et al. Case No. CV098031.)

Motion by: Debbie Arnold
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			

Closed Session Items:

18. The Board announces they will be going into Closed Session regarding:

PENDING LITIGATION (Gov. Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Gov. Code, section 54956.9(a).) (Formally initiated) 1. Paso Robles Water Integrity Network v. County of San Luis Obispo, et al. 2. Steinbeck, et al. v. County of San Luis Obispo, et al.; 3. Eidemiller v. County of San Luis Obispo, et al.; 4. State of California ex rel. David Sherwin v. Office Depot, Inc., et al

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION (Government Code, section 54956.9). 5. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9. No. of potential cases: 2. 6. Initiation of litigation pursuant to paragraphs (4) of subdivision (d) of Section 54956.9. No. of potential cases: 2

CONFERENCE WITH LABOR NEGOTIATOR (Government 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 employee organizations: 7. San Luis Obispo Government Attorney’s Union; 8. SLOCEA-Trades and Crafts; 9. Deputy County Counsel’s Association; 10. Sheriffs’ Management; 11. SLOCPPOA; 12. Deputy Sheriff’s Association; 13. DAIA; 14. SLOCPMPOA; 15. SLOCEA-Public Services, Supervisors, Clerical; 16. Unrepresented Management and Confidential Employees; and 17. ASLODS.

(Added item to Closed Session, per the addendum to the agenda. 1. Personnel (Gov. Code, Section 54957.) It is the intention of the Board to meet in Closed Session to: 18. Consider public employee appointment for the position of Director of General Services. 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.

Presentations

19. Submittal of resolutions recognizing Julian D. Crocker and Susan Hughes for their years of service in San Luis Obispo County. All Districts.

Mr. Julian D. Crocker and Ms. Susan Hughes: speak.

RESOLUTION NO. 2014-353, a resolution recognizing Julian D. Crocker for 25 years of service in San Luis Obispo County; and RESOLUTION NO. 2014-354, a resolution recognizing Susan K. Hughes for her 27 years of service in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Caren Ray

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			

20. Update on the Children and Families Commission - First 5 for 2014 in San Luis Obispo County. All Districts.

Ms. Wendy Wendt – Children and Families Commission - First 5 Executive Director (powerpoint); Mr. Dan Hile; Ms. Susan Russell; and Ms. Marilou Gomez: speak.

The Board receives the update on the Children and Families Commission - First 5 for 2014 in San Luis Obispo County.

Motion by: Frank R. Mecham

Second by: Caren Ray

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			

21. Submittal of a resolution recognizing Art Chapman for more than ten years of service on the Civil Service Commission. All Districts.

Mr. Art Chapman: speaks.

RESOLUTION NO. 2014-355, a resolution commending Arthur “Art” Chapman in recognition of his year of service with the San Luis Obispo County Civil Service Commission, adopted.

Motion by: Frank R. Mecham

Second by: Caren Ray

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			

22. Submittal of resolution commending Kami Griffin upon her retirement after 30 years with the County of San Luis Obispo Department of Planning and Building. All Districts.

Mr. Jim Bergman – Director of Planning and Building and Ms. Kami Griffin – Assistant Director of Planning and Building: speak.

RESOLUTION NO. 2014-356, a resolution commending Kami Griffin upon her retirement after thirty years of service with the Department of Planning and Building, adopted.

Motion by: Frank R. Mecham

Second by: Caren Ray

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:

23. Hearing to consider an appeal by Kevin Elder on behalf of Ethel Pludow and Cynthia Sugimoto of the Planning Commission’s approval of a Minor Use Permit/Coastal Development Permit and Environmental Impact Report to allow for the construction of a 2,374 square foot single family residence within the Residential Single Family land use category on the west side of Studio Drive in the community of Cayucos. Hearing continued from October 7, 2014. District 2.

Ms. Doreen Liberto; Mr. Mark Foxx – Haro Kasunich & Associates, Appellant’s Representatives; Mr. Kevin Elder – Appellant (powerpoint); Ms. Cathy Novak – Novak Consulting – Applicant’s Representative (powerpoint); and Mr. Bruce Elstern: speak.

Chairperson Gibson: opens the floor to public comment.

Ms. Tracy Hermann and Mr. Gordon Hensley - San Luis Obispo Coastkeepers: speak.

Ms. Novak (powerpoint) and Mr. Elder: provide closing statements.

On motion by Chairperson Bruce S. Gibson, seconded by Supervisor Adam Hill, to approve Option 4. in the staff report, is discussed.

Supervisor Arnold: outlines her reasons for not supporting the motion.

Mr. Tim McNulty – Assistant County Counsel: states there is a revised resolution with changes to the findings and conditions to support Option 4.

Ms. Ryan Hostetter – Department of Planning and Building: reviews the revised resolution that adds a new Finding F. to Exhibit A. and a new Condition of Approval No. 1. D. to Exhibit B.

The motion maker amends his motion to include adoption of the revised resolution, with the second concurring.

Supervisor Mecham: states he will not support the motion.

The Board held the continued public hearing on the appeal of the approval by the Planning Commission and approves Option 4., affirming and modifying the Planning Commission’s decision by approving a revised project; amends the Findings in Exhibit A to add a new Finding F. that reads: “The proposed project includes a design which has been amended due to a multitude of differing technical information in the record regarding the coastal bluff. The County acknowledges this differing information and the proposed project includes a design which takes this into account while allowing for a residence to be constructed on the property. The revised design which includes a 25 foot buffer from the edge of the rocks on the property which is illustrated as the “bluff” on Attachment 4 of the Board staff report.”; and subsequent findings are re-lettered as G. through L. Additionally, amends the Conditions of Approval in Exhibit B to add a new Condition 1. d. that reads: “The design shall remain in the nautical style with natural appearing siding as illustrated in the Planning Commission approved project.” Further, RESOLUTION NO. 2014-357, a resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of Jack Loperena for a Minor Use Permit/Coastal Development Permit DRC2005-00216, adopted as amended and based on the revised Findings in Exhibits A and C and the revised Conditions of Approval in Exhibit B. Furthermore, the Board certifies the Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act (CEQA).

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		

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, December 09, 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: December 18, 2014