

Tuesday, March 06, 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, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

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

Chairperson Patterson: requests a moment of silence for the passing of Rob Bryn, a dedicated Public Information Officer for the Sheriff Department and announces the memorial services will be held at the San Luis Obispo Church of the Nazarene on March 10, 2012 at 10:00 a.m.

1-18. Consent Agenda - Review and Approval

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

Chairperson Patterson: opens the floor to public comment.

Ms. Kimberly Daniels - San Luis Obispo County Employee's Association (SLOCEA): speaks on item A-21.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson

Second by: Adam Hill

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

Bid Opening:

- Letter Transmitting Plans and Specifications (Clerk’s File) for the MidTown Site Restoration Project, Los Osos, CA, Contract No. 300448.08.03 for Board approval and advertisement for construction bids. (Instruct Clerk to give notice of bid opening for Thursday, April 5, 2012 at 3:00 p.m.)

Ms. Julie Tacker, Mr. Eric Greening and Ms. Linde Owen: speak.

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

Consent Agenda - Administrative Items:

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Deborah Scarborough to replace Tano J. Taitano for the remaining year of his three-year term on the Cambria Local Area Advisory Board.

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

- Request for approval to accept \$434,353 from the Fiscal Year 2011 Federal Homeland Security Grant Program and approve adjustments to previously accepted Homeland Security Grant Program projects.

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

- Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to re-appoint Jayesh Patel and Steve Hennigh to the Cayucos Local Area Advisory Board.

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

Consent Agenda - Auditor - Controller Items:

- 5. Request to approve a tipping fee increase to the commercial compacted rate for franchised haulers, proposed by Chicago Grade Landfill.

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

Consent Agenda - Clerk-Recorder Items:

- 6. Request to approve an official bond for Port San Luis Harbor District Commissioner Mary Matakovich.

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

Motion by: Bruce S. Gibson

Second by: Adam Hill

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

- 7. Request to approve a fee for service contract with Integrated Voting Solutions for election printing and mailing services.

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

Consent Agenda - Farm Advisor Items:

- 8. Request by the San Luis Obispo Wildlife and Grazing Advisory Board to re-appoint Robert Sparling as a wildlife conservation representative for a three-year term.

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

Consent Agenda - Health Agency Items:

- 9. Request to approve renewal contracts (Clerk’s File) for calendar year 2012 with Hani Boutros M.D.; Joshua Deane, M.D.; Rose Drago, M.D.; David K. Fennell, M.D.; Aliuddin M. Khaja, M.D.; Enn Mannard, M.D.; and Victor Perez Preciado, M.D. totaling \$383,583 to provide psychiatric services for Mental Health patients.

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

- 10. Request to approve the appointments of Lorna Hewitt and Theresa Merkle to the Mental Health Board (MHB).

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

- 11. Request to approve a three-year renewal agreement (Clerk's File) with the California Department of Public Health to implement the Childhood Lead Poisoning Prevention Program.

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

- 12. Request to approve a renewal agreement (Clerk's File) with the California Family Health Council, Inc. (CFHC) in the amount of \$124,260 to conduct reproductive health outreach and education activities in calendar year 2012.

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

Consent Agenda - Human Resources Items:

13. Request to approve a new Social Media Policy governing the work related use of social media by County employees.

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

Consent Agenda - Public Works Items:

14. The following map has satisfied all the conditions of approval that were established in the public hearing on the tentative map: Parcel Map CO 05-0325, Phase 1, a proposed subdivision resulting in 2 lots by John Wayne and Mona Lisa Tucker, Trustees of the Tucker Family Trust and act on the resolution to accept Relinquishment of Access.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-43, adopted.

15. Submittal of a resolution to accept certain offers of dedication for public easements necessary for the construction, installation, operation, maintenance and repair of Wastewater Collection and Treatment Facilities of the Los Osos Wastewater Treatment Project.

The Board approves the item as recommended by the County Administrative Officer, RESOLUTION NO. 2012-44, adopted.

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

16. Request to approve appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District.

Mr. Mike Winn - Water Resources Advisory Committee (WRAC): speaks.

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

17. Request approval of Amendment No. 4 to agreement for consulting services with TJ Cross Engineers, Inc., for Dreissenid Mussel Prevention Program support and approve a policy in support of a Resident Vessel Program.

Mr. Mike Winn - Water Resources Advisory Committee (WRAC): speaks.

This item is amended by adding "Attachment A - Draft Nacimiento Resident Vessel Program" that was inadvertently left out of the staff report. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Sheriff - Coroner Items:

18. Request to add staff and equipment totaling \$546,715 to expand services provided by the Sheriff, County Fire, and Planning & Building's Code Enforcement Unit necessary to mitigate the public services impact created by the two large solar projects underway near California Valley.

This item is amended by including approval of the resolution amending the position allocation list to the recommendation. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-45, adopted.

Public Comment Period:

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

Chairperson Patterson: announces an event at the Cal Poly Performing Arts Center on March 11, 2012 at 2:00 p.m. to honor the Nisei Program, recognize the one year anniversary of Japan's tsunami and earthquake and

support tsunami relief.

Mr. Mike Winn: requests an agendaized discussion regarding the endorsement of the Nipomo Supplemental Water Project; and asks for Board direction regarding how to proceed with forming a group to approve Department of Water Resources (DWR) grants.

Ms. Julie Tacker: highlights subject matters she would like addressed at the next Los Osos Wastewater Project (LOWWP) update.

Ms. Jeanne Blackwell and Ms. Willow Walking Turtle: address concerns regarding genetically modified organisms (GMO).

Mr. Eric Greening: speaks to advertisements by General Motors and requests an agendaized discussion regarding correspondence between General Motors and the President.

Ms. Gewynn Taylor, Mr. Ben DiFatta and Ms. Linde Owen: discuss various comments and concerns regarding the LOWWP.

Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB): urges the Board's support regarding a restrictive agricultural order that is going before the Central Coast Regional Water Quality Control Board on March 14, 2012 at the San Luis Obispo Embassy Suites.

Mr. Jason Reed - San Luis Obispo Women's Shelter Program Deputy Director: states the San Luis Obispo Downtown Centre Cinemas will showing a film documentary titled "Homeless Not Hopeless" on March 11, 2012 and announces a community forum regarding homeless services by the El Camino Homeless Organization (ECHO) at the Atascadero First Baptist Church on March 22, 2012. **No action taken.**

Board Member Committee Update:

-- This is the time set for Board Members to report on various committee activities.

Board Members: comment on their committee activities with California State Association of Counties (CSAC); Economic Vitality Committee (EVC); South County Area Transit (SCAT) Board; Homeless Oversight Council and the Fire Safe Council. **No action taken.**

Board Business:

- 20. Fiscal Year 2011-12 Second Quarter Financial Report including an update on the implementation of AB 109 State Public Safety Realignment.

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

The Board receives and files the Fiscal Year 2011-12 Second Quarter Financial Report; accepts cash donations and approves a budget adjustment in the amount of \$2,221.00 from the Parks Gift Trust Fund to the Fund Center (FC) 305 - Parks operating budget; accepts cash donations and approves a budget adjustment in the amount of \$34,947.66 from the Library Gift Trust Fund to the FC 377 - Library operating budget; approves a budget adjustment in the amount of \$598.00 from the Social Services Gift Trust Fund to the FY 2011-12 Social Services Administrative operating budget; accepts a contribution in the amount of \$100,000 from the Atascadero Friends of the Library and an associated budget adjustment to move the funds into the Atascadero Building Expansion Designation; approves an appropriation transfer in FC 140 - County Fire to move \$100,000 from Services and Supplies to Capital Outlay and amend the fixed asset list to include three replacement utility vehicles; approves a budget adjustment in the amount of \$15,000 from General Fund Contingencies to FC 111 - County Counsel to help pay for outside counsel to advise on proceedings related to the potential relicensing of the Diablo Canyon Nuclear Power Plant, and represent the County in the Los Osos bankruptcy matter.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S.	x			
Hill, Adam	x			

Mecham, Frank R.	X			
Patterson, James R.	X			
Teixeira, Paul	X			

21. Submittal of a status report on the implementation of the “Three Point Plan” regarding labor relations strategies, as approved by your Board on October 12, 2010.

Ms. Kimberly Daniels - San Luis Obispo County Employee’s Association (SLOCEA): speaks in Consent Agenda - Public Comment for this item.

Chairperson Patterson: opens the floor to public comment without response and receives and files the status report.

22. Approve the creation of a new capital project for passenger terminal design and development and authorize a budget adjustment in the amount of \$1,147,502 from a Federal Grant and Passenger Facility Charges to fund New Terminal Design and Development project at the San Luis Obispo County Regional Airport.

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

The Board approves a capital project for Passenger Terminal Design/Development at San Luis Obispo County Regional Airport to be conducted by the Airport’s General Consultant, Reynolds, Smith & Hills (RS&H), and authorizes a budget adjustment in the amount of \$1,147,502 from a Federal Grant and Passenger Facility Charges to fund a New Terminal Design and Development project.

Motion by: Adam Hill

Second by: Paul Teixeira

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

Closed Session Items:

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

(ADDED - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 9. Negranti & Sons v. County of San Luis Obispo. ALL REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.)

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. 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; 4. Pelfrey v. County of San Luis Obispo.

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.

II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its

Management Representative Tami Douglas-Schatz concerning the following: Name of employee organizations are: 7. District Attorney Investigator’s Association; 8. Association of San Luis Obispo County Deputy Sheriffs.

Chairperson Patterson: 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

24. Submittal of a resolution commending Clerk-Recorder employee Pam Weaver for 28 years of public service.

Ms. Julie Rodewald - County Clerk Recorder, Ms. Vicki Janssen - representing Assemblyman ‘Katcho’ Achadjian (presents an Assembly Certificate of Recognition to Ms. Weaver), Ms. Linda Hill and Ms. Weaver: speak.

RESOLUTION NO. 2012-46, a resolution commending Pam Weaver for her 28 years, 7 months and 13 days of dedicated service to the County of San Luis Obispo, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

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

25. Submittal of a resolution commending Juvenile Services Officer Martin Meraz, Juvenile Services Officers III Denise Dufrene and Kyle Owens, Correctional Technician Amy King, Supervising Deputy Probation Officer Kyle Nancolas, Physician’s Assistant Pam Beaumont, and Mental Health Therapist Jim Pearce for responding to a vehicle accident outside of the Juvenile Hall and administering lifesaving first aid.

Mr. Jim Salio - Chief Probation Officer: speaks.

RESOLUTION NO. 2012-47, a resolution commending Juvenile Services Officer Martin Meraz, Juvenile Services Officers III Denise Dufrene and Kyle Owens, Correctional Technician Amy King, Supervising Deputy Probation Officer Kyle Nancolas, Physician’s Assistant Pam Beaumont, and Mental Health Therapist Jim Pearce for responding to a vehicle accident outside of the juvenile hall and administering lifesaving first aid, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

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

Hearings:

26. Hearing to consider a proposed ordinance amending Chapter 9.16 of the County Code to establish a provision addressing menacing and aggressive animals.

Chairperson Patterson: opens the floor to public comment.

Ms. Niche Brislane, Ms. Theo Jones, Ms. Lisa Wallender, Ms. Carolyn Stewart-Snow, Mr. Rowland Snow, Ms. Martha Goldin, Mr. Tom Swen, Ms. Lillian Aanerud, Mr. Curt Aanerud, Dr. C. Hite and Ms. Rose Marie Richardson: speak.

The Board directs staff to have legal counsel review the language in the ordinance for any necessary enhancements; add property owners as a responsible party that is potentially subject to fines under the violation of this ordinance; increase the fine structure to be up to \$250.00 for the first offense, up to \$500.00 for the second offense and up to a \$1,000.00 on the third offense, with confinement of the offending animal to a licensed kennel or veterinary hospital for second or third offenses; and continues the hearing to Tuesday, April 10, 2012.

Motion by: Bruce S. Gibson
Second by: Adam Hill

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

27. Hearing to consider an appeal by Barbara Mann of the Planning Commission’s approval of a request by Tammy Murray for a Conditional Use Permit to establish a medical marijuana dispensary at 1409 South 4th Street in the community of Oceano.

(This item is amended by replacing the resolution on pages 27-6, 27-7 and 27-8.)

Mr. Bill Robesen - Planning and Building: presents two handouts containing graphics; public records regarding criminal activity associated with the Applicant’s existing Medical Marijuana club in Tulare County and correspondence letters.

Ms. Barbara Mann - Appellant, Mr. Tom Gleason (photographs): speak.

Ms. Tammy Murray - Applicant (video and documentation): speaks.

Chairperson Patterson: opens the floor to public comment.

Sheriff Ian Parkinson: speaks.

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

Mr. Richard Donald - America for Safe Access Chairperson, Ms. Linda Hill - Americans for Safe Access (letter), Mr. Tony Presser, Mr. Dan Steele, Mr. Jason Reed - Drug and Alcohol Advisory Board Chairperson (letter), Ms. Christina Robertson (photograph), Dr. C. Hite, Mr. Juan Canche, Ms. Mary Canche, Ms. Debi Rae Rock, Mr. Josh Friedman - FreeSLO.com, Mr. Craig Steffens and Ms. Linda Austin: speak.

Chairperson Patterson: reads into the record written comments presented by Mr. Gary Wooley.

Ms. Murray: provides closing statements.

Ms. Mann and Mr. Gleason (photograph): provide closing statements.

Board Members: address concerns regarding the proposed site, and the issues raised by Sheriff Parkinson and the surrounding neighborhood.

Mr. Tim McNulty - Chief Deputy Counsel: presents a resolution and findings in support of the Appellant and suggests a modification to Finding C. by replacing "circumstances and conditions applied in the particular case" to read "predominantly residential nature of this neighborhood."

A motion by Supervisors Teixeira, seconded by Supervisor Hill, to adopt the resolution and Exhibit A -

Findings as modified, is discussed.

Supervisor Gibson: questions why it is not necessary to remove Finding B. from Exhibit A - Findings, with Mr. McNulty responding.

The Board upholds the Appeal by Barbara Mann and RESOLUTION NO. 2012-48, a resolution denying the decision of the Planning Commission and disapproving the application of Tammy Murray for Conditional Use Permit DRC2010-00070 regarding the establishment of a medical marijuana dispensary, based on the findings in Exhibit A, adopted as amended.

Motion by: Paul Teixeira

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S.	X			
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, March 06, 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 26, 2012