

**Tuesday, March 13, 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.**

**Consent Agenda – Review and Approval:**

**1-6.** This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 6 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

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

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

**Ms. Linde Owen:** speaks.

**This item is amended to replace the expense report with one signed by the correct Supervisor. Further, the Board approves the item as recommended by the County Administrative Officer and as amended by this Board.**

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

2. Request to appoint Mike Broadhurst and Susan Cochrane to fill vacancies on the Upper Salinas Las Tablas Resource Conservation District Board of Directors.

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

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

3. Request to approve an agreement restricting future water service to real property for Nipomo Community Park and Nipomo Native Garden to reduce the County's cost of the Nipomo Mesa Supplemental Water Project Assessment District.

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

**Consent Agenda - Public Works Items:**

4. Request to approve Contract Change Order No. 31 with Granite Construction, Inc. for the Willow Road Extension Phase II Project, Nipomo, Contract Nos. 300129 and 300142, and authorizing the Director of Public Works expenditure up to the amount of \$200,000.

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

5. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on the tentative map: Parcel Map CO 08-0054, a proposed subdivision resulting in 4 lots, by Arpad and Adela Soo, Peter and Suzanne Nelson, and Lois A. Osler; and act on the attached resolution to approve an Open Space Easement Agreement. The parent parcel of land is 20.10 acres and the open space easement is 12.10 acres.

**The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-49, adopted.**

**Consent Agenda - Social Services Items:**

6. Request to: 1) approve an agreement (Clerk's File) with the South Bay Workforce Investment Board, Inc. of Los Angeles County for receipt of National Emergency Grant (NEG) funds in the amount of \$318,318; 2) authorize a corresponding budget adjustment of \$318,318 in NEG funds to Department of Social Services Fund Center - 180; and 3) approve a contract agreement (Clerk's File) with Goodwill Industries of Santa Cruz, Monterey, and San Luis Obispo Counties for Dislocated Worker services for Fiscal Year 2011/12-2012/13 in the amount of \$ 289,525 in NEG funds.

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

**Public Comment Period:**

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

**Ms. Gwynn Taylor, Ms. Julie Tacker, Mr. Ben DiFatta, Ms. Linde Owen and Mr. Al Barrow - Coalition of Low Income Housing (handout):** address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP). Additionally, Mr. DiFatta comments on Sunny Acres.

**Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** speaks to the Central Coast Regional Water Quality Control Board hearing on March 14, 2012 regarding an agricultural discharge order.

**Mr. Bob Blair:** comments on the previous hearing regarding the proposed marijuana dispensary in Oceano and oil drilling in Huasna Valley.

**Mr. Eric Greening:** addresses concerns regarding the Monterey Shale and oil exploration in the County. **No action taken.**

**Board Business:**

8. Presentation on Emergency Planning and Readiness Activities.

**Mr. John Conway - PG&E Senior Vice President of Energy Supply and Chief Nuclear Officer (CNO):** presents a powerpoint presentation.

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

**Mr. David Weisman - Alliance for Nuclear Responsibility, Mr. Eric Greening, Mr. Steve McGrath, Ms. Lisen Bonnier and Mr. Tim Cleath (powerpoint):** speak.

**Chairperson Patterson:** receives and files the presentation.

9. Consideration of the Five Year Facility and Infrastructure Capital Improvement Plan.

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

**Mr. Jerry Bunin - Home Builders Association Government Affairs Director and Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB):** speak.

**Chairperson Patterson:** enters into the record a letter from Victor Montgomery.

**The Board receives and accepts the Five Year Facility and Infrastructure Capital Improvement Plan.**

**Motion by:** Frank R. Mecham

**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			

- 10. Submittal of a resolution to approve a request by Global Premier Development for the County to subordinate its affordable housing agreement to a U.S. Department of Housing and Urban Development Subordination Agreement and allow the refinance of the permanent loan for the development of the Cider Village Apartments in Nipomo.

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

**RESOLUTION NO. 2012-50, a resolution authorizing the Director of the Department of Planning and Building to execute an agreement to subordinate the County's affordable housing agreement for the Cider Village Project in Nipomo, Conditional Use Permit DRC2005-00196, as required by the U.S. Department of Housing and Urban Development, to allow the developer to refinance its existing loan, adopted.**

**Motion by:** Frank R. Mecham

**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:**

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

**(ADDED- ALL REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT. A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 9. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District.)**

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. Nipomo CSD v. County of San Luis Obispo; 2. 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; 3. Negranti & Sons v. County of San Luis Obispo; 4. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360).

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:**

- 12. Submittal of a resolution proclaiming March 10 - 18, 2012 as “National Americorps Week” in San Luis Obispo County and honoring the Cal Poly Volunteer Infrastructure Project Americorps Program.

**Ms. Tyler Parthemer:** speaks.

**RESOLUTION NO. 2012-51, a resolution declaring March 10-18, 2012 As "National Americorps Week" and honoring the Cal Poly Volunteer Infrastructure Project Americorps Program, 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			

- 13. Submittal of a resolution recognizing the Girl Scouts of the United States of America on their 100th anniversary.

**Ms. Teesha Hahn – Cuesta Del Norte Service Student Manager and Ms. Amanda Bean:** speak.

**RESOLUTION NO. 2012-52, a resolution recognizing the Girl Scouts of the United States of America on their 100th Anniversary, 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			

**Board Business Continued:**

- 14. Submittal of a resolution for an Interpretation using Section 22.02.030 of the Land Use Ordinance relating to “Zip Lines” and similar Rural Recreational Activities and to authorize for processing any necessary amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance.

**Ms. Kami Griffin - Planning and Building Assistant Director:** amends the staff report by replacing page 14-12 titled "Attachment B" to correct the title of the Planning Commission’s resolution.

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

**Ms. Jamie Kirk (handout), Mr. Yishai Horowitz - All Out Events and Margarita Adventures, Mr. Blake Rowan, Mr. Mike Sinor - Ancient Peaks Winery, Ms. Susan Harvey - North County Watch, Mr. David Blakely (handout), Mr. George Sullivan, Mr. Zac Baxter and Mr. James Ropner:** speak.

The Board directs staff to use a conservative approach and look at the potential impacts of the proposed accessory use when determining what could be approved as an accessory use until such time that amendments are approved. Furthermore, RESOLUTION NO. 2012-53, a resolution rendering a final determination & interpretation on rural recreation uses pursuant to Section 22.02.030 of the Land Use Ordinance, Title 22 of the County Code, including initiating amendments to the Land Use Ordinance (Title 22 of the County Code), the Coastal Zone Framework for Planning and the Coastal Zone Land Use Ordinance (Title 23 of the County Code), 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			

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 13, 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 16, 2012