

Tuesday, April 10, 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:

1-12. 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 12 on the following vote is indicated for each item.

Motion by: Frank R. Mecham

Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Bid Opening:

- Letter transmitting contract documents for public bidding of construction services for Job Order Contract, PJOC12 (Clerks File).

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

Consent Agenda - Administrative Items:

- Submittal of a resolution approving participation in the 2012-13 State-Local Partnership Program and designating the San Luis Obispo County Arts Council as the Local Arts Planning Agency.

Mr. Eric Greening: speaks.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-83, adopted.

Consent Agenda - Auditor - Controller Items:

- Submittal of a cash procedures review of the General Services Agency's Lopez Lake Recreational Facility and Santa Margarita Lake Facility conducted on January 9, 2012.

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

Consent Agenda - Board of Supervisors Items:

- Request by Supervisor Frank Mecham to appoint to Rebecca Morrow Collie to the Commission on the Status of Women.

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

- Request by Supervisor James Patterson to reappoint Kem Weber to the Assessment Appeals Board.

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

Consent Agenda - Clerk-Recorder Items:

6. Request to approve a resolution granting the County Clerk-Recorder or Assistant Clerk-Recorder authority to execute agreements for election services from Federal Voting Assistance Program funds.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-84, adopted.

Consent Agenda - County Fire Items:

7. Request to approve a financing agreement with PNC Equipment Finance, LLC for the purchase, previously approved by the Board, of replacement Self-Contained Breathing Apparatus (SCBAs) used by County Fire firefighters.

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

Consent Agenda - General Services Agency Items:

8. Request to 1) approve an upgrade or replacement of the new Government Center fire alarm system in the amount of \$513,000; and 2) and approve a sole source, consultant services contract with Collings & Associates.

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

Consent Agenda - Planning & Building Items:

9. Request to approve contract amendments for non-profit recipients of the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant funds.

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

Consent Agenda - Public Works Items:

10. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel Special Tax Amount in Nipomo Lighting District, Zone E (Tract 1700, Los Pinos Estates).

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-85, adopted.

11. Submittal of a resolution establishing the 2012-13 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Bradford Road and Pierce Avenue Improvement Zone.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-86, adopted.

Consent Agenda - Sheriff - Coroner Items:

12. Request to approve a resolution to permit the destruction or disposal of certain Sheriff's Office records, documents and papers.

The Board approves the item as recommended by the County Administrative Officer. RESOLUTION NO. 2012-87, adopted.

Presentations:

13. Submittal of a resolution recognizing Susan E. Baker upon her retirement for exceptional service as secretary to the Board of Supervisors for San Luis Obispo County.

Ms. Susan Baker: speaks.

RESOLUTION NO. 2012-88, a resolution recognizing Susan E. Baker for exceptional service as secretary to the Board of Supervisors for San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

14. Request by the Sheriff-Coroner to proclaim the week of April 8 through April 14, 2012 "San Luis Obispo County National Public Safety Telecommunicators Week".

Sheriff Ian Parkinson and Mr. Rick Swan - CalFire: speak.

RESOLUTION NO. 2012-89, a resolution proclaiming April 8-14, 2012 as the "San Luis Obispo County National Public Safety Telecommunications Week" in San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

15. Submittal of a resolution proclaiming April 2012 as "National County Government Month" in San Luis Obispo County.

Ms. Penny Borenstein – Public Health Officer: speaks.

RESOLUTION NO. 2012-90, a resolution proclaiming the month of April 2012 as "National County Government Month" in San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

16. Submittal of a resolution proclaiming the week of April 8-14, 2012 as "National Library Week" in San Luis Obispo County.

Ms. Margaret Esther – County Assistant Library Director, Ms. Jeri Farrell - Friends of the Cambria Library President, Mr. Brian Reynolds – County Library Director and Ms. Vera Wallen –The foundation for San Luis Obispo County Libraries President: speak.

RESOLUTION NO. 2012-91, a resolution proclaiming April 8-14, 2012 as "National Library Week" in San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

17. Submittal of a resolution proclaiming April 2012 as "Sexual Assault Awareness Month" and April 28, 2012 as "Walk a Mile in Her Shoes Day" in San Luis Obispo County.

Ms. Kristy McCray – San Luis Obispo County Sexual Assault Recovery and Prevention Center Executive Director: speaks.

RESOLUTION NO. 2012-92, a resolution proclaiming April 2012 as “Sexual Assault Awareness Month”, and April 28, 2012 as “Walk A Mile in Her Shoes Day” in San Luis Obispo County, adopted.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Public Comment Period:

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

Mr. Richard Margetson (handout), Ms. Gwynn Taylor, Ms. Julie Tacker, Mr. Ben DiFatta and Mr. Eric Greening: address concerns regarding a request to review the County’s Recycled Water Management Plan for Los Osos that was addressed at a Water Resources Advisory Committee (WRAC) meeting. Additionally, Ms. Tacker comments on the Los Osos Wastewater Project (LOWWP).

Ms. Linde Owen and Mr. Al Barrow: address various comments and concerns regarding the LOWWP.

Mr. Eric Meyer (handout): speaks to the sale of the Juan Batista de Anza Trail, an old portion of the Pacific Coast Railway.

Ms. Heather Hellman - San Luis Obispo Marathon and Half Marathon and 5K Event Director (handouts) and Mr. Gabe Garcia: comment on the upcoming San Luis Obispo Marathon and Half Marathon on April 22, 2012.

Ms. Martha Goldin, Ms. Giselle Naylor (handout) and Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB): address concerns regarding the difficulty accessing the Board’s Agenda and staff reports. Additionally, Mr. Brown comments on Assembly Bill (AB) 1627, Healthy Neighborhood Act of 2012. **No action taken.**

Board Business:

19. Board appointments to Five Oversight Boards that will review and approve the activities of the Successor Agencies of the former Redevelopment Agencies.

(This item is amended by replacing the appointment of Laurie Saldana with David Jewell for the City of Pismo Beach in 3 (c) of the staff report and by adding the applications for Lenny Jones and Chris Iverson to the staff report that were not available when the item went to print.)

Mr. Jim Grant – County Administrator: addresses a change to appointment 2 (c) of the staff report, under

special district members, to only appoint Will Clemens, County Public Works Administrator, to the Oversight Board of the Successor Agency to the former City of Atascadero Redevelopment Agency and not to the former City of Paso Robles Redevelopment Agency as the Paso Robles Cemetery District have already filled that position.

Chairperson Patterson: opens the floor to public comment.

Ms. Giselle Naylor: speaks.

The Board approves, as amended, the following appointments to the five (5) Oversight Boards in the County to review and approve the activities of the Successor Agencies of the former Redevelopment Agencies: 1) Single members to the Oversight Boards of each of the five (5) Successor Agencies to the (5) former Redevelopment Agencies within the County of San Luis Obispo pursuant to Health & Safety Code Section 34179(a) (1): a. Supervisor Patterson (District 5), to the Oversight Board of the Successor Agency to the former City of Atascadero Redevelopment Agency; b. Supervisor Mecham (District 1), to the Oversight Board of the Successor Agency to the former City of Paso Robles Redevelopment Agency; c. Supervisor Hill (District 3), to the Oversight Boards of the Successor Agencies to the former City of Pismo Beach Redevelopment Agency and the former City of Grover Beach Redevelopment Agency; and d. Supervisor Teixeira (District 4), to the Oversight Board of the Successor Agency to the former City of Arroyo Grande Redevelopment Agency; 2) Special district members to the Oversight Boards to the following Successor Agencies within the County of San Luis Obispo pursuant to Health & Safety Code Section 34179(a)(3): a. Dan Buckshi, Assistant County Administrator, to the Oversight Board of the Successor Agency to the former City of Pismo Beach Redevelopment Agency; b. Will Clemens, County Public Works Administrator, to the Oversight Board of the Successor Agency to the former City of Atascadero Redevelopment Agency; and c. Paavo Ogren, County Public Works Director, to the Oversight Board of the Successor Agency to the former City of Arroyo Grande Redevelopment Agency; and 3) Public at large members to the Oversight Boards to the following Successor Agencies within the County of San Luis Obispo pursuant to Health & Safety Code Section 34179(a)(6): a. Kenneth Weathers to the Oversight Board of the Successor Agency to the former City of Atascadero Redevelopment Agency; b. Chris Iversen to the Oversight Board of the Successor Agency to the former City of Paso Robles Redevelopment Agency; c. David Jewell to the Oversight Board of the Successor Agency to the former City of Pismo Beach Redevelopment Agency; d. Lenny Jones to the Oversight Board of the Successor Agency to the former City of Arroyo Grande Redevelopment Agency; and e. Brad Evans to the Oversight Board of the Successor Agency to the former City of Grover Beach Redevelopment Agency.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

20. Approve Project Delivery and Construction Agreement (PDCA) (Clerk’s File) and Corrections Standards Authority (CSA) Jail Construction Agreement (JCA) (Clerk’s File) allowing the Sheriff’s Women’s Jail project to move through the State Lease Bond process.

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

The Board approves the Project Delivery and Construction Agreement (PDCA) and Corrections Standards Authority (CSA) Jail Construction Agreement (JCA) in order to obtain AB 900 funding to construct Women’s Jail.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			

Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings:

21. Request to approve a revised ordinance amendment entitled "Menacing and Aggressive Animals."

Chairperson Patterson: opens the floor to public comment.

Ms. Robin O’Hara, Ms. K.C. de Clercq, Ms. Martha Goldin, Ms. Lisa Wallender and Ms. Giselle Naylor: speak.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3225, an ordinance amending Chapter 9.16 of the County Code, General Provisions, adopted.**

Motion by: Adam Hill

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Supervisor Mecham: outlines why he is voting against the motion.

Closed Session Items:

22. 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. Southern California Pipeline Construction, Inc. v. San Luis Obispo County Flood Control and Water Conservation District.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. 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. 3. 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: 4. District Attorney Investigator’s Association; 5. Association of San Luis Obispo County Deputy Sheriffs; 6. Deputy County Counsel Association; 7. San Luis Obispo Government Attorney’s Union.

(Added. 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) 8. 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; 9. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water). All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Chairperson Patterson: opens the floor to public comment.

Ms. Giselle Naylor: 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.

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, April 10, 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: April 11, 2012