

Tuesday, September 25, 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

Chairperson Patterson: asks 4-H All Star Tanner Truelson to lead the flag salute.

THE PLEDGE OF ALLEGIANCE IS LED BY MR. TRUELSON.

Consent Agenda – Review and Approval:

1-15 and 24. 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 15 and 24 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			

Items Set for Hearing:

1. Introduction of an ordinance amending Chapter 3.08 (Transient Occupancy Tax) of Title 3 (Revenue and Finance) of the County Code to amend and update in order to streamline the remittance of county funds, allow for the recovery of collection costs, simplify the hearing and appeal process, and clarify existing policies and procedures; and request for Authorization of Alternative Publication in lieu of full text publication of the proposed amendment. All Districts. Hearing date set for October 16, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve an agreement in the amount of \$100,000 with the SLO Noor Foundation for grant funds through Fund Center 106 – Contributions to Other Agencies for Fiscal Year 2012-13.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Request by Supervisor Frank Mecham to appoint Sharon Lininger to the San Miguel District Cemetery Board of Trustees.

The Board approves as recommended by the County Administrative Officer.

4. Request to approve an agreement with the 5Cities Homeless Coalition allocating \$3,500 from District Community Project Funds – Fund Center #106 (District Three - \$2,000, District Four - \$1,000 and District 5 - \$500) to be used for expenses associated with holding the Empty Bowls Luncheon fund raiser on September 27 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

5. Request to approve and authorize General Services to sign a Work Order to an existing agreement with Reynolds Smith & Hills California, Inc. (RS&H) in the amount of \$100,770 for engineering and environmental documentation services for a drainage report at the Oceano County Airport (L52). District 4.

Mr. Jeff Edwards: speaks.

The Board approves as recommended by the County Administrative Officer.

6. Submittal of a resolution authorizing a grant application in the amount of \$130,000, under the California Department of Boating and Waterways Harbor and Revolving Fund program, for facility improvements at Santa Margarita Lake. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-245, adopted.

7. Sitting as the Board of Supervisors and the Flood Control District: Request to approve a Memorandum of Understanding (MOU) for the fiber optic communication element of the Nacimiento Water Project between the San Luis Obispo County Flood Control and Water Conservation District and the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

8. Request to approve a renewal contract (Clerk's File) with San Luis Obispo County Special Education Local Planning Area (SELPA) for FY 2012-13 in an amount not to exceed \$773,212 whereby the County will continue to provide educationally related mental health services for eligible children who have an Individual Education Plan.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

9. Request to approve a contract with Carl Warren & Company LLC for Liability Program Administration services through June 30, 2015 in an annual amount not to exceed the \$125,000 that is budgeted for this contract.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

10. Request to authorize a budget adjustment in the amount of \$200,000 from the Library Gift Trust Fund Account to Fund Center 230 - Capital Projects to fund design and construction documents for the Cambria Library Expansion construction project. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

11. Request to authorize the use of Alternative Publication Procedures for amendments to the San Luis Obispo County General Plan, the Economic Element, and Title 22 of the Land Use Ordinance. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

- 12. Sitting as the Board of Supervisors and then as the Flood Control District: Request to approve a multiagency reimbursement agreement to authorize County Service Area 7A (Oak Shores) and the San Luis Obispo Flood Control and Water Conservation District to reimburse the City of Paso Robles, in amounts up to \$451 and \$23,474, respectively, for proportionate shares of the cost to develop a Salt and Nutrient Management Plan for the Paso Robles Groundwater Basin. Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer.

- 13. Request to approve an option to extend the lease agreement between Peggy Bean and the County of San Luis Obispo acting on behalf of County Service Area 7A (Oak Shores Wastewater Treatment System) for an additional 5 year term. District 1.

The Board approves as recommended by the County Administrative Officer.

- 14. Request to approve an agreement for engineering consulting services with Drake Haglan and Associates for South Bay Boulevard Bridge Seismic Retrofit in Los Osos, Contract No. 300455, Federal Project No. BHLS-5949(137) and Avila Beach Drive Bridge Seismic Retrofit in Avila Beach, Contract No. 300456; Federal Project No. BHLS-5949(136) in an amount not to exceed \$329,877. Districts 2 and 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

- 15. Request to amend the service contract for the Family Ties Relative Caregiver Program between the County of San Luis Obispo Department of Social Services and Seneca Family of Services (Seneca) by increasing the contract amount by \$70,668 for a total contract amount of \$240,838.

The Board approves as recommended by the County Administrative Officer.

ADDED ITEM – REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.

Consent Agenda – District Attorney Items:

- 24. A request to approve a contract (Clerk's File) with Karpel Solutions, Inc. to provide a replacement for the District Attorney Case Management System and related services, and a corresponding budget adjustment in the amount of \$552,460 to fund the project. All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 16. Submittal of a resolution to affirm the County's ongoing commitment to collaborating with various community partners to address homeless issues and recognize the 5Cities Homeless Coalition's inaugural "Empty Bowls Community Luncheon".

Ms. Janna Nichols - 5Cities Homeless Coalition Executive Director, Ms. Shelly Higginbotham and Ms. Aby Lassen - 5Cities Homeless Coalition: speak.

RESOLUTION NO. 2012-246, a resolution to affirm the County's ongoing commitment to collaborating with various community partners to address homeless issues and recognize the 5cities Homeless Coalition's inaugural "Empty Bowls Community Luncheon", adopted.

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

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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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 recognizing October 7-13, 2012 as "National 4-H Week" and approval to fly the 4-H Flag over the Government Center during "National 4-H Week".

Ms. Sigrid Derickson, Ms. Sophie Johnston, Mr. Tanner Truelson, Ms. Candace Johnston, Ms. Faith Patterson and Ms. Jenna Winslow - San Luis Obispo County 2012-2013 4-H All Stars: speak.

RESOLUTION NO. 2012-247, a resolution proclaiming October 7-13, 2012, as National 4-H Week, adopted.

Motion by: Frank R. Mecham

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			

18. Submittal of a resolution commending Warren Jensen, County Counsel, upon his retirement after almost 26 years of service in San Luis Obispo County.

Ms. Rita Neal - Assistant County Counsel, Mr. Gere Sibbach - Auditor-Controller, Ms. Vicki Janssen - representing Assemblyman Katcho Achadjian (presents a resolution) and Mr. Warren Jensen - County Counsel: speak.

RESOLUTION NO. 2012-248, a resolution commending Warren R. Jensen for nearly twenty-six years of service to the County Of San Luis Obispo, adopted.

Motion by: Frank R. Mecham

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			

19. Submittal of a resolution commending Jim Grant, County Administrator, upon his retirement after 33 years of service in San Luis Obispo County.

Mr. Dan Buckshi - Assistant County Administrator, Ms. Vicki Janssen - representing Assemblyman Katcho Achadjian (presents a resolution) and Mr. Jim Grant - County Administrator: speak.

RESOLUTION NO. 2012-249, a resolution commending Jim Grant, County Administrator upon his retirement after 33 years of service to San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

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			

Public Comment Period:

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

Ms. Julie Rodewald - County Clerk-Recorder: announces today is National Voter Registration Day and provides registration reminders to voters for the upcoming Presidential General Election.

Ms. Gwynn Taylor, Mr. Ben DiFatta and Ms. Linde Owen (handout): address various comments and concerns regarding the Los Osos Wastewater Project (LOWWP).

Mr. Richard Margetson: states the 7th Annual Needs and Wishes Fundraiser in Los Osos will be on December 8, 2012; and speaks to a recent newspaper article concerning the decision to delay the capital campaign for the new homeless shelter in San Luis Obispo.

Mr. Bill Pelfrey: comments on the Board's remarks towards members of the public who speak at meetings.

Ms. Julie Tacker, Mr. C. Hite (video), Mr. Eric Greening and Mr. Fred Collins - Northern Chumash Tribal Council Tribal Administrator: address concerns relating to the proposed seismic testing near the Diablo Canyon Power Plant.

Chairperson Patterson: announces a panel discussion on "Individual Freedom and the Common Good: What is the Appropriate Balance" will be held at Cal Poly on Friday, September 28, 2012 from 7:00 PM to 9:00 PM. **No action taken.**

Hearings:

21. Hearing to consider an appeal by Alex Paul of Sheridan Properties and Andrew Christie of the Sierra Club of the Planning Commission's approval of a Development Plan/Coastal Development Permit to allow for the construction of a five (5) phase Industrial Park consisting of twenty one (21) units on seven (7) underlying legal parcels on the Nipomo Mesa. District 4.

Mr. Alex Paul – Sheridan Properties (PowerPoint presentation) and Mr. Andrew Christie – Sierra Club, Appellants: speak.

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

Mr. Paul and Mr. Christie: provide closing statements.

On motion by Supervisor Teixeira, seconded by Supervisor Mecham, to approve staff's recommendations with a conditional change that the protection of the Nipomo Mesa Lupine be monitored for 13 years and to add language to the Conditions of Approval that describes if a secondary well site is needed, it shall be provided by the Applicant, is discussed. Furthermore, the motion maker and second withdraw the conditional change regarding the 13 year Nipomo Mesa Lupine monitoring.

The Board amends Condition No. 18, by replacing the second paragraph to read as follows: "If the Woodland Park Mutual Water Company does not have two (2) operational wells at the time of permit issuance for the first structure / phase, the applicant shall provide a new well site for use in the mutual water system (in order to meet State Department of Environmental Health requirements). The applicant shall also provide proof that the mutual water system meets applicable requirements for operations under state law prior to construction/grading permit issuance." Furthermore, the Board denies the Appeals by Alex Paul of Sheridan Properties and Andrew Christie of the Sierra Club; adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq. and RESOLUTION NO. 2012-250, a resolution affirming the decision of Planning Commission and conditionally approving the application of Sheridan Properties for Development Plan/Coastal Development Permit DRC2005-00073, based on the Findings in Exhibit A and Conditions of Approval in Exhibit B, adopted as amended.

Motion by: Paul Teixeira
Second by: Frank R. Mecham

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			

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-Anticipated Litigation (Government Code, section 54956.9.) 1. 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. 2. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

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

Mr. Warren Jensen – County Counsel: states Closed Session has been postponed to the end of the day. **No action taken.**

[**Clerk's Note:** the Board did not hold Closed Session at the end of the day.]

Hearings Continued:

23. Hearing to consider a request by the County of San Luis Obispo to amend Article 9 of the Land Use Ordinance, Title 22 of the County Code, to add water conservation requirements for discretionary land use permit applications, land divisions and general plan amendments within: 1) the rural portions of the Paso Robles Groundwater Basin (PRGWB), outside of the Atascadero Sub-basin, 2) the Whitley Gardens and Creston Village Reserve Lines, and 3) the unincorporated Paso Robles Urban Reserve Line. Districts 1 and 5.

Mr. Chuck Stevenson – Planning and Building: states staff has been working on the exemption language that may clarify some of the concerns regarding the ordinance having a potential effect on the environment and presents and reads into the record a revised Finding A.

Chairperson Patterson: opens the floor to public comment.

Mr. Cam Berlogar- Creston Advisory Board Member, Mr. Eric Greening, Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB) (Charts), Mr. Doug Kuentzel, Mr. Kent Gilmore, Ms. Dianne Jackson, Mr. Paul Hoover, Ms. Patricia Jones, Ms. Margaret Holstine, Ms. Gwen Pelfrey, Mr. David Szmudnowski, Ms. Bev Phifer, Ms. Laurie Alexiev, Ms. Lynne Bloomfield, Ms. Dorothy Jennings, Ms. Susan Harvey – North County Watch and Sierra Club, Ms. Sue Luft - Water Resources Advisory Committee (WRAC) Vice-Chairperson (handouts), Ms. Maria Lorca, Ms. Kathy Sweet, Mr. Bill Pelfrey, Ms. Brandi Lykes, Mr. Lowell Zelinski, Ms. Lisa Bodrogi – Paso Robles Wine County Alliance and Blue Ribbon Committee Vice-Chairperson, Mr. Dana Merrill, Mr. Michael Winn – WRAC Chairperson, Ms. Kelley Sutherland, Mr. Kosta Radisavljevic, Ms. Barbara Radisavljevic, Mr. Steven Hoch, Mr. Gordon Hensley – San Luis Obispo Coastkeeper, Ms. Daniella Sapriel, Mr. Ray Allen, Ms. Quintana Ambrosie, Mr. C.Z. Whitney - Santa Margarita Area Advisory Council (handout), Mr. Josh Friedman and Ms. Sue Schimandle: speak.

On motion of Supervisor Frank Mecham, seconded by Supervisor Bruce S. Gibson, the Board unanimously agrees to continue the meeting past 5 P.M.

The Board replaces Finding A to read as follows: "A. This project is covered by a categorical exemption under Section 15308 of the CEQA Guidelines (Class 8 exemption), as it is an action taken to assure the maintenance, restoration, or enhancement of the environment. Therefore, the activity is categorically exempt from CEQA. There is no potential for impacts to occur to the environment due to this ordinance. The restriction on new lot creation does not affect development of existing parcels; it effects

only the creation of new parcels. Based on planning staff's experience, pent-up demand for subdivisions in one area of the county does not seem to result in additional subdivisions in other areas of the county. There is another reason for this; a land owner may only subdivide lands they own. If subdivision is not possible due to lot size, zoning restrictions or perhaps water issues, an individual does not subdivide land they do not own in another area of the county. Furthermore, lost subdivision opportunities are not analogous to lost development opportunities. Development of new non-discretionary use such as a single family residence is still allowed under current and proposed rules. Also, there is a large supply of vacant parcels (approximately 1500) in the rural area of the groundwater basin that can be developed without further subdivision. That represents more than a 20-year supply of lots at projected growth rates. No potential development is displaced as a result of this subdivision restriction due to the oversupply of vacant parcels in the rural portion of the groundwater basin. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment." Furthermore, the Board, based on the findings in Exhibit A, waives the reading of the proposed ordinance and said proposed ordinance is read by title only and **ORDINANCE NO. 3231**, an ordinance amending Article 9 of Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by adding Sections 22.92.020d, 22.94.020e, 22.98.030e, 22.100.020b, 22.102.020d, 22.104.020i, 22.110.030e, and 22.110.060a relating to Water Conservation in the Paso Robles Groundwater Basin, adopted.

Motion by: James R. Patterson
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			

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, September 25, 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: September 27, 2012