

Tuesday, May 08, 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.

1 - 18. 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 18 on the following vote is indicated for each item.

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			

Items Set for Hearing:

1. Submittal of a resolution terminating a water shortage emergency for County Service Area No. 10A, Cayucos Water System; and setting the matter for public hearing on May 15, 2012; District 2.

This item is amended by changing the Public Hearing from May 15th to May 22nd and adding the additional Notice of Public Hearing. The Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-102, adopted.

2. Introduction of an ordinance amending the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2012-2013, maintain the 0% Cambria growth rate per fiscal year for the period from July 1, 2012 through June 30, 2015, and update the frequency of approval of the Resource Management System Resource Summary Report; Districts 2 and 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Submittal of a resolution proclaiming May 1 - 7, 2012 as "Youth Week" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2012-103, adopted.

4. Submittal of a resolution posthumously recognizing David Angello for his many years of public service to the community of Oceano.

The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2012-104, adopted.

Consent Agenda - Clerk-Recorder Items:

5. Request to appoint members of the Green Party County Council and members of the Democratic and Republican Party Central Committees in lieu of election. (All Districts)

The Board approves as recommended by the County Administrative Officer.

6. Request to appoint Dr. Rob Rutherford to the Coastal San Luis Resource Conservation District Board of Directors; (Districts 1, 2, 3 & 4).

This item is amended by replacing "Dr." with "Mr." on both the transmittal and staff report. The Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - County Fire Items:

7. Submittal of a resolution proclaiming May 6-12, 2012 as "Wildfire Awareness Week" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2012-105, adopted.

Consent Agenda - General Services Agency Items:

8. Request to approve a resolution amending the Position Allocation List (PAL) for Fund Center 113 – General Services, to add 1.0 FTE Limited Term Associate Capital Project Coordinator.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-106, adopted.

Consent Agenda - Health Agency Items:

9. Request to approve renewal contracts (Clerk's File) with drinking water supplier agencies to have Environmental Health Services provide cross connection inspection services.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

10. Submittal of a contract with the Local Government Commission to develop a revitalization plan for the commercial core and surrounding areas in the community of Oceano in an amount not to exceed \$162,472 and request to approve an associated budget adjustment.

Mr. Jeff Edwards: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

11. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Connie and Jeff Baxter for the Templeton Road Widening Project, Atascadero (WBS 300386); District 5.

The Board approves as recommended by the County Administrative Officer.

12. Submittal of right of way documents accepting conveyance to the County of San Luis Obispo from Betty J. Taylor, Trustee, for the Main Street Bridge Replacement Project, Cambria (WBS 300180); District 2.

The Board approves as recommended by the County Administrative Officer.

13. Submittal of a resolution authorizing execution of Notice of Completion and Acceptance for the construction of San Simeon Creek Bridges on San Simeon Creek Road, Contract Nos. 300153 and 300154; District 2.

The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2012-107, adopted.

14. Submittal of a resolution and tabulation requesting changes in mileage of maintained county roads as required by the State Department of Transportation; All Districts.

The Board approves as recommended by the County Administrative Officer, RESOLUTION NO. 2012-108, adopted.

15. Request approval of Contract Change Order No. 27 with Granite Construction, Inc. for the Willow Road Extension Phase II Project, Nipomo, Contract Nos. 300129 and 300142, authorizing the Director of Public Works expenditure up to the amount of \$200,000; District 4.

The Board approves as recommended by the County Administrative Officer.

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

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

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

17. Request to approve a resolution increasing an existing Legal Clerk position in the Sheriff's Civil Division from half-time to full-time.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-109,

adopted.

Consent Agenda - Social Services Items:

- 18. Request to approve a renewal contract (Clerk’s File) with California State Association of Counties (CSAC) for the Welfare Client Data Systems (WCDS) Consortium for Fiscal Year 2012-2013 in the amount of \$56,383.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 19. Submittal of a resolution proclaiming May 2012 as "Bike Month" and May 14 - 18, 2012 as "Bike to Work and School Week" in San Luis Obispo County.

RESOLUTION NO. 2012-110, resolution proclaiming May 2012 as Bike Month and May 14 to May 18, 2012 as “Bike to Work and School Week” in San Luis Obispo County, adopted.

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			

- 20. Presentation by Mexican Consulate General Rogelio Flores to the Board of Supervisors of an 150th anniversary of Cinco de Mayo plaque.

The Board receives the Anniversary plaque.

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			

- 21. Submittal of a resolution commending Martin Basti upon his retirement after 32 years of service to the San Luis Obispo County Sheriff’s Office.

RESOLUTION NO. 2012-111, resolution recognizing Martin J. Basti for his 32 years of service to the San Luis Obispo County Sheriff’s Office, adopted.

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			

22. Request to approve a resolution proclaiming May 2012 as "San Luis Obispo County Older Americans Month".

RESOLUTION NO. 2012-112, resolution proclaiming May 2012 as "Older Americans Month" in San Luis Obispo County, adopted.

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			

23. Submittal of a resolution proclaiming May as "National Foster Care Month" in San Luis Obispo County.

RESOLUTION NO. 2012-113, resolution proclaiming May As "National Foster Care Month" in San Luis Obispo County, adopted.

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			

Public Comment Period:

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

Chairperson Patterson: opens the floor to public comment.

Ms. Julie Rodewald - County Clerk-Recorder: updates the Board on the June election and outlines upcoming Election deadlines.

Sheriff Ian Parkinson: present and discusses the Sheriff's Annual Report.

Ms. Suzan Edhaie – Planning: announces the County has been awarded \$1,000,000 in State funds to assist 25 low-income first-time home buyers.

Mr. David Weiseman – Station Host Association of California: highlights the upcoming events on May 12 for the 5th Annual National Train Day.

Mr. Ben DiFatta, Ms. Gewynn Taylor, Mr. Gary Freiberg (Posters), Dr. C. Hite, Ms. Julie Tacker, Ms. Linde Owen, Mr. Chuck Cesena, Mr. Richard Margetson, Ms. Elaine Watson and Mr. Michael Winn – Water Resources Advisory Committee Chairperson: comment on the Los Osos Wastewater Project.

Ms. Susan Warren: discusses upcoming training events for “Integrating Behavioral Health into Primary Care”.

Mr. Hank Hohenstein: urges the Board and other governmental agencies to look at alternative fuel vehicles.

Mr. Eric Greening: updates the Board on Federal Transportation Reauthorization funds and opportunities for the County to participate in where those funds are spent.

Mr. Patrick Constadine - Social Services: thanks the Board for their recognition of National Foster Care Month. **No action taken.**

Board Committee Reporting:

25. Board Committee Updates (not to exceed 15 minutes) Board Members report on various committee activities. Time Limit 3 minutes.

Chairperson Patterson: tables this matter to the next meeting.

Board Business:

26. Withdrawal of proposed ordinance adding Chapter 7.23 (Truancy Prohibited) to Title 7 of the San Luis Obispo County Code.

Chairperson Patterson: opens the floor to public comment.

Mr. Joshua Tharp, Mr. Eric Greening and Mr. Mike Brown – COLAB: speak.

The Board withdraws the proposed ordinance adding Chapter 7.23 (Truancy Prohibited) to Title 7 of the San Luis Obispo County Code.

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			

27. Submittal of a resolution 1) authorizing the issuance of Lease Revenue Refunding Bonds in order to refund 2002 certificate of participations (COPS) to obtain a lower interest rate; 2) approving the form, terms, and provisions of documentations (Clerk’s File) associated with the refunding ; 3) conforming the selection and appointment of bond counsel, financial advisor and underwriter; 5) and authorizing the Chairman of the Board of Supervisors, Auditor-Controller and other County officers and representatives to finalize and execute all documents; All Districts.

Chairperson Patterson: opens the floor to public comment.

Mr. Mike Brown – COLAB: speaks.

RESOLUTION NO. 2012-114, a resolution approving, authorizing and directing execution of Lease Financing Documents and authoring and directing Certain Actions with respect thereto, adopted.

Motion by: Bruce S. Gibson

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			

Hearings:

28. Submittal of a resolution amending the 2010, 2011, and 2012 Action Plans of the Urban County of San Luis Obispo to reallocate Community Development Block Grant (CDBG) funds and allocate Emergency Solutions Grant (ESG) funds; All Districts.

(This item was amended at the beginning of the meeting by replacing the transmittal and staff report.)

(SUPERVISOR ADAM HILL IS NOW ABSENT DUE TO A CONFLICT OF INTEREST.)

Chairperson Patterson: opens the floor to public comment.

Ms. Susan Warren – North County Connection, Mr. Dan Cano – Central Coast Link Executive Director and Ms. Patricia Gomez: speak.

RESOLUTION NO. 2012-115, resolution approving and authorizing submittal of an Amendment to the Urban County Of San Luis Obispo Program Year 2010, 2011 And 2012 Action Plans Of The Urban County Of San Luis Obispo 2010 Consolidated Plan for the Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Programs, and Amendment To Resolution No. 2011-139, adopted. Further, the Board approves a Budget Adjustment to include \$15,870 of additional 2011 ESG Funds.

Motion by: Bruce S. Gibson

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			

(SUPERVISOR ADAM HILL IS NOW PRESENT.)

Board Business Continued:

29. Consideration of 1) Project Status Update on the Highway 1 at 13th Street Drainage Improvement Project in Oceano; 2) approval of Amendment No. 4 to the Engineering Consulting Services Agreement with CSD Engineering Inc. in the amount of \$159,040 for design and construction support services; and 3) authorize the Public Works Director to sign future amendments to the agreement in an amount not to exceed an additional contingency of \$20,000; District 4.

(This item was amended at the beginning of the meeting by replacing the transmittal and staff report.)

Mr. Dean Benedix – Public Works: corrects the subject line in the transmittal and staff report by replacing \$159,040 with \$159,440 and amends Exhibit A, the Caltrans line, 2104 is replaced with 2014.

Chairperson Patterson: opens the floor to public comment.

Mr. Jeff Edwards: speaks.

The Board receives the status report on the Highway 1 at 13th Street Drainage Improvement Project in Oceano; approves and authorizes the Public Works Director to execute the attached Amendment No. 4 to the Agreement for Engineering Consulting Services with CSD Engineering, Inc. dated July 20, 2010 (Agreement) in the amount of \$159,440 to provide design and construction support services for Drainage Improvements at Highway 1 & 13th Street in Oceano; and authorizes the Public Works Director to sign future amendments to the Agreement in an amount not to exceed an additional contingency of \$20,000.

Motion by: Paul Teixeira

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			

Closed Session Items:

30. 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. 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; 2. Los Osos Community Services District v. County of San Luis Obispo, et al. (Golden State Water); 3. County of San Luis Obispo v. Kajima Construction, et al.; 4. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360); 5. San Luis Obispo County Deputy County Counsel Association, et al. v. San Luis Obispo County Pension Trust Board, et al. (CV100425); 6. County of San Luis Obispo v. San Luis Obispo Government Attorneys’ Union (PERB No. LA-CO-123-M); 7. County of San Luis Obispo v. San Luis Obispo Deputy County Counsel Association (PERB No. LA-CO-124-M); 8. In re Los Osos Community Services District, Bankruptcy matter.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 9. 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. 10. 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: 11. 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.

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, May 08, 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/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: June 1, 2012