

Tuesday, July 17, 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:

1-8. This is the time set for consideration of the Consent Agenda.

CalFire Chief Robert Lewin: presents a brief report on the Calf Fire.

Chairperson Patterson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 8 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			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk’s File) for Maria Vista Estates, Phase 3, Improvements, Nipomo, CA, Contract No. 300435, for Board approval and advertisement for construction bids. Bid opening date set for August 9, 2012. District 4.

Mr. Jeff Werst – Public Works: amends the bid opening date for this item.

Mr. Michael Winn: speaks.

This item is amended by changing the bid opening date from August 9, 2012 to August 16, 2012. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Administrative Items:

2. Request to approve a budget adjustment in the amount of \$5,438 from unanticipated revenues to Fund Center 106 – Contributions to Other Agencies’ professional services account. Districts 1 & 5.

Clerk: clarifies for the record that this item pertains to Districts 1 and 2 not 1 and 5 as stated in the subject.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

3. Submittal of Contract Change Order Nos. 1, 2, 3, 6, 7 and 8 to the agreement with Souza Construction, Inc., for the Price Canyon Road Bridge Widening Project, Edna, Contract Nos. 300136, 300360 and 300361 (Federal Project Nos. HP21L-5949(126), BHL-5949(062) and BHL-5949(063), in the amount of \$222,192. District 3.

The Board approves as recommended by the County Administrative Officer.

4. Submittal of a resolution for the acceptance of road improvements on Tessa Court (County Road 4394); Jacob Way (County Road 4395); and Rossi Road (County Road 5330), Tract 2492 in Templeton. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-178, adopted.

5. Submittal of a resolution authorizing execution of notice of completion and acceptance for the Nacimiento Shores Road Repairs and Chip Seal, Contract No. 496R699002. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-179, adopted.

6. Submittal of a resolution amending the Traffic Regulation Code establishing yield right of way intersections on N Street at Eleventh, San Miguel; Third Street at Camatti Street and North First at Camatti Street, Shandon; and removing yield intersections at the intersection of Ramona Avenue at Seventh Street, Los Osos. Districts 1 and 2.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-180, adopted.

7. Submittal of a resolution amending the San Luis Obispo County Traffic Regulation Code establishing stop intersections at the intersections of Mills Street at McCabe Drive, and Coventry Lane at Weymouth Street, Cambria; Martin Road at Hawley Street, Martin Road at Honey Way, and Martin Road at Horstman Street, Templeton; North Third Street at Pacific Avenue, and Fresno Avenue at E Street, Cayucos. Districts 1 and 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-181, adopted.

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

8. Request to approve amendments to the Flood Control and Water Conservation District Zone 3 Advisory Committee Bylaws. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Ms. Grace McIntosh - Community Action Partnership Deputy Director: provides an update on the Homeless Service Center.

Chairperson Patterson: announces the next Homeless Services Oversight Council meeting will be on July 18, 2012 from 1:00 PM to 3:00 PM at the San Luis Obispo County Veterans Building.

Dr. C. Hite, Mr. Ben DiFatta, Mr. Gary Freiberg, Ms. Gwynn Taylor, Ms. Linde Owen, Mr. Al Barrow (charts), Mr. Richard Margetson and Ms. Elaine Watson: address various concerns relating to the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker: comments on an article by Cal Coast News regarding Supervisor Hill.

Mr. Mike Brown - Coalition of Labor, Agricultural and Business (COLAB): addresses why the Board should declare a moratorium on various new regulations.

Ms. Betty Winholtz: speaks to the recent meeting held by the California Department of Conservation concerning fracking and encourages the Board to look into Santa Barbara County's fracking ordinance.

Mike Winn - Water Resources Advisory Committee (WRAC): comments on fracking and states the WRAC intends to hold a meeting regarding this matter.

Mr. Eric Greening: comments on the upcoming County Administrator interviews. **No action taken.**

Board Business:

- 10. Request to approve 1) the Mental Health Services Act Annual Update for Fiscal Year 2012-13; 2) a budget adjustment in the amount of \$759,378 from unanticipated revenue to Fund Center (FC) 166 - Behavioral Health; and 3) a related resolution amending the position allocation list to add 2.5 FTE Mental Health Therapist III/IV, and .5 FTE Nurse Practitioner to FC 166.

Chairperson Patterson: opens the floor to public comment.

Ms. Grace McIntosh- Community Action Partnership Deputy Director and Dr. C. Hite: speak.

The Board approves the Mental Health Services Act Annual Update for Fiscal Year 2012-13 and a budget adjustment in the amount of \$759,378 from unanticipated revenue to Fund Center (FC) 166; and RESOLUTION NO. 2012-182, a resolution amending the position allocation list for Fiscal Year 2012-13, 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			

- 11. Hearing to consider a proposed ordinance change amending Chapter 8.22 of the County Code to prohibit smoking in certain public places. (Item introduced June 19, 2012.)

Chairperson Patterson: opens the floor to public comment.

Mr. Jason Wells – First 5 San Luis Obispo County (letter), Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Dr. C. Hite, Mr. Clint Weirick, Mr. Nick Franco – California State Parks Superintendent, Ms. Nancy Brown - Golf Council Advisory Committee President and Mr. Bill Pelfrey: speak.

The Board amends the ordinance to correct a clerical error under Section 08.22.030 – Prohibition in certain public places on County Property, subsection (d), by replacing the word “Director” with “Officer”. The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3228, an ordinance amending Title 8, Chapter 8.22 (no-smoking areas established in certain public places) of the San Luis Obispo County Code, adopted as amended. Further, the Board directs the County Public Health Officer that such smoking exemptions should be made in consultation with relevant facilities managers based on public health considerations.

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			

Closed Session Items:

- 12. 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.) 4. 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. 5. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

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:

- 13. Submittal of a resolution recognizing July 15-21, 2012 as Probation Services Week in San Luis Obispo County.

Chief Probation Officer Jim Salio: speaks.

RESOLUTION NO. 2012-183, a resolution recognizing July 15-21, 2012 as Probation Services 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			

Board Business Continued:

- 14. Presentation on San Luis Obispo County Land Use Economics Study. All Districts.

Mr. Arlin Singewald - Planning and Building and Mr. Terry Moore – ECONorthwest Consultant: give the presentation.

Chairperson Patterson: opens the floor to public comment.

Ms. Barbara Radisavljevic, Mr. Jerry Bunin – Home Builders Association Government Affairs Director, Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Victor Montgomery, Mr. Phil Gray, Ms. Callie Taylor – City of Atascadero, Mr. Bill Pelfrey and Mr. Greg Nester: speak.

The Board receives the presentation. **No action taken.**

Hearings Continued:

- 15. Hearing to consider the Annual Review of the Public Facilities Fees Program for the 2010-2011 Fiscal Year.

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

The Board approves the 2010-2011 Annual Report for the Public Facilities Fees Program.

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			

Hearings:

16. Hearing to consider a request by DANA (Dana Adobe Nipomo Amigos) for a Land Use Ordinance Amendment to amend the South County Area Plan Planning Area Standards relating to the Dana Adobe site within and immediately adjacent to the community of Nipomo - LRP 2011 - 00001 District 4.

Mr. Brian Pedrotti – Planning and Building: presents correspondence that was received.

Ms. Kami Griffin – Planning and Building Assistant Director: states the initial publication for this item was not published using the alternative publication method as authorized by the Board on July 10, 2012 and requests the Board amend their previous direction given on July 10, 2012 and instead direct the Clerk to publish the ordinance in its entirety upon adoption of the proposed ordinance.

Ms. Jan Di Leo - Dana Adobe Nipomo Amigos (DANA) representative (powerpoint): speaks.

Chairperson Patterson: opens the floor to public comment.

Mr. Fred Collins – Northern Chumash Tribal Council Administrator, Dr. Donna Gillette, Mr. Ed Eby – DANA Advisory Board Member and Nipomo Community Services Director, Ms. Helen Daurio – DANA Co-President and Mr. Alan Dauiro – DANA Co-President: speak.

Ms. Di Leo and Mr. Collins: provides closing remarks.

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

A discussion occurs regarding the possibility of a continuance to allow for a staff facilitated meeting between the DANA and the Northern Chumash Tribal Council to negotiate their existing issues.

The Board continues the hearing to Tuesday, August 7, 2012 at 9:00 A.M.

Motion by: Paul A. Teixeira

Second by: Frank 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			

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, July 17, 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: July 23, 2012