

Tuesday, August 07, 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:

1-19 and 27. 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 19 and 27 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			

Consent Agenda - Administrative Office Items:

1. Request for approval to apply for the Federal Fiscal Year 2012 Homeland Security Grant Program (All Districts).

Dr. C. Hite: speaks.

This item is amended by changing the subject to read “Request for approval to apply for the Federal Fiscal Year 2012 Homeland Security Grant Program and adopt the Governing Body Resolution appointing authorized agents to sign grant related documents on behalf of the County; All Districts.” Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-191, adopted.

2. Submittal of the recommended Board of Supervisors response to the Grand Jury Report - Managing Millions: Assessing Transparency of Community Service Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request to cancel the August 14, 2012 Board of Supervisors' meeting.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Request by Supervisor Frank Mecham to appoint Stephanie Yurchak to the Commission on the Status of Women.

The Board approves as recommended by the County Administrative Officer.

5. Submittal of a request to adopt resolutions honoring the 2012 Wine Industry Person of the Year, the 2012 Wine Grape Grower of the Year, the 2012 Winemaker of the Year, the 2012 Agriculturist of the Year, the 2012 Cattleman of the Year, the 2012 Cattlewoman of the Year and recognizing the life and achievements of George Randolph Hearst at the California Mid-State Fair.

This item is amended by: 1) amending the subject line to include the Cattleman’s Environmental Stewardship Award and by changing the title of the 2012 Agriculturist of the Year to read “2012 Agriculturalists of the Year” and 2) attaching the 2012 Cattleman of the Year resolution that was inadvertently left out of the staff report. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NOS. 2012-192, 2012-193, 2012-194, 2012-195, 2012-196, 2012-197, 2012-198 and 2012-199, adopted as amended.

Consent Agenda - General Services Agency Items:

6. Request to accept the bid results for Job Order Contract, PJOC12, and award contract to the low bidder and instruct the Board Chairperson to sign the contract.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

7. Request to approve the renewal contract (Clerk’s File) for FY 2012-13 with Family Care Network (FCN) to provide various mental health services in an amount not to exceed \$4,122,400 and authorize an associated budget adjustment in Fund Center 166 – Behavioral Health and Fund Center 181 – Foster Care which requires a four-fifths vote.

Mr. Al Barrow: speaks.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve the Fiscal Year 2012-13 renewal contract (Clerk’s File), which includes the addition of two programs pursuant to the Mental Health Services Act (MHSA) Annual Update with Transitions-Mental Health Association (TMHA) to provide mental health services in an amount not to exceed \$4,209,518.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve the appointments of three new members, and reappoint two existing members, to serve two-year terms onto the Emergency Medical Care Committee.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve a renewal contract for FY 2012-13 with San Luis Obispo Child Abuse Prevention Council (SLO-CAP) (Clerk’s File), to provide prevention and early intervention behavioral health services to parents and families throughout the county, in the amount not to exceed \$99,000.

Ms. Lisa Fraser – San Luis Obispo County Child Abuse Prevention Council Executive Director: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

11. Submittal of a resolution amending the Position Allocation List (PAL) by approving a new classification, Land Use Technician, setting the salary (salary is unchanged) for the new classification, and reclassifying the 3.0 FTE Permit Technician positions in Fund Center 142 - Planning & Building, to Land Use Technician.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-200, adopted.

Consent Agenda - Public Works Items:

12. Submittal of a resolution to apply for State-Local Partnership Program Funds for the Willow Road Interchange Oak Tree Mitigation Project in Nipomo. District 4.

Mr. Michael Winn: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-201, adopted.

13. Request to approve a contract with JoAnn Head Land Surveying for professional land surveying services in the amount of \$63,000 to conduct a field survey to retrace the historic boundaries of the community of Oceano. District 4.

The Board approves as recommended by the County Administrative Officer.

14. Request for approval of a professional environmental consulting services agreement with SWCA of San Luis Obispo, CA, for an amount not to exceed \$132,108, and request to authorize the Public Works Director to approve amendments to the agreement in an amount not to exceed a contingency of \$13,211, for the Los Osos Wastewater Project, Los Osos. District 2.

The Board approves as recommended by the County Administrative Officer.

15. Submittal of a resolution establishing the 2012-13 special tax rate, and confirming the per parcel special tax amount to be placed on the 2012-13 tax roll for County Service Area No. 9, Zone I (East of Los Osos Creek). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-202, adopted.

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

16. Submittal of bid opening report for the Rodriguez Bridge Waterline Crossing Fish Passage Improvements Project, Contract No. 300369. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

17. Submittal of a resolution to levy assessment for Flood Control Zone 16 (Nipomo, San Miguel, and Shandon Areas). Districts 1 and 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-203, adopted.

Consent Agenda - Social Services Items:

18. Request to approve the Workforce Investment Act (WIA) subgrant agreement (Clerk's File) with the State of California for the receipt of Youth funds in the amount of \$873,452 and approve the plan for the Fiscal Year 2012-2013 WIA formula funds budget totaling \$2,300,413.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-204, adopted.

19. Submittal of the Commission on Aging Annual Report for FY 2011-2012.

Ms. Kathleen Bellefontaine – Commission on Aging (brochure) and Ms. Alice York – Commission on Aging and Committee on Hearing Loss Chairperson: speak.

The Board approves as recommended by the County Administrative Officer.

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

Consent Agenda – Added Item:

- 27.** Request for extension for public bidding of construction services for improvements of the Runway Safety Area at San Luis Obispo County Regional Airport and grant authority to County Purchasing Agent to award the bid. The bid date is being extended from July 30, 2012 to August 16, 2012.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Ms. Dennis Allan - Huasna Rocky Creek Cattle Ranch: updates the Board on wild fire activity in Huasna.

Mr. Eric Greening: comments on the recent decision by KCBX Radio to stop broadcasting meetings and requests an agendaized discussion regarding alternative options for the public to listen to meetings, with Mr. Jim Grant - County Administrator stating staff is currently exploring their options and will bring this matter back to the Board for a discussion.

Dr. C. Hite: expresses concerns regarding support services for the low income community in the County.

Ms. Marna Sharpe: addresses concerns regarding the upcoming Excelaron appeal hearing.

Mr. Joey Racano: comments on the Marine Life Protection Act; the proposed seismic testing at the Diablo Canyon Nuclear Power Plant and its impacts to marine life.

Mr. Richard Margetson, Ms. Gwynn Taylor, Mr. Ben DiFatta, Ms. Julie Tacker (handout), Ms. Elaine Watson, Mr. Bruce Payne and Mr. Al Barrow (chart): address concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Mr. Payne comments on the regulation that prohibits bees from being within 200 feet of a public road.

Mr. Jeff Edwards: speaks to two lawsuits concerning the State of California versus the South San Luis Obispo County Sanitation District and Langstaff versus Oceano Community Services District (CSD). **No action taken.**

Board Committee Updates:

- 21.** This is the time set for Board Members to report on various committee activities.

Board Members: comment on their committee activities with the Independent Peer Review Panel; the State Association of Counties; the Economic Development Strategy Steering Committee; the Latino Outreach Council; the Fire Safe Council; the Homeless Services Oversight Council (HSOC) and the El Camino Homeless Organization (ECHO).

Chairperson Patterson: announces that the new Homeless Services Coordinator is Laurel Weir. **No action taken.**

Board Business:

- 22.** Request to review and authorize a new process to allocate Off Highway Vehicle In Lieu Fees. All Districts.

(This item is amended by correcting the two recommendations in the staff report that are incorrectly

numbered as being recommendations numbers 3 and 4. They should be numbered as numbers 1 and 2.)

Chairperson Patterson: opens the floor to public comment.

Ms. Julie Tacker, Mr. Eric Greening, Mr. Dennis Law and Mr. Bruce Witcher – Central Coast Motorcycle Association, Mr. Tom Geaslen - Oceano Community Services District (OCSD), Chief Joel Aranaz – Five Cities Fire Authority and Ms. Lori Angello: speak.

The Board approves the distribution of future annual Off Highway Vehicle (OHV) In-Lieu Fee revenues to be divided with 40% to be allocated to County departments and 60% to be allocated to other governmental and non-profit organizations. Allocations of funding to County departments will be determined through the established Budget Augmentation Request process in the annual County Budget. Allocations of funding to other governmental organizations and non-profit organizations will be determined through an annual competitive application process overseen by County Parks’ staff with qualifying projects being reviewed by the County Parks Commission. The Parks Commission will recommend projects for inclusion in the County’s annual budget, subject to the approval by the Board of Supervisors. Further, the Board directs staff to establish written criteria of the evaluation of proposals consistent with the existing standards in the Public Resources Code. County staff will bring the proposed criteria back to the Board for approval prior to applying the criteria to the selection of projects by the Parks Commission. Furthermore, the Board identified State Parks as the responsible party for emergency response at the dunes as they operate that recreational area; and delegates Cal Fire as the vetting agency for the evaluation of proposals that involve emergency response by fire protection organizations.

Motion by: Adam Hill

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:

23. A hearing (continued from July 17, 2012) 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 - LRP2011-00001. District 4.

Mr. Jason Giffin – Planning and Building Director: provides a brief overview of the mediated meetings between the Dana Adobe Nipomo Amigos (DANA) and the Northern Chumash Tribal Council (NCTC) and states they were unable to reach an agreement.

Mr. Alan Daurio and Ms. Helen Daurio - DANA Board Co-Presidents: present and discuss a letter addressing their recent meetings with the NCTC and outlines their reasons why they cannot accept the terms of the Memorandum of Agreement (MOA) proposed by the NCTC. Further, states the DANA Board of Directors is requesting the Mitigated Negative Declaration (MND) be withdrawn and the Environmental Impact Report (EIR) be undertaken with reasonable confidence that they will not lose their grant.

Mr. Giffin: addresses the next steps for moving forward with the preparation of the EIR.

Ms. Marina Washburn- DANA Executive Director: states their granting agency is supportive of the project.

Chairperson Patterson: opens the floor to public comment with Mr. Giffin clarifying for the public if they want to provide comment on the EIR, it should be submitted in writing so the comments and responses are included in the EIR process.

Mr. Fred Collins – NCTC Tribal Administrator, Mr. Brian Kreowski, Ms. Sherry Lewis, Mr. Eric Greening, Mr. Gary Freiberg, Mr. Don Hertel (maps), Mr. Peter Jenny, Dr. C. Hite, Mr. Ralph Bishop, Mr. David Gonzalez, Ms. Violet Cavanaugh - Northern Chumash Tribe Member and Representative, Mr. Mona Olivas Tucker - Yak Tityu Tityu Northern Chumash Tribe Tribal Chairperson, Mr. Herb Kandel - DANA Board Member and Ms.

Felicity Lazo: speak.

Mr. Collins and Ms. Jan Di Leo - DANA Project Manager: provide closing remarks.

The Board continues the hearing off calendar and directs staff to start the proceedings to initiate the preparation of an EIR for the DANA proposal.

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			

Chairperson Patterson: tables Closed Session to the afternoon calendar following the last item of the day.

Presentations:

- 25. Submittal of a resolution recognizing Jim Brabeck for his 20 years of service as a Juvenile Hall volunteer and 38 years of service as a Commissioner of the County Juvenile Justice Commission.

Sheriff Ian Parkinson and Mr. Jim Brabeck: speak.

RESOLUTION NO. 2012-205, a resolution recognizing Jim Brabeck for his 20 years of service as a Juvenile Hall Volunteer and 38 years of service as a Commissioner of the County Juvenile Justice Commission, adopted.

Motion by: Adam Hill

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			

Board Business Continued:

- 26. Submittal of a letter to California State Lands Commission concerning the permit for Central Coastal California Seismic Imaging Project (CCCSIP) near Diablo Canyon Power Plant/Hearing August 14, 2012.

Supervisor Gibson: announces that AGP Video will be providing local access to view the California State Lands Commission hearing in Sacramento for the proposed seismic testing permit on August 14, 2012 at the Morro Bay Inn Cayucos room at 9:00 AM which will include an opportunity for public input to the hearing using a skype link. Further presents a brief overview of the main points of the proposed letter.

Mr. Jearl Strickland – Director of Nuclear Projects, Dr. Stuart Nishenko – PG&E: give a powerpoint presentation.

Chairperson Patterson: opens the floor to public comment.

Ms. Chris Cummings, Ms. Jane Swanson and Ms. Linda Seeley - San Luis Obispo Mothers for Peace, Mr. Eric Greening, Professor Dean Wendt – Cal Poly Center for Coastal Marine Science, Mr. John Rowley, Mr. Tom Hafer – Morro Bay Fishing Organization Director, Mr. Bill Walter, Ms. Courtney Kienow – San Luis Obispo Chamber of Commerce, Mr. Erik Justensen, Mr. Mike Gibson – Paso Robles Chamber of Commerce Chief Executive Officer (CEO) and President, Mr. David Baldwin – Plasters and Cement Union Business Representative, Mr. Walt Mankins - Tri Counties Building & Construction Trades Council of Ventura, Santa Barbara and San Luis Obispo President, Ms. Sherry Lewis, Mr. Fred Collins – Northern Chumash Tribal

Council (NCTC) Tribal Administrator and Mr. Bill Blue: speak.

The Board directs Supervisor Gibson and Chairperson Patterson to revise the draft letter with all due haste to reflect input that was expressed today: to add emphasis to the need for a more fair and reasonable compensation to the fishing industry and associated industries; and to express the need to have long term monitoring to confirm the impacts on the environment and affected parties; and to transmit the letter to the State Lands Commission.

Motion by: Adam Hill

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			

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

Closed Session Items:

24. 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.

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

B. Conference with Legal Counsel - Existing Litigation (Government Code, Section 54956.9(a)). (Formally Initiated) 3. Teichert, A. & Son, Inc. v. San Luis Obispo County Flood Control & Water Conservation District.

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, August 07, 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