

Tuesday, August 21, 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:

1-23. 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 23 on the following vote is indicated for each item.

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			
Hill, Adam (Board Member)	x			

Items Set for Hearing:

1. Introduction of an ordinance to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County’s Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq.; submittal of a resolution regarding local conditions and instruct the Clerk to give notice of hearing date set for August 28, 2012 at 9:00 a.m. All Districts.

Ms. Laura Mourdaunt, Mr. Bill Pelfrey and Mr. Jerry Bunin - Home Builders Association Government Affairs Director: speak.

The Board pulls this item from the Consent Agenda for separate consideration.

Consent Agenda - Administrative Office Items:

2. Request to approve an agreement in the amount of \$100,000 with the Food Bank Coalition of San Luis Obispo for grant funds through Fund Center 106 – Contributions to Other Agencies for Fiscal Year 2012-13.

This item is amended by replacing the agreement to correct minor formatting errors. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

3. Request to approve the recommended responses to the 2011-12 Grand Jury report titled “Out of Sight, Out of Mind: Medical Marijuana in San Luis Obispo County” and forward these responses to the Presiding Judge of the Superior Court by August 27, 2012.

The Board approves as recommended by the County Administrative Officer.

4. Request to approve the appointment of Victoria Schmitt to replace Harold R. Schmitt on the San Luis Obispo County Business Improvement District (CBID)- Los Osos/Morro Bay (unincorporated)

Local Area Advisory Board for the remaining three (3) years of his four (4) year term.

The Board approves as recommended by the County Administrative Officer.

5. Request for approval to apply for the Federal Fiscal Year 2012 Emergency Management Performance Grant and approval of a related Grant Agreement Articles, Assurances, Certifications, Terms, and Conditions Administrative Document.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller Items:

6. Submittal of a Cash Procedures Review of the County Treasurer's Office conducted on March 13, 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

7. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

The Board approves as recommended by the County Administrative Officer.

8. Submittal of a resolution recognizing the El Camino Homeless Organization (ECHO) Homeless Shelter and the First Annual "Long Walk Home".

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-207, adopted.

Consent Agenda - General Services Agency Items:

9. Request to approve a lease allowing the Creston Activity Town Center-Helping Hand (CATCH), a 501-(c)(3) nonprofit corporation, to remodel and manage the former Creston Fire Station at 5110 Swayze Street as a community center. District 5.

Mr. Mike Barrett - Creston community: speaks.

The Board approves as recommended by the County Administrative Officer.

10. Request to adopt a resolution for a Conservation Easement in Nipomo, approve a Deed of Conservation Easement to the Land Conservancy of San Luis Obispo County on 28.9 acres for purpose of mitigation for the Willow Road Extension Project and preservation of riparian habitat, and approve a Lease Amendment with Dana Adobe Nipomo Amigos, Inc. District 4.

The Board withdraws this item from the Agenda.

11. Request to transfer two County parcels, comprised of an unused strip of Fern Canyon Road in the Paso Robles area, to adjoining land owners. The request includes approval of a resolution declaring the two parcels as surplus and execution of Quitclaim Deeds to complete the transfer. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-208, adopted.

12. Request to approve an Airline Use and Lease Agreement (Clerk's File) between the County and US Airways, Inc. at the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

- 13. Request to approve amendments to the existing agreements with Arroyo Grande Community Hospital and French Hospital Medical Center extending the term of their existing contracts by one year, to provide hospital services to County Medical Services Program patients.

The Board approves as recommended by the County Administrative Officer.

- 14. Request to approve a renewal contract (Clerk's File) for FY 2012-13 with Psynergy Programs, Inc. in the amount of \$1,233,362 to provide residential board and care, social support, and outpatient mental health services to adults with serious mental illness.

The Board approves as recommended by the County Administrative Officer.

- 15. Request to approve a renewal contract (Clerk's File) for FY 2012-13 with San Luis Obispo Community College District (Cuesta College), to provide prevention and early intervention mental health and wellness services for Transitional Aged Youth throughout San Luis Obispo County, in the amount not to exceed \$179,917.

The Board approves as recommended by the County Administrative Officer.

- 16. Request to approve seven FY 2012-13 renewal contracts (Clerk's File) in the collective amount not to exceed \$772,983 with seven group home facilities to provide residential board and care and social support services for youth and adolescents with severe emotional and mental health issues.

The Board approves as recommended by the County Administrative Officer.

- 17. Request to approve the renewal contract (Clerk's File) for FY 2012-13 with Silvia Ortiz, Ph.D. to continue to provide bilingual, bicultural mental health services in the amount of \$136,200.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

- 18. Request to authorize the use of Alternative Publication Procedures for amendments to Title 19, the Building and Construction Ordinance, (LRP 2011-00013). All Districts.

The Board approves as recommended by the County Administrative Officer.

- 19. Request to approve a renewal agreement with the Economic Vitality Corporation in the amount of \$80,775 to implement the San Luis Obispo County Clusters of Opportunity Economic Strategy. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

- 20. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on their tentative map: COAL 12-0014, a proposed lot line adjustment resulting in 2 lots, by Mark I. and Cindy C. Switzer and Nicolas E. and Diane F. Pokrajac, Cow Meadow Place, Templeton. District 1.

The Board approves as recommended by the County Administrative Officer.

- 21. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on their tentative map: Parcel Map CO 07-0057, a proposed subdivision resulting in 2 lots by Edwin J. and Pearl M. Munak, east of River Road, northeast of Paso Robles. District 1.

The Board approves as recommended by the County Administrative Officer.

- 22. Request to approve Amendment No. 2 to the Cooperative Agreement with California Department of Transportation for construction of the Route 1 at Harmony Valley Road Left Turn Channelization Improvement Project (300353). District 2.

The Board approves as recommended by the County Administrative Officer.

- 23. Submittal of a resolution authorizing conveyance of a 0.3 acre interest in a portion of Hutton Road right of way south of Cuyama Lane to the State of California by Quitclaim Deed for the Highway 101 Santa Maria River Bridge bike path. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-209, adopted.

Item Set for Hearing:

- 1. Introduction of an ordinance to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County’s Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq.; submittal of a resolution regarding local conditions and instruct the Clerk to give notice of hearing date set for August 28, 2012 at 9:00 a.m. All Districts.

The Board tentatively approves this item pending changes to be brought back by staff concerning affordable housing and tables this matter to the afternoon immediately following the Presentation calendar.

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:

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

Ms. Betsy Watts - Cayucos Senior Center President and Thrift Shop: thanks Supervisor Gibson for his contributions to help fund their senior citizen transportation vans.

Mr. Eric Greening and Mr. Joey Racano: address various comments and concerns regarding the proposed seismic testing near the Diablo Canyon Power Plant.

Ms. Julie Tacker, Mr. Richard Margetson, Gwynn Taylor (handout), Mr. Ben DiFatta, Ms. Linde Owen and Mr. Al Barrow (Chart): address various concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen comments on the KCBX’s decision to stop broadcasting Board of Supervisor meetings and the proposed seismic testing near the Diablo Canyon Nuclear Power Plant.

Ms. Tammy Murray: addresses what she has done since the Board denied her request for a marijuana

dispensary in Oceano.

Supervisor Gibson: provides a brief overview of the August 14, 2012 State Lands Commission hearing concerning the permit for the Central Coastal California Seismic Imaging Project (CCSIP). **No action taken.**

Board Business:

25. Request to approve General Fund allocations for the Community Action Partnership of San Luis Obispo County (CAPSLO), the Women’s Shelter Program of San Luis Obispo County, the North County Women’s Shelter and Resource Center, Transitional Food and Shelter, and the El Camino Homeless Organization to provide homeless services, and approve a contract with CAPSLO in the amount of \$64,858 for operation of the Maxine Lewis Homeless Shelter. All Districts.

(SUPERVISOR HILL STEPS DOWN FROM THIS HEARING AND IS NOW ABSENT.)

(CHAIRPERSON PATTERSON STEPS DOWN DUE TO A REMOTE INTEREST AND IS NOW ABSENT.)

(VICE-CHAIRPERSON TEIXEIRA TAKES OVER THE MEETING.)

Vice-Chairperson Teixeira: opens the floor to public comment without response.

The Board approves the funding amounts as outlined in Table A of the staff report and approves the contract with Community Action Partnership of San Luis Obispo (CAPSLO) in the amount of \$64,858 for operation of the Maxine Lewis Homeless Shelter.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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

(SUPERVISOR HILL AND CHAIRPERSON PATTERSON ARE NOW PRESENT.)

26. Consider the Edna to Pismo Beach segment of the Juan Bautista de Anza National Historic Trail (Anza Trail) and direct staff regarding completion of the preliminary studies associated with the possible purchase of three parcels near Edna within the Anza Trail corridor. District 3.

Chairperson Patterson: opens the floor to public comment.

Mr. Eric Meyer, Mr. Bruce Hilton – County Parks Commissioner, Ms. Kathy Longacre, Mr. Richard Teufel, Ms. Enrica Costello, Mr. Dan Rivoire – San Luis Obispo Bicycle Coalition and Mr. Eric Veium: speak.

The Board directs staff to use up to \$30,000 of Fund Center 305 Parks operating funds to complete required preliminary studies to determine the appropriateness of purchasing three parcels along the Edna to Pismo Beach segment of the Anza Trail corridor.

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			

27. Submittal of bid opening report for the Los Osos Wastewater Project, Collection System Pump Stations, Los Osos, CA, Contract No. 300448.08.01.PS. District 2.

Chairperson Patterson: opens the floor to public comment.

Ms. Julie Tacker, Ms. Linde Owen, Mr. Ben DiFatta, Ms. Gewynn Taylor (Flyer), and Mr. Richard Margetson: speak.

The Board finds that any irregularities by Mountain Cascade, Inc. in its completion of the List of Subcontractors form (Section 00480) and Compliance Statement (Section 00440) does not constitute a material error and is a waiveable irregularity; waives all such irregularities and awards the subject contract to Mountain Cascade, Inc., the lowest responsive, responsible bidder, at \$8,676,850; and authorizes a construction contingency amount up to \$867,700 to be approved by change orders in accordance with the Project Construction Change Order Policy, approved by your Board on April 3, 2012, for a final total construction amount of \$9,544,550.

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			

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

Presentations:

29. Submittal of a resolution recognizing Family Care Network Inc. for 25 years of service to the community.

Mr. Lee Collins – Department of Social Services Director and Mr. Jim Roberts– Family Care Network, Inc.: speak.

RESOLUTION NO. 2012-210, a resolution recognizing Family Care Network Inc.’s 25 year anniversary, 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			

30. Submittal of a resolution recognizing Central Coast Funds for Children for their exemplary service to the children and families of San Luis Obispo County.

Mr. Jaime Baker – Community Resources Development Director: speaks.

RESOLUTION NO. 2012-211, a resolution recognizing Central Coast Funds for Children for their exemplary service to the children and families of 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			
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31. Submittal of a resolution recognizing James R. Becker for three decades of outstanding service to Pacific Gas and Electric Company and the San Luis Obispo community.

Mr. John Shoals – Pacific Gas and Electric Company (PG&E) Senior Government Relations Representative and Mayor of Grover Beach: speaks.

RESOLUTION NO. 2012-212, a resolution recognizing James R. Becker for three decades of outstanding service to Pacific Gas and Electric and the San Luis Obispo Community, 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			

Item Set for Hearing Continued:

1. Introduction of an ordinance to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County’s Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq.; submittal of a resolution regarding local conditions and instruct the Clerk to give notice of hearing date set for August 28, 2012 at 9:00 a.m. All Districts, is brought back.

Ms. Ryan Hostetter – Planning and Building: presents a revised ordinance that removes Section g. regarding Affordable Housing Projects and clarifies for the record that Exhibit C includes two studies, not one, as referenced in the staff report. The studies are the Climate Zone 4 Energy Cost-Effectiveness Study (Clerk's File) and Climate Zone 5 Energy Cost-Effectiveness Study (Clerk’s File).

RESOLUTION NO. 2012-213, a resolution establishing special findings related to adoption of amendments to the 2010 California Green Buildings Standards Code based on local climatic, geographical and topographical conditions, adopted. Furthermore, the Board introduces the ordinance and sets Tuesday, August 28, 2012 as the date to hold a public hearing on an ordinance amending the State Cal-Green Code by adding Chapter 8 to Title 19 that adopts the County’s Green Building Ordinance and repealing Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and authorizes and directs the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

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:

32. Continued hearing to consider an appeal by Excelaron, LLC of the decision of the Planning Commission to deny its application for Conditional Use Permit DRC2009-00002. Supervisorial District 4.

Mr. Carol Florence - Oasis Associates Principal Planner, representing the Applicant Excelaron, LLC: speaks to their request for a continuance.

Ms. Whitney McDonald – Deputy County Counsel: states for the record that the findings that are the staff report are slightly different from the findings presented at the previous May 15, 2012 hearing.

Chairperson Patterson: opens the floor to public comment.

Ms. Willow Walking Turtle Kelley, Mr. Ron Skinner - Huasna Foundation, Mr. Tom Davis – representing In-N-Out Burger, Mr. Eric Greening, Mr. Steve Shourt, Ms. Elaine Hagen, Ms. Jeanne Blackwell, Ms. Sarah Bellum, Ms. Allyson Nakasone, Dr. C. Hite, Mr. Gordon Hensley – San Luis Obispo CoastKeeper, Mr. Ben Rose, Mr. Doug Tait, Ms. Karen Spease, Mr. James Yacono and Mr. Skyler Velten: speak.

Ms. Florence: provides closing statements.

The Board denies the appeal by Excelaron, LLC and RESOLUTION NO. 2012-214, a resolution affirming the decision of the Planning Commission to deny the application of Excelaron, LLC for Conditional Use Permit DRC2009-00002 based on the findings set forth in Exhibit 3 – Exhibit A, adopted.

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:

28. 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. Sunny Acres, Inc., et al. v. County of San Luis Obispo, et al. (CV090360). 2. Teichert, A. & Son, Inc. v. San Luis Obispo County Flood Control & Water Conservation District.

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. 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. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in closed session to have a conference with its Real Property Negotiator concerning the following: 5. Property Description: 1600 Bishop Street, San Luis Obispo; Parties with Whom Negotiating: Jill Bolster-White, Executive Director, Transitions-Mental Health Association; Instructions to Negotiator: Price, Terms and Conditions.

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

(CHAIRPERSON PATTERSON IS NOW ABSENT AND VICE-CHAIRPERSON TEIXEIRA TAKES OVER THE MEETING.)

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 21, 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: August 27, 2012