

**Tuesday, September 11, 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.**

**Chairperson Patterson:** announces that President Barack Obama has proclaimed today as Patriot Day and National Day of Service and Remembrance.

**Supervisor Hill:** reads from a poem by Walt Whitman and requests a moment of silence in memory of 9/11.

**Consent Agenda – Review and Approval:**

**1-14.** 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 14 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 - Board of Supervisors Items:**

**1.** Submittal of a resolution recognizing Atascadero Elks Lodge #2733 on their 25th Anniversary.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-223, adopted.**

**2.** Submittal of a resolution recognizing the 6th annual Celebration of Mexican Independence from Spain, "El Grito de la Independencia", in San Luis Obispo County.

**Ms. Andrea Vergne and Ms. Lisa Ray – Latino Outreach Council:** speak.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-224, adopted.**

**3.** 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.**

**Consent Agenda - Health Agency Items:**

**4.** Request to approve renewal contracts (Clerk’s File) with Lucia Mar Unified School District and Templeton Unified School District for FY 2012-13 in the collective amount not to exceed \$87,945 to provide drug and alcohol prevention counseling services.

**The Board approves as recommended by the County Administrative Officer.**

5. Request to approve a four-year renewal agreement (Clerk's File) with the California Department of Public Health in the total amount of \$1,779,881 to conduct Supplemental Nutrition Assistance Program-Education services for Federal Fiscal Years 2012-13 through 2015-16 and approve a related resolution amending the position allocation list to add a 1.0 Limited Term FTE Program Manager I/II to Fund Center 160 - Public Health.

**This item is amended by replacing Attachment 1 to revise the resolution to correct the limited term position allocation figure to 1.0 FTE and by replacing Attachment 2 to correct the Clerk's File statement for the renewal agreement. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-225, adopted as amended.**

6. Request to approve 1) a contract with the State Department of Health Care Services for the period April 1, 2012 through December 31, 2012 in the amount of \$19,720,291 which names the County as the Mental Health Plan for purposes of providing specialty mental health services to Medi-Cal beneficiaries of San Luis Obispo County; and 2) a Hold Harmless Agreement with the Department of Health Care Services in order for the State to obtain Federal Medicaid funds for unsponsored clients under the Safety Net Care Pool through the 1115 Waiver.

**The Board approves as recommended by the County Administrative Officer.**

7. Request to approve a renewal contract (Clerk's file) with Court Appointed Special Advocates (CASA) for FY 2012-13 in the amount of \$40,000 to provide supportive services to children whose parents are participants in the Dependency Drug Court Program.

**The Board approves as recommended by the County Administrative Officer.**

8. Request to approve 1) renewal contracts (Clerk's File) with County Office of Education and Paso Robles Joint Unified School District for FY 2012-13 in the collective amount not to exceed \$50,000 to provide on-site clinical support in addition to educationally related mental health services in the Districts' special education classes; 2) a budget adjustment in the amount of \$106,317 from unanticipated revenue to Fund Center 166-Behavioral Health; and 3) a related resolution amending the Position Allocation List for Fund Center 166-Behavioral Health to add a 1.0 FTE Mental Health Therapist IV.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-226, adopted.**

**Consent Agenda - Planning & Building Items:**

9. A request to authorize the use of Alternative Publication Procedures for amendments to revise 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, prohibit the approval of new land divisions, prohibit the approval of new General Plan Amendments that result in a net increase in the use of water for non-agricultural purposes and establish special landscape irrigation requirements within the Paso Robles Groundwater Basin. Districts 1 & 5.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

10. Submittal of resolution to accept an existing offer of dedication for the widening of Vineyard Drive, for the future Vineyard Drive Bike Lanes Project, Templeton (WBS 300437). District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-227, adopted.**

11. Submittal of a resolution amending the Traffic Regulation Code for the establishment of speed limits on Vineyard Drive, Bethel Road and Main Street, Templeton. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-228, adopted.**

12. Submittal of a resolution authorizing execution of notice of completion and acceptance for the vegetation establishment contract work in connection with the construction of a left turn lane on Route 1 at Harmony Valley Road, Harmony. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-229, adopted.**

13. Submittal of bid opening report for the Asphalt Overlay 2012, Nacimiento Lake Drive, near Paso Robles, CA, Contract No. 300467. District 1.

**The Board approves as recommended by the County Administrative Officer.**

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

14. Request approval of Amendment No. 27 (Clerk's File) to the agreement for professional engineering services with Black & Veatch Corporation, at no cost to the County, for design and construction support services; and award, at no cost to the County, a contract to Overland Contracting, Inc. for the repair of the Nacimiento Water Project Intake Pipe, Contract No. 300187.08.06 (Clerk's File). All Districts.

**Ms. Linde Owen:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

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

**Mr. Darren Shelter:** addresses concerns regarding the Green Gate Farms project in San Luis Obispo and urges the County to monitor this project as it moves forward.

**Mr. Eric Greening and Ms. Julie Tacker:** speak to the issues relating to the proposed seismic testing near the Diablo Canyon Power Plant.

**Mr. Ben DiFatta, Ms. Gwynn Taylor, Mr. Al Barrow (chart and handout) and Ms. Linde Owen:** comment on the Los Osos Wastewater Project (LOWWP). Additionally, Mr. Barrow announces a new restaurant in Los Osos called Baywood Pizza. Mr. DiFatta and Ms. Owen address concerns regarding the proposed seismic testing near the Diablo Canyon Power Plant.

**Dr. C. Hite:** presents and discusses a video of various Board of Supervisors meetings.

**Ms. Carol Rose - Home Instead Senior Care:** announces a movie night on September 19, 2012 from 6:00 PM to 8:00 PM at the Paso Robles Park Cinema to support the local Alzheimer's Association.

**Supervisor Teixeira:** introduces Ms. Alani Barajas who presents a folklorico dance in honor of Mexican Independence Day.

**Supervisor Hill and Ms. Cherie Aispuro - District 2 Legislative Assistant:** honor Ms. Susan Devine, District 3 Legislative Assistant, on her retirement. **No action taken.**

**Board Committee Reporting:**

16. This is the time set for Board Members to report on various committee activities.

**Board Members:** comment on their committee activities with the First 5 Commission; Nacimiento Water Commission; Pension Trust; the Latino Outreach Council; the Homeless Services Oversight Council (HSOC), the Five Cities Homeless Coalition; the El Camino Homeless Organization (ECHO); the San Luis Obispo Community Action Partnership (SLOCAP) and the Fire Safe Council. **No action taken.**

**Board Business:**

17. Request to appoint Assistant Auditor-Controller James P. Erb as Auditor-Controller effective December 30, 2012, to replace current Auditor-Controller Gere W Sibbach who is retiring December 29, 2012.

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Kimberly Daniels – San Luis Obispo County Employees’ Association (SLOCEA) and Mr. Jim Hamilton and Ms. Lydia Corr - Auditor-Controller Division Managers:** speak.

**The Board appoints Assistant Auditor-Controller James P. Erb to take office as Auditor-Controller on December 30, 2012, to replace current Auditor-Controller Gere W. Sibbach who is retiring December 29, 2012.**

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

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
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:**

18. Hearing to consider a request to approve a resolution amending the 2010, 2011, and 2012 Action Plans of the Urban County of San Luis Obispo to reallocate Home Investment Partnerships Program (HOME) funds and allocate Emergency Solutions Grant (ESG) funds. All Districts.

**(SUPERVISOR HILL: STATES HE IS STEPPING DOWN FROM THIS ITEM AND IS NOW ABSENT.)**

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Kathy Hannemann – LINK Board President, Atascadero Schools Assistant Superintendent and Atascadero Unified School District Homeless Advocate and Liaison, Mr. Ken Trigueiro – Paso Robles Housing Authority and Dr. C. Hite:** speak.

**(CHAIRPERSON PATTERSON: STATES IS ABSTAINING FROM VOTING ON THIS ITEM.)**

**The Board amends the 2010 Action Plan to reallocate \$139,500 in Home Investment Partnership Act (HOME) funds from “Purchase of 3150 Park Street by the Paso Robles Housing Authority” to “Development of Affordable Housing for Phase I of the Oak Park Affordable Housing Project” by the Paso Robles Housing Authority; amends the 2011 Action Plan to allocate Emergency Solutions Grant (ESG) funds in the amount of \$4,541 to the Women’s Shelter Program of San Luis Obispo County, \$45,031 to the LINK, and \$2,000 to the County of San Luis Obispo; amends the 2012 Action Plan to allocate Emergency Solutions Grant funds in the amount of \$6,407 to the Women’s Shelter Program of San Luis Obispo County, \$61,495 to the LINK, and \$3,835 to the County of San Luis Obispo; and RESOLUTION NO. 2012-230, a resolution approving and authorizing submittal of an amendment to the Program Year 2010, 2011 and 2012 Action Plans of the Urban County of San Luis Obispo 2010 Consolidated Plan for the Home Investment Partnership Act (HOME) and Emergency Solutions Grant (ESG) programs, adopted.**

**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 HILL IS NOW PRESENT.)**

**19.** Hearing to consider an appeal by Plains Exploration and Production Company of Public Facility Fees on various Building Permits. District 3. Item to be continued to October 16, 2012.

**Mr. Matt Janssen – Planning and Building Division Manager:** requests more time to further evaluate what Public Facility Fees are appropriate at the site.

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

**The Board continues the hearing to Tuesday, October 16, 2012.**

**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			

**20.** Hearing to consider a resolution of necessity for the acquisition of real property interests required from James and Janet Bahringer 2006 Trust and from Linn’s Farm et al for the Cambria Main Street Bridge Replacement Project (WBS# 300180). District 2.

**Mr. Phil Acosta - Public Works:** states the property owner is not present today and has submitted a letter of objection to the Clerk of the Board.

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

**RESOLUTION NO. 2012-231, a resolution of necessity for the real property interests required from The James and Janet Bahringer Trust and from Linn’s Farm et al for the San Luis Obispo County Main Street Bridge Replacement Project, Cambria, Supervisorial District No. 2, 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			

**Closed Session Items:**

**21.** 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. Mountain Cascade, Inc. v. SLO Co. Flood Control & Water Conservation

District, (CV120051)

- B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. 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. 3. 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.**

II. PERSONNEL (Gov. Code, § 54957.)

A. It is the intention of the Board to meet in Closed Session to: 4. Consider Public Employee Annual Performance Evaluation for the Position of Human Resources Director.

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Julie Tacker and Ms. Gewynn Taylor:** speak.

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:**

- 22. Submittal of a resolution proclaiming Saturday, September 15, 2012 as “San Luis Obispo County Creek Day”.

**Ms. Jaime Hendrickson:** speaks.

**RESOLUTION NO. 2012-232, a resolution proclaiming Saturday, September 15, 2012, as “San Luis Obispo County Creek Day”, 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			

- 23. Submittal of a resolution recognizing the 10th Anniversary of the Women's Legacy Fund.

**Ms. Ann Robinson:** speaks.

**RESOLUTION NO. 2012-233, a resolution recognizing the 10<sup>th</sup> Anniversary of the Women’s Legacy Fund, 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:**

- 24. Submittal of right of way acquisition documents accepting conveyance of 40.33 acres from Donald L. Andre et al, in fee title, for the Los Osos Wastewater Project, Los Osos. District 2.

**(SUPERVISOR TEIXEIRA: STATES HE IS RECUSING HIMSELF FROM VOTING ON THIS ITEM DUE TO A CONFLICT OF INTEREST AND IS NOW ABSENT.)**

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Gwynn Taylor, Mr. Jeff Edwards and Ms. Julie Tacker:** speak.

**The Board approves and executes the Real Property Transfer Agreement; accepts the accompanying Grant Deed by execution of the attached Certificate of Acceptance, and directs the Clerk to return the documents to the Department of Public Works within 72 hours for escrow processing. Furthermore, the Board authorizes the Public Works Director, or his designee, to perform the following remaining duties associated with the acceptance of the real property interests: execute any remaining escrow related documents necessary to close the transactions associated with these real property interests and deliver the original Grant Deed upon final processing to the County Clerk-Recorder’s office for final recordation.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
Patterson, James R. (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 11, 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 12, 2012