

**Tuesday, February 26, 2013**

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, Debbie Arnold and Chairperson Paul A. Teixeira

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.**

**Consent Agenda – Review and Approval**

**1-26.** This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda Items 1 through 26 on following vote is indicated for each item.

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

<b>SUPERVISORS</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>RECUSE</b>
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Administrative Office Items:**

1. Submittal of a resolution and related agreements approving a five year line of credit for the Cayucos Fire Protection District, not to exceed \$250,000 annually; authorize the Auditor-Controller to execute an agreement providing the line of credit; and approve a corresponding budget adjustments in FC 102 - Non-Departmental - Other Financing Uses.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-25, adopted.**

**Consent Agenda - Auditor - Controller Items:**

2. Submittal of the County's audited Comprehensive Annual Financial Report (Clerk's Filed), Single Audit Report (Clerk's Filed), and Agreed-Upon-Procedures Report for the Los Osos Landfill Financial Means Test Certification for the Fiscal Year Ended June 30, 2012.

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

3. Submittal of a cash procedures review of the County Treasurer's Office conducted on June 29, 2012.

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

4. Request to approve a Base Year Solid Waste Rate adjustment of 3.2% for the garbage hauling services provided by South County Sanitary Services, Inc.

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

5. Request to approve a Base Year Solid Waste Rate adjustment of 2.3% for the areas receiving garbage hauling services provided by Mission Country Disposal.

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

6. Request to approve a Base Year Solid Waste Rate adjustment of 3.4% for the garbage hauling services provided by San Luis Garbage Company, Inc.

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

**Consent Agenda - Board of Supervisors Items:**

7. Submittal of a resolution recognizing Beverly and Jim Smith for their longstanding dedication to the San Luis Obispo Symphony.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-26, adopted.**

8. Submittal of a letter to California Men's Colony Warden Elvin Valenzuela nominating John O'Connell and William Perry to serve as San Luis Obispo County Board of Supervisors appointees to the California Men's Colony Citizens Advisory Committee.

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

9. Submittal of a resolution honoring Dana Merrill as the 2012 Paso Robles Wine Industry Person of the Year.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-27, adopted.**

10. Request by Supervisor Bruce Gibson to re-appoint Jan Harper and Vicki Milledge as District 2 representatives to the Commission on the Status of Women.

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

**Consent Agenda - Clerk-Recorder Items:**

11. Approval of Official Bonds for Port San Luis Harbor District Commissioners.

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

**Consent Agenda - General Services Agency Items:**

12. Request to authorize the General Services Agency Director to apply for and accept a Federal Aviation Administration Airport Improvement Program grant in the amount of \$157,500 to fund the update of

the Airport Layout Plan at the Oceano Airport. District 4.

**Mr. Jeff Edwards:** speaks.

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

13. Request to authorize the General Services Agency Director to apply for and accept a Federal Aviation Administration Airport Improvement Program grant in the amount of \$562,500 to fund an Airport Layout Plan Update, Runway Protection Zone Study, and Pavement Management System Plan for the San Luis Obispo County Regional Airport. District 3.

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

**Consent Agenda - Health Agency Items:**

14. Submittal of a resolution proclaiming February 26, 2013 as "Spay Day USA."

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-28, adopted.**

15. Request to approve the appointments of Linda Connolly, Jason Reed, Cindy Marie Absey, Aurora Williams, and Clint Weirick to the Behavioral Health Board.

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

16. Request to approve 1.) an amendment to the Fiscal Year 2012-13 executed contract with Davis Guest Home, Inc.(Clerk's File) to increase the maximum contract amount by \$94,987 and 2.) an amendment to the Fiscal Year 2012-13 executed contract (Clerk's File) with C and D's Guest Homes, Inc. to increase the maximum contract amount by \$15,684, to provide residential board and care and social support services to additional clients with serious mental illness.

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

17. Request to approve a renewal contract (Clerk's file) with Redwood Toxicology Laboratory for FY 2012-13 through FY 2014-15 in the amount not to exceed \$300,000 to provide professional services for processing and reporting of urine drug test samples from individuals participating in drug and alcohol programs in the Behavioral Health Department.

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

18. Request to approve an application submission to Covered California to receive approximately \$300,000 in funding to educate eligible residents about the health benefits exchange; and to authorize the Health Agency Director or Health Officer to apply for additional related funding opportunities.

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

**Consent Agenda - Public Works Items:**

19. Submittal of right of way documents accepting conveyance from the Phifer Family Trust and from DLP

AG Partnership, L.P. for the La Panza Road Widening Project, Creston. District 5.

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

20. Submittal of right of way documents accepting conveyance from Edward Lindquist, et al for the La Panza Road Widening Project, Creston. District 5.

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

21. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for lot line adjustment COAL 12-0123, a proposed lot line adjustment resulting in 3 lots by Michael V. and Hilde A. Romelfanger and Pamela J. Pierson, Creston. District 5.

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

22. Submittal of bid opening report for Vineyard Drive bike lanes from Bethel Road to Ashton Way in Templeton, to award the subject contract to G. Sosa Construction, Inc., the lowest responsible bidder, in the amount of \$175,255. District 1.

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

23. Submittal of a resolution authorizing execution of notice of completion and acceptance for the 2012 Asphalt Overlay project on Nacimiento Lake Drive, near Paso Robles. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-29, adopted.**

**Consent Agenda - Sheriff - Coroner Items:**

24. Submittal of Inmate Welfare Fund Statement of Operations for Fiscal Year 2011-12.

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

25. Request to approve a transfer from the Cal ID Trust Fund in the amount of \$110,000 to upgrade seven (7) existing LiveScan workstations, approve a corresponding budget adjustment in Fund Center 136 Sheriff-Coroner, and amend the fixed asset list in Fund Center 136 Sheriff-Coroner. All Districts

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

**Consent Agenda - Social Services Items:**

26. Request to approve the Memorandum of Understanding with the 5 Cities Homeless Coalition authorizing them to operate a Warming Center at the Department of Social Services Building in Arroyo Grande during inclement weather.

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

**Public Comment Period:**

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

**Ms. Elsa Dawson and Mr. Tom Dawson:** discuss Agenda 21.

**Ms. Shirley Bianchi, Mr. Tom Fulks, and Mr. Steve Cole:** comment on recent speaker conduct during public comment.

**Mr. Dane Senser:** presents and discusses February 16 *Tribune* article regarding unemployment benefits and his denial of these benefits.

**Mr. Eric Greening:** discusses hydraulic fracturing and Agenda 21.

**Mr. Ron Tindall, Ms. Carol Rowsemitt, Mr. William Ostrander, and Ms. Lanyce Mills:** comment on the Supreme Court decision giving corporations the same rights as individuals; urge the Board to adopt a resolution opposing this decision and present examples of resolutions adopted by other cities.

**Ms. Linde Owen, Mr. Richard Margetson (letters), Ms. Julie Tacker, and Mr. Ben DiFatta:** outline their issues and concerns regarding the Los Osos Sewer Project and comment on the relationship between Supervisor Gibson and his Legislative Assistant.

**Mr. Tom Salmon and Ms. Jeanette Watson:** discuss a recent *Tribune* Editorial regarding the conduct of Board Members and public speakers.

**Ms. Andrea Seastrand and Ms. Terri Stricklin:** urge the Board to direct the County Auditor-Controller to conduct an audit of CAPSLO and Family Ties funds.

**Mr. Dan Buckshi – County Administrative Officer,** addresses comments regarding the County conducting an audit of CAPSLO and states they have suggested CAPSLO hire a third party to conduct the audit, with Mr. Jim Erb – County Auditor-Controller agreeing.

**Supervisor Gibson:** comments on and makes suggestions about the changes to the conduct of public comment. **No action taken.**

**28.** Consideration of the County's 2013 State Legislative Platform.

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

**Mr. Eric Greening and Mr. Mike Brown – COLAB:** speak.

**Supervisor Arnold:** outlines her concerns with Goal 1 and asks that it be pulled from the Platform for separate action.

**Supervisor Mecham:** outlines why he does not support Goal 1.

**A motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to approve the proposed 2013 State Legislative Platform, with Supervisors Frank R. Mecham, Debbie Arnold and Chairperson Paul A. Teixeira voting Yes with the exception of Goal 1, motion fails.**

**On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Hill, to approve the proposed 2013 State Legislative Platform, with Supervisors Frank R. Mecham, Debbie Arnold and Chairperson Paul A. Teixeira voting No, motion fails.**

**Supervisors Mecham and Hill:** outline their concerns regarding Goal 1.

**The Board deletes Goal Number 1 and directs staff to renumber the Goals appropriately and approves the**

**County’s proposed 2013 State Legislative Platform as amended.**

**Motion by:** Debbie Arnold

**Second by:** Paul A. Teixeira

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

**29.** Submittal of a resolution accepting two Irrevocable Offers of Dedication on lot 5 of parcel map 96-036, a 27 acre parcel in the Pirates' Cove area of Avila Beach. District 3.

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

**Mr. Brian LaConte, Mr. Gene Quayle – Whales’ Cave Conservancy, Mr. Sean Shealy, Ms. Cee Dee, Ms. Holly Heatherington:** speak.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-30, resolution accepting irrevocable Offer to Dedication vertical and lateral public access easements, parking and other public improvement easements and Declaration of Restrictions and accepting irrevocable Offer to Dedicate in fee Parcel 5 of Parcel Map COAL 96-036 located near the unincorporated community of Avila Beach in an area commonly known as Pirates Cove, adopted.**

**Motion by:** Adam Hill

**Second by:** Paul A. Teixeira

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

**Board Business:**

**30.** Discussion of Los Osos Landfill groundwater contamination corrective action plan and proposal for a Groundwater Remediation System (“Pump and Treat”). District 2.

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

**Supervisor Gibson:** direct staff to work on the “pump and treat” groundwater remediation program and with Regional Water Quality Control Board for funding or alternatives to this system.

**The Board directs staff to pursue their recommendation of developing a “Pump and Treat” groundwater remediation program but to also pursue working with the Regional Water Quality Control Board for alternatives and funding to this program for the Los Osos Landfill.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

**Closed Session Items:**

**31.** 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. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo; 2. Teichert, A. & Son, Inc. v. San Luis Obispo County Flood Control & Water Conservation District; 3. Coast National Bank v. County of San Luis Obispo; 4. County of Colusa, et al. v. Toby Douglas, et al. (Sacramento Superior Court).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

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

**Ms. Julie Tacker:** speaks.

**Ms. Rita Neal – County Counsel:** states Closed Session is cancelled. **No action taken.**

**Presentations:**

**32.** Submittal of a resolution recognizing Janet Amanzio upon her retirement after 42 years of service to the County of San Luis Obispo.

**RESOLUTION NO. 2013-31, resolution recognizing Janet Amanzio upon her retirement after 42 years of dedicated service to County residents in Behavioral Health and Mental Health Programs, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**ADDED – PER ADDENDUM TO THE PRESENTATION CALENDAR. ALL REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS WAS POSTED PRIOR TO THE 72 HOUR NOTICING REQUIREMENT.**

**36.** Submittal of resolution commending retiring Department of Planning and Building employee Chuck Stevenson, Division Manager, with 38 years of service to the County.

**RESOLUTION NO. 2013-32, resolution recognizing Chuck Stevenson for 38 years of service to the residents of the County of San Luis Obispo and congratulating him on his retirement, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

- 33. Hearing to consider an appeal by Edwin J. Rambuski on behalf of Penni and Greg Tidwell of the Planning Department Hearing Officer’s decision to approve a request by Andrew Graham for a Minor Use Permit/Coastal Development Permit to establish a residential vacation rental at 194 San Luis Street Parkway, Avila Beach. District 3.

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

**Mr. Andrew Graham – Applicant, Mr. Richard Watkins, Mr. Craig Smith, Ms. Penni Tidwell (Pictures), Mr. Greg Tidwell, Ms. Alexis Schuh, Mr. William Schuh, Ms. Stephanie Rowe (Picture), Ms. Chris Deweese , Ms. Mary Matakovich (Photo), Ms. Carla Frisk, Mr. Pete Kelley, and Mr. Tony Spinelli (handout):** speak.

**The Board denies the appeal and RESOLUTION NO. 2012-33, Resolution affirming the decision of the Hearing Officer and conditionally approving the application of Andrew Graham for Minor Use Permit/Coastal Development Permit DRC2012-00012, based on the revised findings listed in Exhibit “A” and the revised conditions listed in Exhibit “B”, adopted.**

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

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

- 34. Hearing to consider an appeal by Hilda C. Leslie and Curtis Leslie of the Planning Commission’s approval of Development Plan/Coastal Development Permit, a request by Tim Winsor to amend and remove property that is located east of Red Mountain Road, north of the community of Cambria, from the conditions of a previous Development Plan. District 2.

**SUPERVISOR DEBBIE ARNOLD RECUSES HERSELF ON THIS ITEM AND IS NOW ABSENT.**

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

**Supervisor Gibson:** amends Exhibit A, Findings, Item E, last sentence, to read: “Potential vehicle trips over Red Mountain Road have been effectively eliminated by eliminating a legal parcel (and its associated residential development potential) through voluntary merger with an adjoining agricultural parcel.”

**The Board denies the appeal, amends Exhibit A, Findings, Item E, last sentence, to read: “Potential vehicle trips over Red Mountain Road have been effectively eliminated by eliminating a legal parcel (and its associated residential development potential) through voluntary merger with an adjoining agricultural parcel.” and RESOLUTION NO. 2013-34, resolution affirming the decision of Planning Commission and conditionally approving the application of Tim Winsor for Development Plan/Coastal Development Permit DRC2011-00043, adopted based on the findings, as amended, listed in Exhibit A and conditions listed in Exhibit B.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

**SUPERVISOR DEBBIE ARNOLD IS NOW PRESENT.**

**Hearings:**

35. Hearing to consider an appeal by Jeff Edwards of the Planning Commission’s approval of a Development Plan Coastal Development Permit to allow for the increase in the daily maximum limit of crude oil throughput (by 10 percent) at the existing Phillips 66 oil refinery. District 4.

**On motion of Supervisor Bruce S. Gibson, seconded by Adam Hill, and unanimously carried, the Board agrees to continue their meeting past 5 p.m.**

**Mr. Jeff Edwards – Appellant, Ms. Christine Cox and Ms. Jean St. Martin – Representing the Applicant:** speak.

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

**Mr. Edwards and Ms. St. Martin:** make their closing comments.

**The Board denies the appeal and RESOLUTION NO. 2013-35, resolution affirming the decision of the Planning Commission and conditionally approving the application of Phillips 66 for Development Plan/Coastal Development Permit DRC2008-00146, adopted based on the findings listed in Exhibit A, the conditions listed in Exhibit B, and California Environmental Quality Act (CEQA) findings in Exhibit C.**

**Motion by:** Paul A. Teixeira

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (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, February 26, 2013, 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:** March 6, 2013