

Tuesday, November 17, 2015

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 R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.**

**Consent Agenda – Review and Approval:**

1-9. This is the time set for consideration of the Consent Agenda.

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

The action taken for Consent Agenda items 1 through 9 on the following vote is indicated for each item.

**Motion by:** Adam Hill

**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (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. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

**Mr. Eric Greening:** speaks.

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

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

2. Submittal of a resolution delegating authority to the County Auditor-Controller-Treasurer-Tax Collector (ACTTC) to perform certain duties on the Board's behalf in connection with the process of escheating unclaimed monies as authorized by California Government Code Section 50057. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-299, adopted.**

3. Review of the District Attorney's Office State of California Department of Insurance Workers' Compensation Insurance Fraud Program Grant for Fiscal Year 2014-15. All Districts.

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

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

4. Submittal of a resolution authorizing the Director of the Department of Planning and Building to 1) submit a grant application to the U.S. Department of Housing and Urban Development (HUD) for the Fiscal Year 2015 Continuum of Care program and 2) sign the agreements necessary to participate in

the program. All Districts.

**Dr. C. Hite:** speaks.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-300, adopted.**

5. Submittal of a resolution accepting an Avigation Easement from Patrick D. Fitzgerald and Barbara H. Fitzgerald, Trustees of the Patrick and Barbara Fitzgerald Family Trust dated November 15, 2012, for the Oceano County Airport. District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-301, adopted.**

**Consent Agenda - Parks & Recreation Items:**

6. Request to 1) approve an amendment to the fixed asset list for Fund Center (FC) 305 –Parks and Recreation to add a replacement boiler/burner for Hardie Park pool in Cayucos, and 2) authorize a corresponding budget adjustment in the amount of \$20,000 from Parks Reserves to FC 305- Parks and Recreation for the boiler/burner. District 2.

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

**Consent Agenda - Public Works Items:**

7. Submittal of right of way documents accepting conveyance from Robert S. and Victoria F. Aikman for the Cypress Mountain Drive at Klau Creek Bridge Replacement Project. District 1.

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

8. Submittal of a resolution designating the Director of Public Works, or designee, as the authorized representative to file an application and execute an agreement for the Sustainable Groundwater Planning “Counties with Stressed Basins” Grant Program. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-302, adopted.**

**Consent Agenda - Social Services Items:**

9. Request to approve three appointments to the Workforce Development Board (WDB). All Districts.

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

**Public Comment Period:**

10. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Mr. Lee Collins – Department of Social Services Director and Ms. Ebony Toews:** speak to a project displayed in the Government Center called “My Life Lens”.

**Mr. Ben DiFatta:** comments on a local developer and recent world events.

**Mr. Eric Greening:** discusses the tentative hearings dates for Phillips 66; the Director of Air Pollution Control District’s contract renewal; and comments on Item No. 14.

**Ms. Julie Tacker; Ms. Linde Owen; and Mr. Richard Margetson:** address concerns with an article titled “It’s never been easy” relating to the Los Osos Wastewater Plant. Additionally, Ms. Tacker requests

public outreach on financial assistance information presented at a recent untelevised meeting; and Ms. Owen presents photographs of the Los Osos Tri-W site and comments on shelter for homeless during the winter.

**Dr. C. Hite:** comments on her struggle to fit in with the community and presents and discusses a video of her military family.

**Mr. Gary Kirkland:** addresses a recent incident in Paris and how it's an example that gun control laws are ineffective.

**Mr. George Sullivan:** speaks to the Santa Margarita underground project, commending PG&E and Public Works for their efforts; and comments on the condition of Tassajara Creek Road. **No action taken.**

**Board Business:**

- 11. Request to enter into three individual agreements with Property Assessed Clean Energy (PACE) administrators to allow properties within unincorporated County to participate in PACE programs, and to amend an existing Joint Powers Agreement. All Districts.

**Mr. Jon Griesser – Department of Planning and Building:** replaces Page 2 of 4 to the HERO resolution to correct the reference to the Joint Powers Agreement to read "Exhibit 1" not "Exhibit A".

**Mr. Dustin Reilich – HERO Program; Ms. Emily Goodwin – Ygrene Program; and Mr. Jeremy Hutman – Californiafirst Program, PACE Administrators:** speak to their programs and respond to Board Member's questions regarding disclosure requirements and local hire opportunities.

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

**Mr. Gary Kirkland; Ms. Leslie Halls – San Luis Obispo County Builders Exchange Executive Director; Mr. Kevin Hauber - Mortgage House Senior Loan Officer; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); and Mr. Frank Scottie - Solarponics:** speak.

**RESOLUTION NO. 2015-303, a resolution consenting to inclusion of properties within the County's unincorporated area in the California Hero Program to finance distributed generation renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure and approving the amendment of the joint powers agreement; RESOLUTION NO. 2015-304, a resolution authorizing the County of San Luis Obispo to join the Californiafirst program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the unincorporated territory of the County; and authorizing related actions; and RESOLUTION NO. 2015-305, a resolution consenting to inclusion of properties within the County's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to finance renewable energy improvements, energy efficiency and water conservation improvements and electric vehicle charging infrastructure, adopted. Further, the Board instructs the Chairperson to sign the Amendment to the Joint Powers Agreement and three individual agreements with PACE administrators.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

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

- 12. Submittal of the 2015 Status Report on the San Luis Obispo County's 2011 Public Safety Realignment Implementation Plan. All Districts.

**Chairperson Arnold:** opens the floor to public comment without response and receives and files the 2015 Status Report on the San Luis Obispo County's 2011 Public Safety Realignment Implementation Plan.

- 13. Request to receive and file the Department of Parks and Recreation’s 2015-2020 Draft Strategic Plan. All Districts.

**Chairperson Arnold:** opens the floor to public comment without response and receives and files the Department of Parks and Recreation’s 2015-2020 Draft Strategic Plan.

**Hearings:**

- 14. Hearing to consider a request by the County of San Luis Obispo for amendments to Title 29 – Affordable Housing Fund, to consider resolutions adopting an annual adjustment of the residential in-lieu fee and commercial housing impact fee schedules, and approve the Annual Report and Action Plan for Year 2016 pursuant to Title 29. All Districts.

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

**Dr. C. Hite; Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB); Mr. Eric Blacker – People’s Self Help Housing; Mr. Morgen Benevedo – People’s Self Help Housing; Ms. Abby Lassen; Mr. Jeff Eckles – Home Builder’s Association of the Central Coast Executive Director:** speak.

**On motion by Supervisor Lynn Compton, seconded by Chairperson Debbie Arnold, to approve staff recommendations, approving the three recommended project areas, keeping the funding level at “Year 1”, is discussed.**

**Supervisors Gibson and Hill:** address their reasons why they cannot support the motion and states it’s time to increase the fees to “Year 2”.

**Supervisor Mecham:** request the motion be amended to include direction to staff to return with options relating to increasing affordable housing and what the County can and can’t do, with the motion maker and second amending the motion to include staff direction.

**Supervisor Compton:** requests a map showing areas in the County most suitable for new development, with Mr. Jim Bergman – Director of Planning and Building responding a map, as requested, can be provided which will also include county constraints, water availability, and traffic infrastructure issues.

**RESOLUTION NO. 2015-306, a resolution adopting adjustments to the in-lieu fee Schedule and housing impact fee schedules of Title 29 – Affordable Housing Fund; RESOLUTION NO. 2015-307, a resolution approving the annual report and action plan for year 2016 pursuant to Title 29 – Affordable Housing Fund of the County of San Luis Obispo, adopted. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3310, an ordinance amending Title 29 of the San Luis Obispo County Code, adopted (not enacted). Furthermore, directs staff to bring back a discussion addressing options of increasing affordable housing and what the County can and can’t do.**

**Motion by:** Lynn Compton

**Second by:** Debbie Arnold

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

**Closed Session Items:**

**15.** The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Two; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Two.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) Mesa Community Alliance v. State of California Department of Parks and Recreation, et al.; (4) Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.; (5) AT&T Corp. v. County of San Luis Obispo.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (6) San Luis Obispo Government Attorney’s Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel’s Association (DCCA); (9) Sheriffs’ Management; (10) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (11) Deputy Sheriff’s Association (DSA); (12) District Attorney Investigators’ Association (DAIA); (13) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code section 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: (17) Property Description: 249 12th Street, Units A and B, San Miguel (APN 021-252-009); Agency Real Property Negotiator: Shauna Dragomir, Real Property Manager; Party with Whom Negotiating: John Haggerty; Instructions to Negotiator: Price, Terms, and Conditions.

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

**Mr. John Snyder (documents):** speaks.

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**

**16.** Submittal of a resolution recognizing Kevin Kester as the recipient of the 2015 California Chamber of Commerce Livestock person of the year award. All Districts.

**Assemblyman Katcho Achadjian:** presents a certificate of recognition to Kevin Kester.

**Mr. Kester:** speaks.

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

**RESOLUTION NO. 2015-308, a resolution recognizing Kevin Kester as the recipient of the 2015 California Chamber of Commerce Livestock Person of the Year Award, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			

Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business:**

17. Request to approve the appointments of Board Members to various committees and commissions. All Districts.

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

**The Board approves the appointments to various committees and commissions as per the staff report with Supervisor Hill being appointed as the alternate member to the Local Agency Formation Commission (LAFCO); directs staff to bring back a resolution and appropriate documents to join the Rural County Representatives of California (RCRC), and at which time, appoint Supervisor Compton as the representative and Chairperson Arnold as the alternate representative.**

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

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

**Hearings:**

18. Hearings to consider resolutions for two proposals, one to amend and one to enter into agricultural preserves. AGP2014-00016 – Riboli Paso Robles, LLC - south side of Almond Drive, approximately 1.0 mile east of the intersection of Almond Drive and South El Pomar Road, 4.0 miles east of the City of Atascadero. AGP2015-00002 - Ronald Denner - north side of Adelaida Road approximately 1 mile west of the intersection of Adelaida Road and Nacimiento Lake Drive, 2 miles west of the City of Paso Robles. Districts 1 and 5.

**A. FILE NUMBER AGP2014-00016:** Proposal by Riboli Paso Robles, LLC to amend an agricultural preserve to decrease the minimum parcel size for conveyance of parcels from 80 acres to 40 acres that will allow the applicant to enter into a land conservation contract. The subject property is an approximately 83 acre agricultural parcel that is currently planted with vineyards. The property is located within the Agriculture land use category, on the south side of Almond Drive, approximately 1.0 mile east of the intersection of Almond Drive and South El Pomar Road and approximately 4.0 miles east of the City of Atascadero. The site is in the El Pomar-Estrella Sub-area of the North County planning area. Assessor Parcel No. 034-231-033, District 5.

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

**RESOLUTION NO. 2015-309, a resolution amending an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.**

**Motion by:** Debbie Arnold  
**Second by:** Lynn Compton

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

**B. FILE NUMBER AGP2015-00002:** Proposal by Ronald Denner to establish an agricultural preserve that

will enable the applicant to enter into a land conservation contract. The 123.5 acre parcel is located within the Agriculture land use category on the north side of Adelaida Road approximately 1 mile west of the intersection of Adelaida Road and Nacimiento Lake Drive, approximately 2 miles west of the City of Paso Robles. The site is in the Adelaida Sub-area of the North County planning area. Assessor Parcel No. 026-232-014, District 1.

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

**RESOLUTION NO. 2015-310, a resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.**

**Motion by:** Frank R. Mecham

**Second by:** Bruce S. Gibson

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

**Board Business:**

- 19. Request to authorize processing of a Local Coastal Plan amendment application (LRP2014-00023) by Teach About/Righetti to change the land use designation of a 253 acre parcel of land from Agriculture to Recreation in order develop a 300,000 square foot children’s cancer hospital; the site is located along and on the north side of State Highway 41 adjacent to the City of Morro Bay in the Estero Planning Area. District 2.

**Mr. James Caruso – Department of Planning and Building:** states the applicant has withdrawn their request.

**Chairperson Arnold:** opens the floor to public comment without response. **No action taken.**

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, **TOMMY GONG**, 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, November 17, 2015, 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.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** December 9, 2015