

Tuesday, February 02, 2016

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, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-10. This is the time set for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 10 on the following vote is indicated for each item.

Items: Set for Hearing:

- 1. Request to authorize the issuance of legal notices of public hearings regarding solid waste disposal rate increase within the boundaries of the Los Osos Community Services District and surrounding areas. Hearing date set for March 22, 2016. District 2.

The Board approves as recommended by the County Administrative Officer.

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

- 2. Submittal of a follow-up cash procedures and internal control review of the Planning and Building Department conducted on December 10, 2015. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

- 3. Request to ratify a resolution recognizing Robyn and Keith Schmidt for receiving the Atascadero Chamber of Commerce 2015 "Citizens of the Year" Award. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-29, adopted.

- 4. Resolution honoring Jason Haas as the 2015 Paso Robles Wine Country Wine Industry Person of the Year. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-30, adopted.

Consent Agenda - Health Agency Items:

- 5. Request to approve a FY 2015-16 renewal contract with San Luis Obispo Office Of Education not to exceed \$71,400 to provide drug and alcohol counseling services. Districts 2, 4 and 5.

The Board approves as recommended by the County Administrative Officer.

- 6. Request to approve the Mental Health Services Act (MHSA) Innovation Component Plan for FY 2016-17 through FY 2019-20 in the amount of \$1,919,936. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

- 7. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of Morretti Canyon Road Bridge Rehabilitation, San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-31, adopted.

- 8. Submittal of a resolution approving the Air Park Drive Bridge Replacement Project and adopting the Mitigated Negative Declaration pursuant to Section 21000 et seq., of the California Public Resources Code (CEQA), and direct staff to proceed with associated project development activities. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-32, adopted.

- 9. Submittal of a resolution commending Scott Wetmore upon his retirement after 30 years with the County of San Luis Obispo. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION No. 2016-33, adopted.

Consent Agenda - Sheriff - Coroner Items:

- 10. Request to approve a grant in the amount of \$27,247 from the State of California, Department of Parks and Recreation to purchase an Off Highway Vehicle (Polaris) and related safety equipment; approve a resolution acknowledging the terms and requirements of the grant; approve a corresponding budget adjustment; amend the fixed asset list for FC 136 Sheriff-Coroner; and authorize the Sheriff-Coroner to sign documents related to this grant. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-34, adopted.

Presentations:

- 15. Submittal of a resolution proclaiming February 2016 as "Children's Dental Health Month" in San Luis Obispo County. All Districts.

Dr. Navid Fardanesh - Oral Health Program Manager and the Coordinator for Oral Health Coalition : speaks.

RESOLUTION NO. 2016-35, a resolution proclaiming February 2016 as “Children’s Dental Health Month” in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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

- 16. Submittal of a resolution proclaiming February 2016 as "National Meat Month" in San Luis Obispo County. All Districts.

Chairperson Compton: opens the floor to public comment.

Mr. Dane Sensor and Mr. Eric Greening: speak.

RESOLUTION 2016-36, resolution proclaiming February 2015 as National Meat Month in San Luis Obispo County, adopted.

Motion by: Debbie Arnold

Second by: Frank R. Mecham

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

Public Comment Period:

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

Ms. Julie Tacker: urges the Board to oppose the removal of Dr. Charles Lester as Executive Director of the Coastal Commission; expresses her concerns with the Phillips 66 through put project; recognizes District Attorney Dan Dow for paying the outside counsel bill out of his own pocket; and asks the Board to review previously discussed Closed Session items that could now be made public.

Mr. Jeff Edwards: questions why Board members, at the last Air Pollution Control District meeting, did not have more questions during the presentation regarding Dust Rule 1001.

Mr. Tommy Gong: comments on the March 8th Paso Robles Basin Water District election; ballots will be mailed February 8th and the last day for registered voters to register or update their information is February 22, 2016.

Mr. Eric Greening: urges the Board to agendize an item to reaffirm support for Dr. Lester and comments on the upcoming Freeport appeal.

Mr. Gary Kirkland: states he believes the County should not be involved in giving low income loans under the PACE Program.

Ms. Mary Bianchi: highlights the various services to at-risk children being provided at Martha's Place and thanks the Board for their support.

Mr. Ben DiFatta: addresses his concern with the salaries and spending of public officials.

Dr. C. Hite: presents a video.

Ms. Linde Owen: discusses the need for the legal system to be able to hold accountable public officials and counsels that mismanage local agency funds.

Ms. Jeannette Watson: comments on her concerns, individually and politically, with our country. **No action taken.**

Board Business:

12. Consideration of the County's 2016 State Legislative Platform. All Districts.

Mr. Paul Yoder and Ms. Karen Lange – Shaw/Yoder/Antwih, Inc.: speak.

Chairperson Lynn Compton: opens the floor to public comment without response.

The Board approves the proposed 2016 Legislative Platform and directs staff to add language to reflect advocating for secure funding for tree morality.

Motion by: Frank R. Mecham

Second by: Bruce S. Gibson

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

- 13. Update on the Women’s Jail Expansion project; request to authorize a budget adjustment in the amount of \$50,000 from General Government Building Replacement Fund to the Women’s Jail Expansion project budget for relocation of the Classification Unit, and approve and execute Standard Agreement Amendment #1 to the California Department of Corrections and Rehabilitation (CDCR) Standard Agreement (PR10237360) for the Women’s Jail Expansion project located at 1585 Kansas Avenue, San Luis Obispo. All Districts.

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

The Board receives and files the report on the current status of the Women’s Jail Expansion project at 1585 Kansas Avenue in San Luis Obispo; authorizes a budget adjustment in the amount of \$50,000 from General Government Building Replacement Fund (1202500000) to the Women’s Jail Expansion project budget for the relocation of the Sheriff’s Classification Unit by 4/5 vote; and approves execution of Standard Agreement Amendment #1 to the California Department of Corrections and Rehabilitation (CDCR) Standard Agreement (PR10237360) and instructs the Chairperson to sign Standard Agreement Amendment #1.

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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

Closed Session Items:

- 14. 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: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

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) Ethnobotanica v. County of San Luis Obispo, et al.; (4) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.; (5) San Luis Obispo County Flood Control and Water Conservation District v. Southern California Pipeline Construction, Inc., et al.; (6) Verizon California, Inc. v. California State Board of Equalization, et al. ; (7) San Luis Flood Control and Water Conservation District v. A. Teichert and Sons, Inc., et al.

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: (8) San Luis Obispo Government Attorney’s Union (SLOGAU); (9) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (10) Deputy County Counsel’s Association (DCCA); (11) Sheriffs’ Management; (12) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (13) Deputy Sheriff’s Association (DSA); (14) District Attorney Investigators’ Association (DAIA); (15) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (16) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (17) Unrepresented Management and Confidential Employees; and (18) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Chairperson Compton: 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.

Hearings

- 17. Hearing to consider an ordinance, adding Chapter 7.45 to Title 7 of the County Code banning the possession, distribution, and sale of synthetic drugs. Introduced January 5, 2016. All Districts.

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

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3315, an ordinance of the County of San Luis Obispo, State of California, adding Chapter 7.45 to Title 7 of the San Luis Obispo County Code, relating to the Regulation of Synthetic Drugs; and authorizes the Clerk to publish a summary in a newspaper of general circulation in the County within 15 days after adoption of the proposed ordinance by your Board, which can act as an alternative publication pursuant to Government Code Section 25124(b)(1).

Motion by: Frank R. Mecham

Second by: Debbie Arnold

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

- 18. Hearing to consider an appeal by Robert Mueller of the Planning Department Hearing Officer’s approval of a request by Verizon Wireless and Lori Angello for a Minor Use Permit/Coastal Development Permit (DRC2014-00149) to allow the construction and operation of an unmanned wireless communications facility consisting of one panel antenna and related equipment on a 23’ tall replacement light pole and ground-mounted equipment boxes, located in the equipment yard for Angello’s ATV Rentals, 307 Pier Avenue, in the community of Oceano. This project is exempt from CEQA. District 4.

Mr. Airlin Singewald – Planning and Building: presents amended Conditions of Approval that adds Airport Review Area section, including new Conditions #20 and 21 and renumbering the remaining conditions consecutively.

Mr. Robert Mueller – Appellant (permit issued list & aerial photographs), Mr. Chris Durand – representing Applicant Verizon Wireless, and Mr. Craig Angello – Applicant Angello’s ATV Rentals Manager: speak.

Chairperson Compton: opens the floor to public comment.

Mr. Jeff Edwards and Ms. Mary Lucey: speak.

Ms. Lori Angello – Applicant, Mr. Mueller and Mr. Durand: present their rebuttals.

RESOLUTION NO. 2016-37, a resolution to partially uphold the appeal of Robert Mueller and modify the decision of the hearing officer and to conditionally approve the application of Verizon Wireless / Lori Angello for Minor Use Permit drc2014-00149, adopted as amended.

Motion by: Lynn Compton
Second by: Adam Hill

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

19. Hearing to consider proposed amendments to 1) San Luis Obispo County General Plan - Land Use and Circulation Element, San Luis Bay Inland Sub Area of the San Luis Obispo Area Plan, 2) the County Official Maps – Part III of the Land Use Element/Local Coastal Plan (Estero Area Plan), 3) San Luis Obispo Sub Area of the San Luis Obispo Area Plan, 4) Title 22 of the County Code – the Land Use Ordinance for the Winter 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.

Chairperson Compton: opens the floor to public comment.

Ms. Rachel Kovesdi, Mr. Roger Randall and Mr. Martin Bragg: speak.

The Board holds a public hearing on the amendments recommended for approval by the Planning Commission; RESOLUTION NO. 2016–38, Resolution to amend the San Luis Obispo San Luis Obispo County General Plan, Land Use and Circulation Element; the San Luis Bay Inland Sub Area of the San Luis Obispo Area Plan; the Official Maps – Part III of the Land Use Element/Local Coastal Plan (Estero Area Plan); the San Luis Obispo Sub Area of the San Luis Obispo Area Plan; Title 22 of the County Code – the Land Use Ordinance; and approval of Environmental Documents; the reading of the proposed ordinances are waived and said proposed ordinances are read by title only Ordinance No. 3316, an Ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, and the San Luis Obispo County Coastal Zone Land Use Ordinance, Title 23 of the County Code; Ordinance No. 3317, an Ordinance amending the San Luis Obispo Land Use Ordinance, Title 22 of the San Luis Obispo County Code, Section 22.96.050(E)(9), relating to standards in the Residential Rural Land Use Category of the San Luis by Sub Area of the San Luis Obispo Area Plan; Ordinance No. 3318, an Ordinance amending the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, Section 22.96.050(E)(10), relating to standards in the Residential Rural Land Use Category of the San Luis Obispo Sub Area of the San Luis Obispo Area Plan; and Ordinance No. 3319, an Ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.30.204.A relating to the applicability of Agricultural Offset Requirements, adopted.

Motion by: Adam Hill
Second by: Bruce S. Gibson

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

Board Business:

20. Request to receive and file a report on the status of emergency shelters countywide and provide staff direction as necessary.

Chairperson Compton: opens the floor to public comment.

Dr. Martin Meltz, Mr. Dane Sensor, Ms. Judy Najerian – Sunny Acres Director, Mr. Terry Shepard – Sunny Acres Director, Mr. Tom Bradkovich; and Mr. Eric Greening: speak.

The Board finds under Government Code 8698, a declaration of shelter crisis with a sunset date of April 15, 2016, request each city within the county to declare a shelter crisis, make \$10,000 available from the County for warming centers, request each city within the county to make \$10,000 available for warming centers. Further directs staff to identify what’s stopping people from using the existing shelters, what transportation is available to get them to shelters, the public outreach necessary; how storage of personal property and pets can be accommodated; why there is a lack of volunteers, how HSOC can be involved; ways to streamline the Conditional Land Use Permits to address emergency and long term solutions.

Motion by: Adam Hill

Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (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, **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, February 02, 2016, 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/ Catrina M. Christensen, Deputy Clerk-Recorder

DATED: March 10, 2016