

Tuesday, February 09, 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:

1-9. 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 9 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
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			

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. Bill Pelfrey (document): speaks.

Mr. Richard Lichtenfels – Environmental Health: responds to Supervisors Arnold’s and Mecham’s questions.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Airports Items:

2. Request to approve Amendment No. 1 to a previously approved ground lease with the SLO T-Hangar Association for Lease Site T at the San Luis Obispo County Regional Airport, allowing for the use of the February Consumer Price Index to adjust annual ground rent. District 3.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve change order #3 for the New Passenger Terminal Construction Project at the San Luis Obispo County Regional Airport in the amount of \$420,000 for placement of lime treated soils as backfill in foundation thereby mitigating wet weather construction setbacks if non lime treated soils are used. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

4. Submittal of a resolution approving the conflict of interest codes for the San Luis Obispo County Local Agency Formation Commission (LAFCO). All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-39, adopted.

Consent Agenda - District Attorney Items:

5. Request to authorize the District Attorney to apply for two grants from the California Office of Emergency Services (Cal OES) for the administration of the Unserved/Underserved Victim Advocacy and Outreach Program Crime Victims with Disabilities Grant in the amount of \$175,981, and the Elder Crime Victims Grant in the amount of \$351,962. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

6. Request to approve nine re-appointments to the Behavioral Health Board. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

7. Submittal of resolutions of support for the County of Santa Barbara's pursuit of boundary modifications for the Cuyama Valley Groundwater Basin. District 4.

Mr. Mark Hutchinson – Department of Public Works Deputy Director: responds to Supervisor Arnold's questions and concerns.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-40 and 2106-41, adopted.

8. Request to authorize a budget adjustment in the amount of \$63,000 from Flood Control District Reserves to fund the County of San Luis Obispo's share of the Los Osos Basin Management Committee (BMC) budget for calendar year 2016; authorize and execute a Funding Agreement for the Los Osos BMC Budget; approve and execute the County's portion of the BMC Budget for calendar year 2016; and to authorize the Director of Public Works or his designee to approve invoices associated with the BMC calendar year 2016 budget in an amount not to exceed \$63,000. District 2.

The Board approves as recommended by the County Administrative Officer.

9. Request to authorize a budget adjustment in the amount of \$30,000 from the Flood Control and Water Conservation District General reserve for project studies and implementation of West Paso Robles Sediment Control and in the amount of \$30,000 from Flood Control Zone 3 reserves for the Meadow Creek Diversion channel improvements near the City of Pismo Beach. Districts 1 and 4.

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.

Ms. Cindy Steinbeck and Mr. Bill Pelfrey: discuss matters relating to a document titled "Not All Water Stored Underground is Groundwater: Aquifer Privatization and California's 2014 Groundwater Sustainable Management Act".

Mr. Milton Carrigan: addresses the urgent need for "Shelter-in-Place" training for emergency

preparedness (document).

Mr. Ben DiFatta: discusses his experience renting property to tenants under Section 8 and displays photographs of the condition of the property.

Dr. C. Hite: presents a video showing hazards caused by oil trains.

Mr. Eric Greening: comments on the recent Planning Commission hearings regarding the Phillips 66; and commends Chairperson Campbell for allowing everyone to speak.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): speaks to the Paso Robles Groundwater Basin Urgency Ordinance and the recently reported number of dry wells.

Ms. April Dury: comments on the recent District 3 Candidate Forum in Avila Beach and her representative not participating.

Mr. Dane Senser: questions how the public is to address the Board; speaks to victim rights concerning public speakers and how they are treated when they address the Board.

Supervisor Arnold: comments on the document discussed by Ms. Steinbeck and Mr. Pelfrey.

Mr. Dan Buckshi - County Administrative Officer: highlights the Board's Rules of Procedure regarding the public comment. **No action taken.**

Hearings:

- 11. Hearing to consider a resolution for a request from Dana Adobe Nipomo Amigos to waive permit processing fees for construction permits associated with a visitor’s center and museum with associated support features proposed for the historic Dana Adobe in Nipomo. District 4.

Mr. Brian Pedrotti – Department of Planning and Building: amends the resolution by replacing page 3 of 4 to title the findings “Exhibit A”.

Chairperson Compton: opens the floor to public comment.

Mr. Alan Daurio – DANA Cultural Center Board of Director; Dr. Donna Gillette – Archaeologist and DANA Cultural Center Board of Director; and Ms. Marina Washburn – DANA Cultural Center Executive Director: speak.

The Board amends Page 3 of 4 to the resolution to title the Findings “Exhibit A”. Furthermore, RESOLUTION NO. 2016-42, a resolution approving the request by Dana Adobe Nipomo Amigos for a waiver of permit processing fees for various construction permits associated with a visitor’s center and museum proposed for the property on the East side of South Oakglen at the Historic Dana Adobe in Nipomo, adopted as amended and based upon the Findings in “Exhibit A”.

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			

- 12. Hearing to consider a request to authorize a General Plan Amendment application (LRP2014-00024) by Dr. Javad Sani to change the land use category from Agriculture to Residential Rural, and to adjust the Templeton Urban Reserve and Service Lines to incorporate the 91.76 acre parcel located at 2550 Vineyard Drive, west of the Community of Templeton. District 1.

Ms. Cathy Novak – Applicant’s Representative: speaks.

Chairperson Compton: opens the floor to public comment.

Mr. Jeff DeBrish and Mr. Bill Pelfrey: speak.

Motion to authorize the request by the Applicant.

Motion by: Frank R. Mecham

Second by: Lynn Compton

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		

The motion on the floor fails.

The Board does not authorize the processing of this General Plan Amendment because this request is: 1) Inconsistent with the Agriculture Element policies and goals for protecting agriculture; 2) Inconsistent with the Propose and Character statements for the Residential Rural land use category and the site is consistent with the Propose and Character statements for the Agriculture land use category; 3) Inconsistent with the guidelines for General Plan/Land Use Ordinance amendments as set forth in Framework for Planning, Part I of the Land Use and Circulation Elements; 4) Not located within the Templeton Sphere of influence expansion area. The 2013 Local Agency Formation Commission (LAFCO) Sphere of Influence Update Municipal Service Review did not consider the subject site as an expansion area into the Templeton Sphere of Influence; 5) A conversion of 92 acres of agricultural land suitable for farming. If approved this project will create pressure for surrounding agriculture land to convert to residential land uses; 6) In conflict with the Templeton Area Advisory Group (TAAG) recommendation. TAAG did not support the proposal due to concerns raised regarding traffic, loss of agriculture and the appropriate use of community services; and 7) Not necessary in order for the Templeton Community District (TCSD) to construct a water tank on the subject site. The 19 meters can be used anywhere within the TCSD boundaries. There are many vacant lots outside of the Agriculture land use category where meters could be used.

Motion by: Bruce S. Gibson

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			

Closed Session Items:

13. 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).

(Added Closed Session, per the addendum to the agenda. 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.) (19) Virtual Reality Enterprises, L.L.C., VRE Spanish Springs, L.L.C. v. County of San Luis Obispo. All Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

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.

Presentations

- 14. Submittal of a resolution recognizing the History Center of San Luis Obispo County's History Museum on its 60th Anniversary. All Districts.

Ms. Eva Ulz – History Center of San Luis Obispo: speaks.

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

RESOLUTION NO. 2016-43, a resolution recognizing the History Center of San Luis Obispo County’s History Museum on its Sixtieth Anniversary, 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			

- 15. Submittal of a resolution commending Eric N. Wier upon his retirement after 26 years with the County of San Luis Obispo. All Districts.

Mr. Wade Horton – Department of Public Works Director and Mr. Mark Hutchinson – Department of Public Works Deputy Director and Mr. Eric Wier – Department of Public Works: speak.

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

RESOLUTION NO. 2016-44, a resolution commending Eric N. Wier in recognition of 26 years of service to the residents of San Luis Obispo County, 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:

- 16. Submittal of a report and solicitation of Board direction related to the cultivation of Medical Cannabis (Marijuana) and request to authorize the use of Alternative Publication for an Urgency Ordinance regarding the Cultivation of Medical Cannabis. All Districts.

Mr. Guy Savage – Assistant County Administrative Officer: presents a powerpoint; states the Governor recently signed Assembly Bill 21 which removed the March 1, 2016 deadline to implement a local ordinance; and the Board now has the following options: continue with an urgency ordinance, develop a permanent ordinance, or do nothing at all and wait to see what the voters do in November.

Board Members: agree to not pursue an urgency ordinance; discuss the development of a permanent ordinance; permanent ordinance timeframes; business and environmental impacts; address various questions and comments regarding the potential ballot initiative to legalize recreational uses of marijuana; how it may affect County regulations; the need to consider various aspects of dealing with marijuana and be prepared for legalization of recreational marijuana.

Chairperson Compton: opens the floor to public comment.

Mr. Bradford Peters – SLO Community Collective; Mr. Charles Doster; Mr. Gary Gall; Mr. Richard Wright; Ms. Bonnie Neely – Representing Lakeland Farms; Ms. Kristin Nevedal – Patient Focused Certification (two documents); Mr. Sean Donahoe; Mr. Aaron Johnson – Coastal Growers Association; and Mr. Stephen Neuhan: speak.

Undersheriff Tim Olivas: speaks to an email he provided the Board regarding marijuana plant producing calculations, per Chairperson Compton’s request (document).

Supervisor Mecham: questions if the Farm Bureau has taken a position on this matter, with Ms. Joy Fitzhugh responding. Additionally, presents an ordinance by Fresno County and requests a copy be provided to the Undersheriff.

Board Members: discuss the following direction regarding the development of a permanent ordinance: the need reach out to other Counties who have started drafting an ordinance; collaborate with neighboring Counties to establish regional consistency; do outreach to various advisory bodies and organizations; address the concerns of Law Enforcement, what are their enforcement powers; how will violations will be established, and consider utilizing potential regulation fines, taxes or fees, if established, towards the Sheriff’ Department; forming an ad-hoc committee; looking at conducting an environmental analysis to consider both a medicinal project and potentially a full legalization project; craft the County’s regulations to be consistent with what’s allowed within the State’s regulations; generate revenue and taxation from distribution and consumption activities; to be aware of mitigating the amount of energy and water use for indoor cultivation; address the definition of a co-op concept and a collective concept; look at: residential and ag zoning, the possibility of smells going to neighboring properties; desire to craft a permanent ordinance that would not require significant changes should recreational uses be legalized; canopy and plants sizes, how to limit the number of plants; obtaining accurate calculation numbers for plant growing and consumption of marijuana; the need to address the concerns regarding growing in greenhouses, specifically to not burden the Nipomo area. Furthermore, address the importance that the Board commits to the necessary County resources; how this will require exceptional amount of effort various County departments; and comments on the opportunity to regulate and draw revenue to put into programs and services if commercial cultivation is established.

Mr. Dan Buckshi – County Administrative Officer: states an ad hoc committee will not be necessary as there are multiple County Departments involved in a working team (i.e. Sheriff, District Attorney, Planning and Building, Ag Commissioner, Health Agency, Human Resources, Auditor-Controller, and the Administration Office); states staff will move this forward expeditiously yet in a thorough manner; do outreach to the numerous advisory bodies and various organizations; and will come back in about a month with more options and timeframe for a potential permanent ordinance.

The Board receives an update related to the cultivation of Medical Cannabis directs staff to pursue the development of a permanent ordinance.

Motion by: Frank R. Mecham

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			

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 09, 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/ Annette Ramirez, Deputy Clerk-Recorder

DATED: February 9, 2016