

Tuesday, February 23, 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, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: Supervisor Bruce S. Gibson

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

Consent Agenda – Review and Approval:

1-23. This is the time set for consideration of the Consent Agenda.

Chairperson Compton: opens the floor to public comment.

Supervisor Arnold pulls Item No. 7 to make a motion to return the Paso Robles Water District formation election ballot on County-owned properties within the proposed Paso Robles Basin Water District as a NO vote, dies for a lack of a second.

The action taken for Consent Agenda items 1 through 23 on the following vote is indicated for each item.

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			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to approve an agreement with the San Simeon Chamber of Commerce in the amount of \$72,627 on behalf of the San Simeon Local Area for the San Luis Obispo County Tourism Business Improvement District (CBID). District 2.

The Board approves as recommended by the County Administrative Officer.

2. Request to approve an employment agreement with Christopher Lopez as Veterans' Services Officer. All Districts.

Mr. Christopher Lopez – Veterans Services Officer: speaks.

The Board approves as recommended by the County Administrative Officer.

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

3. Submittal of a resolution adopting the Countywide Cost Allocation Plan for FY 2016-17 (Clerk's File). All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-46, adopted.

4. Submittal of a resolution to allow the proration of Escaped Assessments Pursuant to Revenue and Taxation Code Section 531.2(c). All Districts.

This item is withdrawn, per the addendum to the agenda, for further study and will be reintroduced at a later date.

Consent Agenda - Board of Supervisors Items:

5. Submittal of a resolution commending Michael LeBrun for his service to the residents of Nipomo as General Manager of the Nipomo Community Services District. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-47, adopted.

6. Request to appoint Suze Evenson and Henry Heer and to re-appoint Teresa Hinrichs to the Estrella/Pleasant Valley Public Cemetery District. District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Central Services Items:

7. Request to consider the Paso Robles Basin Water District formation election ballot for County-owned real property located within the proposed Paso Robles Water District boundary. Districts 1 and 5.

Mr. Eric Greening and Mr. Greg Grewal: speak.

Supervisor Arnold pulls this item to make a motion to return the Paso Robles Water District formation election ballot on County-owned properties within the proposed Paso Robles Basin Water District as a NO vote, dies for a lack of a second.

This item is amended, per the addendum to the agenda, to replace the attachment to add page numbers which were inadvertently omitted. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

8. Request to approve a Second Amendment to Lease with Potratz Properties, LLC for an additional 818 square feet of improved office space for Social Services at 3563 Empleo Street, San Luis Obispo. District 3.

This item is amended, per the addendum to the agenda, to replace the attachment to add a page number which was inadvertently omitted. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Health Agency Items:

9. Request to approve a FY 2015-16 through FY 2017-18 renewal contract, in the estimated amount of \$113,000 annually, with Woods Humane Society for the spaying and neutering of animals at the San Luis Obispo County Animal Shelter. All Districts.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve an amendment to the Multi-Year State Agreement with the Department of Health Care Services to increase funding for FY 2015-16 in the amount of \$885,209, for an overall contract amount of \$8,527,751, to provide substance use disorder services. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve the appointment of Candace Winstead to the San Luis Obispo County Health Commission. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

12. Submittal of a resolution amending an agreement to provide a housing unit for persons and families

of low or moderate income/rent limitation with Top Of The Hill Gang, LLC a California Limited Liability Company and Michael K. Hodge. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-48, adopted.

13. Submittal of three resolutions approving new and amended land conservation contracts for Anderson-Middleton (AGP2014-00005) on Shedd Canyon Road west of the community of Shandon; McCrea Ranch (AGP2014-00004) on Shedd Canyon Road west of the community of Shandon; Chicago Grade Land Fill & Recycling (AGP2015-00001) on Homestead Road east of the City of Atascadero; pursuant to the California Land Conservation Act of 1965. Class 17 categorical exemptions were issued for each application. Districts 1 & 5.

Mr. Greg Grewal: speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-49, 2016-50 and 2016-51, adopted.

14. Submittal of a resolution authorizing (1) the submittal of an Administrative Entity Solicitation of Interest to the 2016 State Emergency Solutions Grant Program, and (2) the Director of the Planning and Building Department to sign the standard agreement and all other documents required for participation. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-52, adopted.

Consent Agenda - Public Works Items:

15. Submittal of bid opening report for the 2015-16 Asphalt Overlay, Various North County Roads, San Luis Obispo County, and to award the subject contract to Papich Construction Co., Inc. the lowest responsive, responsible bidder, in the amount of \$2,948,826; and to authorize a budget adjustment in the amount of \$3,717,090 to increase the funding appropriation of the project; and approve and execute an agreement for professional engineering services with MNS Engineers, Inc. in the amount of \$249,164 for construction management services. District 1.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve an agreement with Omni Means in the amount of \$97,265, for professional engineering consulting services to prepare viable alternative secondary access to South Oakglen Avenue as well as the Dana Adobe Property, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer.

17. Submittal of bid opening report for the 2015-16 Asphalt Overlay, Various South County Roads, San Luis Obispo County, to award the subject contract to CalPortland Construction the lowest responsive, responsible bidder, in the amount of \$1,839,551; authorize a corresponding budget adjustment in a total amount of \$2,401,770 to increase appropriation funding and associated funding for the project; and approve and execute a reimbursement agreement with Oceano Community Services District in the amount of \$35,900. District 4

The Board approves as recommended by the County Administrative Officer.

18. Submittal of bid opening report for Installation of Centerline Rumble Strips, Countywide, to award the subject contract to Chrisp Co., the lowest responsive, responsible bidder, in the amount of \$646,934. All Districts.

The Board approves as recommended by the County Administrative Officer.

19. Request approval of Tract 2710, a proposed subdivision resulting in 24 lots by Peoples' Self Help Housing Corporation that has been received and has satisfied all the conditions of approval that were established at the public hearing on the tentative map; reject the offers of dedication for N Street,

Wimer Way, Tema Street and pedestrian access easement; order the abandonment of portions of 11th Street, and act on the resolution to approve the inclusionary housing agreement, in the community of San Miguel. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-53, adopted.

20. Request to amend the Fiscal Year 2015-16 Fixed Asset List for Fund Center 430 – Los Osos Wastewater System Fund to add one forklift, one welder, one copier, one all terrain vehicle, one portable pump and one portable generator at a total estimated cost of \$147,000 within the existing project budget. District 2.

Ms. Linde Owen: speaks.

This item is amended, per the addendum to the agenda, to correct a typographical error to the total estimated cost within the existing project budget from \$147,000 to \$154,000. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Social Services Items:

21. Submittal of a resolution amending the Position Allocation List for Fund Center (FC) 180 – Social Services Administration to add 4.00 FTE Positions to expand staffing and support of Child Welfare Services (CWS) programs and Staff Development, and request to authorize a corresponding budget adjustment in the amount of \$306,361 to increase expenditure appropriations to cover the cost of these positions and associated program costs. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-54, adopted.

22. Request to receive and file the Adult Services Policy Council (ASPC) Annual Report for FY 2014-15. All Districts.

Ms. Laura DeLoye – Adult Services Council Chairperson: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Veterans Services Items:

23. Request to approve annual Medi-Cal cost avoidance and County Subvention agreements with the California Department of Veterans Affairs (CDVA). All Districts.

The Board approves as recommended by the County Administrative Officer.

Presentations:

24. Submittal of a resolution commemorating the community of Cambria on its 150th year since establishment. All Districts.

Cambria Town Criers: read the resolution.

Mr. John Ehlers – Cambria Historical Society President: speak.

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

RESOLUTION NO. 2016-55, a resolution commemorating the community of Cambria on its 150th year since establishment, adopted.

Motion by: Adam Hill

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			
Arnold, Debbie (Board Member)	x			

25. Submittal of a resolution proclaiming February 29, 2016 as "Rare Disease Day" in San Luis Obispo County. All Districts.

Ms. Andrea Vergne: speaks.

Chairperson Compton: opens the floor to public comment.

RESOLUTION NO. 2016-56, a resolution proclaiming February 29, 2016 as "Rare Disease Day" in San Luis Obispo County, adopted.

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			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

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

Mr. Tommy Gong - County Clerk-Recorder: speaks to the March 8, 2016 Paso Robles Basin Water District; the number of returned ballots; and voter reminders and deadlines.

Mr. Eric Greening; Ms. Julie Tacker: address an article published in the Tribune regarding Board Members opinions on County funds to manage the Paso Robles Water Basin. Additionally, Ms. Tacker comments on the absence of her supervisor; and how the Los Osos Basin Committee is being funded.

Mr. Ben DiFatta: speaks to the "good old boys"; free speech rights; election campaigning; and political representatives serving terms.

Ms. Cindy Steinbeck; Mr. Michael Baugh; and Mr. Greg Grewal: address various matters relating to the proposed Paso Robles Basin Water District. Furthermore, Mr. Grewal encourages the Board to review their Oath of Office.

Ms. Rochelle Becker - Alliance for Nuclear Responsibility Executive Director: asks the Board to support Senate Bill 968 (documents).

Ms. Linde Owen: comments on the cost of staff time for the Los Osos Wastewater Project; the closure of local recycling centers; and urges a building moratorium in areas that have no water.

Mr. Scott Barnes – United States Army Retired, Disabled, Distinguished Honorable Veteran; and Retired Federal Investigator: addresses his apology to County; a local private investigator; and the loss of his donation records to Veteran Services.

Richard Margetson: provides a clarification to his public comments last week; and addresses an opinion in the Tribune by District 2 Supervisor.

Dr. C. Hite: requests a moment of silence for those involved in a collapsing 17 story apartment complex in Taiwan; and presents past Board agendas.

Mr. Bill Pelfrey and Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB): comment on matters relating the recent discussion regarding the Inland Vacation Rental Ordinance. Further, Mr. Pelfrey comments on Paso Robles Basin Funding and Mr. Brown suggests the Planning Department’s work program list include associated costs. **No action taken.**

Board Business - Public Works - Board Sitting as Flood Control District

27. Study Session for Extended Drought Emergency Water Supply Options for Zone 3 of the Flood Control and Water Conservation District. Districts 3 and 4.

Mr. Jim Garing – Garing, Taylor and Associates; Mr. Ben Fine – Pismo Beach Public Works Director; Mr. Greg Ray – Grover Beach Public Works Director: present powerpoint with staff.

Chairperson Compton: opens the floor to public comment.

Mr. Greg Grewal; Mr. Dale Gustin; Arroyo Grande Mayor Jim Hill; Pismo Beach Mayor Pro-Tem Ed Waage – Zone 3 Advisory Committee; and Mr. Michael Spangler: speak.

Board Members: question conservation measures; potential increases in State water allotments; State’s water dependability; injection well testing; infrastructure costs; number of sources and pipelines; evaporation water loss at Lopez Lake; cloud seeding; available water market purchases; the status of the Morro Bay Desalination Plant; emergency seawater/brackish water desalination facilities; Price Canyon produced water recovery; the existence of upper Lopez wells; land fallowing ramifications; water recycling and desalination; Zone 3 collaboration opportunities; precipitations patterns; and supplemental water benefits. **No action taken.**

Closed Session Items:

28. 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.;

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: (5) San Luis Obispo Government Attorney’s Union (SLOGAU); (6) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (7) Deputy County Counsel’s Association (DCCA); (8) Sheriffs’ Management; (9) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (10) Deputy Sheriff’s Association (DSA); (11) District Attorney Investigators’ Association (DAIA); (12) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (13) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (14) Unrepresented Management and Confidential Employees; and (15) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDS).

Ms. Rita Neal – County Counsel: states closed session is cancelled. **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, February 23, 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 24, 2016