

Tuesday, March 15, 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:**

1-8. 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 8 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 - Airports Items:**

1. Request for authorization to accept and sign a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant and a related budget adjustment in the amount of \$95,022 for the installation of an Automated Weather Observation System (AWOS) and replacement Beacon at the Oceano Airport. District 4.

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

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

2. Submittal of a compliance audit of the concession contract with the Spirit of San Luis FY 2014-15. All Districts.

**Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB):** speaks.

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

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

3. Request to appoint Matthew Vincent Bowden as a District 1 representative to the Bicycle Advisory Committee. All Districts.

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

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

4. Request to approve the minutes of the Board of Supervisors meetings held during the months of

October 2015 through December 2015 and January 2016. All Districts.

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

**Consent Agenda - Central Services Items:**

5. Request to approve a Lease Agreement with the Friends of the Adobes, Inc., a 509(a)(2) nonprofit corporation, for the Rios-Calendonia Adobe in San Miguel. District 1.

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

**Consent Agenda - Health Agency Items:**

6. Request to approve an amendment to the Multi-Year State Agreement with the Department of Health Care Services to increase funding for FY 2016-17 in the amount of \$936,694, for an overall contract amount of \$9,464,445, to provide substance use disorder services. All Districts.

**Ms. Gwen Pelfrey:** speaks.

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

**Consent Agenda Information Technology Items:**

7. Request to approve a contract with Fusion for FY 2015-16 through FY 2016-17, in the amount of \$635,307, to provide software and services to implement the GE Healthcare-Centricity electronic health record for the Public Health Department and a corresponding budget adjustment in the amount of \$1,043,363 from the Automation Replacement Designation to Fund Center 266 - Countywide Automation Fund. All Districts.

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

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

8. Request to approve a FY 2015-16 through FY 2020-21 contract with Tyler Technologies in the amount of \$1,026,866 for software and services to replace the Planning and Building Department's permit tracking system. All Districts.

**Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB):** speaks.

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

**Presentations:**

9. Submittal of a resolution commending Douglas A. Rion upon his retirement after 28 years with the County of San Luis Obispo. All Districts.

**Mr. Glen Marshall – Department of Public Works and Mr. Douglas Rion – County Surveyor (plaque):** speak.

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

**RESOLUTION NO. 2016-69, a resolution commending Douglas A. Rion upon his retirement after over 28 years of public service with the County of San Luis Obispo in the Department of Public Works, 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			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**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. Ben DiFatta; Mr. Bob Blair; and Mr. Eric Greening:** address various comments and concerns relating to the proposed Paso Robles Basin Water District election. Additionally, Mr. DiFatta speaks to the City of San Luis Obispo's rental housing inspection ordinance; and Mr. Greening suggests that all five basins under the Sustainable Groundwater Management Act (SGMA) be addressed collectively.

**Ms. Jeannie Blackwell:** discusses the right to water; its beneficial use; and prevention of unreasonable water waste.

**Ms. Julie Tacker:** questions the status on various matters associated with the Los Osos Wastewater Project.

**Ms. Linde Owen:** echoes Mr. Greenings comments; addresses storage tank utilization for recycled water; and comments on the closure of recycle centers.

**Dr. C. Hite:** presents and discusses past Board of Supervisors agendas and a 2003 Communitywide Results Report.

**Mr. Richard Margetson:** highlights issues relating to the 140 acre feet of recycled water in Los Osos going to dry land farming.

**Ms. Beth Raub - South County Boys and Girls Club:** speaks to the benefits of the club; and announces their Annual Gala Fundraiser on March 19, 2016 at the South County Regional Center.

**Supervisor Gibson:** states first phase of the Los Osos sewer lateral connections will begin on March 28, 2016 and workshop sessions will be held for property owners within the first phase; explains a noticing issue; and announces the Los Osos office is open to the public on Tuesdays and Thursdays from 10:00 a.m. to 12:00 p.m.

**Supervisor Hill:** suggests the Board start exploring options for the Paso Robles Groundwater Basin regarding moving forward; and addresses constituent concerns with its management and general funds impacts.

**Supervisors Arnold and Mecham:** outline their preference to look at all five basins for SGMA compliance and the potential budgetary impacts.

**On motion by Supervisor Bruce S. Gibson, seconded by Supervisor Adam Hill, to agendize an item on April 5, 2016 or April 12, 2016, to consider the next steps for the Paso Robles Groundwater Basin, that includes action items for the Board's consideration; and receive a review of the other four basins subject to SGMA, is discussed.**

**Supervisor Arnold:** comments on her duty to constituents countywide to ensure all five basins become sustainable and that she will not support the motion on the floor.

**Chairperson Compton:** states she has full faith that County will comply with SGMA and will not support the motion on the floor

**Mr. Dan Buckshi – County Administrative Officer:** addresses timing challenges to bring back a comprehensive update on all five basins that includes funding options and a detailed analysis by April 5, 2016 or April 12, 2016; and that an update is tentatively planned for mid-May.

**Supervisor Mecham:** states he will not support the motion on the floor; recommends this matter not be agendized in April; would like time for further discussions with the Department of Public Works and State Legislators; and seek additional information regarding State intervention.

**Motion to:** agendize an item on April 5, 2016 or April 12, 2016, to consider the next steps for the Paso Robles Basin, that includes action items for the Board's consideration; and receive a review of the other four basins subject to SGMA.

**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		

**The motion on the floor fails.**

**Hearings:**

- Hearing to consider an appeal by Murray Powell of the Planning Commission’s approval of a request by Dr. Harvey Billig for a Tentative Parcel Map and Conditional Use Permit to allow the subdivision of a 4.9 acre site into two parcels of 1.46 acres and 3.44 acres and the construction of a 70,419 square foot behavioral health hospital on Parcel 1 and a 36,503 square foot assisted living facility on proposed Parcel 2, located across from Twin Cities Hospital in Templeton. District 1.

**Board Members:** report their ex-parte communications relating to this hearing.

**Ms. Holly Phipps – Department of Planning and Building:** provides a PowerPoint presentation; and explains the modifications to Condition of Approval No. 58 which provide a more detailed explanation on how to achieve a reduction to Green House Gas emissions, shown in Attachment 1, Page 19 of 40.

**Ms. Whitney McDonald – Deputy County Counsel:** advises the Board on State and Federal laws that apply to the Board’s decision.

**Sheriff Ian Parkinson; Mr. Glen Marshall - Department of Public Works; and Ms. Ann Robin – Health Agency:** speak.

**Mr. Murray Powell – Appellant and Ms. Pamela Jardini – Applicant’s Representative (powerpoint and letter):** speak.

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

**Dr. Scott Bisheff; Ms. Jenna McCulloch; Ms. Ellen Frost; Mr. Eric Michielssen; Mr. Gere Sibbach; Ms. Susan Armstrong; Mr. John Armstrong; Ms. Debbie Peterson; Mr. Wayne Gretter; Ms. Nancy Ellison; Ms. Jill Bolster-White – Transitions Mental Health Association; Ms. Melanie Billig (petitions); Ms. Lee Perkins; Ms. Jane Pomeroy – The LINK Executive Director; Mr. William Frost; Mr. Darryl Elliot - The National Alliance for the Mentally Ill (NAMI) President; Mr. Tom Comar - Central Coast Nurse Practitioners & Physician Assistants (CCNPPA); Ms. Laura Slaughter (letter); and Dr. Edward Jardini:** speak.

**Chairperson Compton:** tables the hearing to the afternoon session, following Closed Session.

**Closed Session Items:**

- 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) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.; (4) Gentle Hills Vineyards, LLC 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).

**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.

### Hearing Continued:

11. Hearing to consider an appeal by Murray Powell of the Planning Commission's approval of a request by Dr. Harvey Billig for a Tentative Parcel Map and Conditional Use Permit to allow the subdivision of a 4.9 acre site into two parcels of 1.46 acres and 3.44 acres and the construction of a 70,419 square foot behavioral health hospital on Parcel 1 and a 36,503 square foot assisted living facility on proposed Parcel 2, located across from Twin Cities Hospital in Templeton. District 1, is brought back.

**Mr. Karl Hansen; Ms. Marguerite Bader – League of Women Voters President; Mr. Joseph Kurtzman - Peer Advisory and Advocacy Team (PAAT); Mr. Mike Manchak (petitions); Mr. William O'Neil; Mr. Roger Bowsky; Ms. Victoria Meredith; Mr. David Draggoo; Mr. Arthur Thompson - PAAT; Ms. Bonita Thomas; Mr. Heinz Huebner; Mr. Anthony Pinkerton; Ms. Pamela Weaver; Mr. Dan Woehl; Mr. Duane English; Ms. Heidi Bezaire - The National Alliance for the Mentally Ill (NAMI); Mr. Eric Greening; Ms. Chris Parker-Kennedy; Ms. Elizabeth Brousse; Ms. Priscilla Mikesell; Ms. Amy-Lynne Hilderbrand; Ms. Corri Perry – San Luis Obispo County Builders Exchange; Mr. Phil Gammons; Mr. Cecil Martinez; Ms. Diane O'Neil; Mr. Jens Hansen; Mr. John Klimala –NAMI Volunteer Coordinator; Mr. James Jones; Ms. Holly Clement; Ms. Catherine Cerri; Mr. Michael Walther; Ms. Melissa Noone; Ms. Linde Gilbert; Mr. Klaus Schumann; Ms. Jay Adams; Ms. Cindy Johnson – Transitions Mental Health Association (letters); Ms. Susan Warren (newspaper article); Mr. Will Ferraro; Mr. Fred Russell; Ms. Nancy Reinstein (letter); Ms. Gwen Pelfrey; Mr. Bill Pelfrey (Toad Creek Watershed Report); Ms. Shirley Sigmund (letter); Ms. Laurie Colton; Ms. Aurora William (petition); Mr. Russ Burns; Ms. Kayla Plourde; Ms. Diane Rehfield; Ms. Leslie Halls; Dr. Robert Clayton – City Human Relations Commission Vice President and Cal Poly Facility Union Vice President; Ms. Frieda Russell; (Chairperson Compton: reads into the record a letter of apology by Ms. O'Neil regarding her public comment statements) and Mr. Clay Newman: speak.**

**Ms. Jardini and Mr. Powell:** provide closing statements.

**Supervisor Hill:** asks for clarification on the record, regarding statistical data for patients that need to go but don't travel to out-of-area facilities, with Ms. Anne Robin – Health Agency responding.

**Board Members:** address the modifications to Condition No. 58; Green House Gas emissions; the

contract with Vizion and Templeton Unified School District (TUSD); various public concerns; how the allowable density/units are determined; concerns of traffic; and road infrastructure, with Mr. Jim Bergman – Planning and Building Director, Mr. James Caruso – Planning and Building and Ms. Whitney McDonald – Deputy County Counsel responding.

**On motion of Supervisor Debbie Arnold, seconded by Supervisor Adam Hill, the Board unanimously agrees to continue the meeting past 5:00 P.M.**

**Supervisor Arnold:** presents a view simulation of the proposed project; addresses the issues she heard from the public; the facility’s size, the types of insurances accepted, and other possible locations; the Templeton Community Design Plan; the property tax allotment to the TUSD; and asks if the Applicant will cover any costs to the TUSD, with Ms. Holly Phipps – Department of Planning and Building, Ms. Robin, Mr. Dan Buckshi – County Administrative Officer, and Ms. Pamela Jardini – Applicant’s Representative responding.

**The Board approves the proposed Findings shown in Exhibit A and Conditions of Approval shown in Exhibit B of the staff report dated March 15, 2016, including the Planning Commission’s approved modification to Condition No. 58; and RESOLUTION NO. 2016-70, a resolution denying the appeal of E. Murray Powell, affirming the decision of the Planning Commission, and conditionally approving the Application of Dr. Harvey Billig for a Conditional Use Permit and Tentative Parcel Map SUB2013-00052/CO14-0020, 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			
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, March 15, 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:** March 21, 2016