

Tuesday, June 07, 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.

Chairperson Compton: reminds the public that the Board Chambers is within 100 feet of a polling place and electioneering is prohibited.

Consent Agenda – Review and Approval:

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

Chairperson Compton: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 23 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			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk’s File) for the Airport Automated Weather Observation Station and Beacon Equipment Installation Project at the Oceano Airport for Board approval and advertisement for construction bids and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Bid opening date set for Thursday June 30, 2016. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve a FY 2016-17 contract with AGP Video, Inc., to provide professional audio video production services, broadcasting for Board of Supervisors, Planning Commission and Health Commission and broadcasting of Government-specific programming on Charter Channel 21. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request to approve a 2016 renewal contract with Topaz Solar Farms in the amount of \$456,417, under which County Fire would continue to provide 24/7 fire protection and emergency medical services to California Valley through December 31, 2016. District 5.

Mr. Geoff O’Quest – Administrative Office: corrects the contract term end date listed on Page 3 of the Staff Report under Financial Considerations to read: “December 31, 2016” not “December 31, 2015”.

This item is amended by correcting the contract term end date listed on Page 3 of the Staff Report

under Financial Considerations to read: “December 31, 2016” not “December 31, 2015”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

4. 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.

The Board approves as recommended by the County Administrative Officer.

5. Submittal of the FY 2016-17 Supplemental Budget to the Proposed Budget. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Request to designate the County Clerk-Recorder’s office as custodian of the Enterprise Systems Catalog pursuant to Senate Bill 272 Government Code Section 6270.5. All Districts.

The Board approves as recommended by the County Administrative Officer.

7. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to reappoint James Bahringer and appoint Karen Maraschiello to the Cambria Local Area Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve Amendment No. 3 to the agreement for services with TJA Advertising and Public Relations (TJA) to continue to provide marketing services to the Avila Beach Local Area of the San Luis Obispo County Tourism Business Improvement District (CBID) in FY 2016-17 in the amount of \$169,600. District 3.

The Board approves as recommended by the County Administrative Officer.

9. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appointment Chris King to the Avila Beach Area Advisory Board. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Assessor Items:

10. Submittal of a resolution to authorize the County Assessor to destroy the unsecured and secured delinquent tax rolls and original unsecured and secured rolls on which they are based if certain conditions are met. All districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-150, adopted.

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

11. Submittal of the Workforce Investment and Opportunity Act (WIOA) Fiscal and Procurement Review report for program year 2015-2016. All Districts

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

12. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3 (d). District 1.

The Board approves as recommended by the County Administrative Officer.

13. Submittal of a resolution recognizing Anita "Miss Etiquette" Shower for her dedicated service to the entire San Luis Obispo County community. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-151, adopted.

14. Submittal of a resolution proclaiming May 20, 2016 as "Hunt.Fish.Feed Day" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-152, adopted.

Consent Agenda - Clerk-Recorder Items:

15. Request to approve the minutes of the Board of Supervisors meetings held during the months of April 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Parks & Recreation Items:

16. Proposed amendment to the existing concession contract with EcoLearn dba Vista Lago Adventure Park. District 4.

The Board approves as recommended by the County Administrative Officer.

17. Request to authorize a budget adjustment in the amount of \$35,000 from the Park Reserves Budget - Fund Center 305, to Fund Center 30504 - Park and Recreation Projects Fund to fund the "Chorro Valley Trail - Camp San Luis Obispo Easement" project. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

18. Request to approve the attached plan for installation of centerline rumble strips on Park Hill Road; and approve Contract Change Order No. 4 to the Agreement with Chrisp Co. for the Installation of Centerline Rumble Strips, Countywide, Contract No. 300508, in the amount of \$39,480. All Districts.

The Board approves as recommended by the County Administrative Officer.

19. Submittal of right of way documents accepting conveyance from Pismo Oceano Vegetable Exchange (POVE), for the Oceano Drainage Improvement Project, Oceano. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Sitting as Flood Control District:

20. Submittal of a resolution to levy original assessments for costs of San Luis Obispo County Flood Control and Water Conservation District Zone 1 and 1A (Arroyo Grande Creek Channel and Los Berros Diversion Channel of Arroyo Grande Creek). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-153, adopted.

21. Submittal of a resolution to levy supplemental assessments for costs of San Luis Obispo County Flood Control and Water Conservation District: Zone 1 and 1A (Arroyo Grande Creek Channel and Los Berros Diversion Channel of Arroyo Grande Creek). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-154, adopted.

- 22. Submittal of a resolution to levy assessments for cost of San Luis Obispo County Flood Control and Water Conservation District Zone 18 (Cambria West Village Area). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-155, adopted.

- 23. Request to approve a drought buffer water agreement with Avila Beach Community Services District. District 3.

The Board approves as recommended by the County Administrative Officer.

Presentations:

- 24. Submittal of resolution recognizing Brenda Dye for 30 years of County service. All Districts.

Ms. Tami Douglas-Schatz – Human Resources Director: introduces Brenda Dye from the Assessor’s Office.

Ms. Sharon Sparks – Assistant County Assessor and Ms. Dye: speak.

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

RESOLUTION NO. 2016-156, a resolution commending Brenda Dye in recognition of thirty years of service with 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:

- 25. 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 today’s election; reminders to voters; the status of vote-by-mail ballots; and when election results will be released.

Mr. Eric Greening: comments on the right to vote; its importance; and cross-over voting options for voters registered non-partisan.

Dr. Steve Hanson – San Luis Obispo Medical Education Research Foundation President: discusses the threats of the Zika Virus (document) and the need for vector control surveillance in the County.

Ms. Cissie Pace: comments on unsolved crime cases in the County and urges the Board to allocate funding for a Cold Case Detective.

Mr. Gary Kirkland: speaks to the proposed half cents sales tax increase.

Mr. Justin Caporusso - Rural County Representatives of California (RCRC): welcomes the County to the RCRC organization and joining their efforts to help protect rural California.

Mr. John Wysong: states his concerns regarding local and State matters.

Dr. C. Hite: comments on public housing support; and Supervisor’s retaliatory behavior during meetings.

Ms. Linde Owen and Mr. Ben DiFatta: addresses various matters relating to Los Osos and the Wastewater Project. Additionally, Mr. DiFatta, speaks to public commentary being regularly ignored.
No action taken.

Hearings:

26. Hearing to consider protests to a proposed sewer/waste charge increase in San Luis Obispo County Service Area No. 1 (CSA1) and consider adoption of the Ordinance if no majority protest exists. District 4.

Ms. Kellie Burns – Public Works and Mr. Wade Horton – Public Works Director: provide the staff presentation (powerpoint).

Chairperson Compton: opens the floor to written protests and public comment without response. Further, offers one final opportunity for anyone to submit a written protest and closes the time for submission of protests.

The Clerk states no written protests were received, therefore not constituting a majority.

The Board finds that there is no majority protest based on the absence of a 50% protest since the County received no (zero) written protests for the one hundred and ninety one (191) parcels subject to rate increase. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3322, an ordinance amending sewer/waste disposal service charges for San Luis Obispo County Service Area No. 1 (Nipomo), adopted.

Motion by: Lynn Compton
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			

27. Hearing to consider protests to a proposed sewer/waste charge increase in San Luis Obispo County Service Area No. 1F (CSA1F) and consider adoption of the Ordinance if no majority protest exists. District 4.

Ms. Kellie Burns – Public Works and Mr. Wade Horton – Public Works Director: provide the staff presentation (powerpoint).

Chairperson Compton: opens the floor to written protests and public comment without response. Further, offers one final opportunity for anyone to submit a written protest and closes the time for submission of protests.

The Clerk announces one (1) written protest has been received which does not constitute a majority.

The Board finds that there is no majority protest based on the absence of a 50% protest since the County has only received one (1) written protest for the sixty six (66) parcels subject to rate increase. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3323, an ordinance amending sewer/waste disposal service charges for San Luis Obispo County Service Area No. 1F (Nipomo), adopted.

Motion by: Lynn Compton
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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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			

28. Hearing to consider protests to a proposed sewer/waste charge increase in San Luis Obispo County Service Area No. 1A (CSA1A) and consider adoption of the Ordinance if no majority protest exists. District 4.

Ms. Kellie Burns – Public Works and Mr. Wade Horton – Public Works Director: provide the staff presentation (powerpoint).

Chairperson Compton: opens the floor to written protests and public comment without response. Further, offers one final opportunity for anyone to submit a written protest and closes the time for submission of protests.

The Clerk states no written protests were received, therefore not constituting a majority.

The Board finds that there is no majority protest based on the absence of a 50% protest since the County received no (zero) written protests for the two hundred and forty eight (248) parcels subject to rate increase. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3324, an ordinance amending sewer/waste disposal service charges for San Luis Obispo County Service Area No. 1A (Nipomo), adopted.

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			

29. Hearing to consider an appeal of the South County Area 2 Road Improvement Fee by Mr. Ryan Maxwell. District 4.

Mr. Glen Marshall – Department of Public Works: provide the staff presentation (powerpoint).

Mr. Ryan Maxwell – Appellant: speaks.

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

Mr. Maxwell: provides closing statements.

Supervisors Arnold, Mecham, and Chairperson Compton: discuss waiving the fees; and the financial burden on the Appellant to pay fees for both the chip seal and road improvements, with Mr. Marshall responding.

Supervisors Hill and Gibson: state the chip seal matter is separate from the road improvement fee and legal findings are required to be made to waive the fees; suggests denying the request and having the Planning and Building Department work with the Appellant on possible alternatives to the dust control for potential relief on the chip seal expenses, with Ms. Rita Neal – County Counsel and Board Members responding.

Chairperson Compton: asks the Appellant if he would like to continue this hearing to allow time to work with the Planning and Building Department on the chip sealing matter, with the Mr. Maxwell and Board Members responding.

Chairperson Compton: defers this hearing to the afternoon calendar following the report out on

Closed Session to allow time for the staff and Appellant to further address dust mitigation for the chip seal issue.

Hearings - Public Works - Board Sitting as Flood Control District

30. Hearing to consider adoption of the 2015 Urban Water Management Plan Update for the Lopez Reservoir, Zone 3 of the San Luis Obispo County Flood Control and Water Conservation District. Districts 3 and 4.

Ms. Nola Engelskirger and Mr. Dean Benedix – Department of Public Works: provides the staff presentation (powerpoint) and amends page 49 of the Urban Water Management Plan Update to correct the title in Table 8-B to read: “Initial Prescribed Downstream Release Reduction Strategy”.

Supervisor Mecham: comments on State water, storage, and a concern regarding South County’s ability to provide water from the Lopez Reservoir, with Mr. Mark Hutchinson – Public Works Deputy Director responding.

Chairperson Compton: opens the floor to public comment.

Mr. Dale Gustin: speaks.

The Board, acting as the San Luis Obispo Flood Control and Water Conservation District: 1) holds the public hearing to review and discuss the 2015 Urban Water Management Plan Update for Zone 3; and 2) RESOLUTION NO. 2016-157, a resolution adopting the 2015 Urban Water Management Plan for the San Luis Obispo County Flood Control and Water Conservation District Zone 3 (Lopez Reservoir) as required by the California Urban Water Management Planning Act, California Water Code Division 6, Part 2.6, 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			

Closed Session Items:

31. 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 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: (3) San Luis Obispo Government Attorney’s Union (SLOGAU); (4) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (5) Deputy County Counsel’s Association (DCCA); (6) Sheriffs’ Management; (7) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (8) Deputy Sheriff’s Association (DSA); (9) District Attorney Investigators’ Association (DAIA); (10) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (11) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (12) Unrepresented Management and Confidential Employees; and (13) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDs).

PERSONNEL (Government Code section 54957.) It is the intention of the Board to meet in closed

session to: (14) Consider Public Employee Appointment for the Position of Director of Social Services.

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:

29. Hearing to consider an appeal of the South County Area 2 Road Improvement Fee by Mr. Ryan Maxwell. District 4, is brought back.

Ms. Rita Neal - County Counsel: states Planning and Building staff worked with the Appellant to discuss a design exemption for the chip seal issue and it was determined that it would require the Appellant to apply for a Minor Use Permit, pay a \$2,700 fee, it would take a couple months to process and then he would have to ask for the chip seal exemption, with Mr. Maxwell confirming he doesn't want to pursue that option as it is not historically likely that it would be granted. Further, Ms. Neal states based on that information and the Board comments, possible findings were drafted to waive the fee and partially grant the appeal; explains that the Appellant spoke on the record about the unit being used for his in-laws already residing on the property; that the Board needs to make a determination that sufficient evidence is found that this unit is more akin for a multi-family use as opposed to a single family dwelling (about 39% less in costs), with Mr. Maxwell stating the unit is for multi-generational use.

Supervisor Gibson: asks once the building permit issued, will the project be conditioned to require that only the Appellant's in-laws or multi-generations of the same family doing childcare in the primary house can reside in the secondary unit, with Mr. Glen Marshall - Public Works and Mr. Bill Robeson - Planning and Building responding no.

Mr. Dave Flynn - Public Works: reads the following findings into the record: "1) the fee proposed for this project is not proportional to traffic impacts associated with it due to the described operation of this particular secondary dwelling unit; 2) the intergenerational nature of the described unit makes it more akin to a multi-family use; and 3) therefore the Board finds there is an inadequate degree of proportionality associated with the standard residential fee and finds the multi-family fee to be the more appropriate fee."

On motion by Chairperson Compton, seconded by Supervisor Mecham, to partially uphold the appeal; impose the multi-family South County Area 2 Road Impact Fee; and adopt the findings read into the record by staff, is discussed.

Supervisor Gibson: affirms he can't support the findings for the following reasons: nothing about this project requires a multi-generational occupancy; nothing in the findings requires the described operation of the particular unit and such operation is completely unconditioned; there is a secondary unit that is free to be rented to anyone at any time; that there are facts in the record that the secondary unit, independent of the familiar relationships of the occupants at any one time, generates a peak hour trip per day; questions what distinguishes this parcel from any other parcel zoned Residential Suburban; and approving the motion implies that anyone can build a secondary unit and get a 40% discount on road impact fees. Furthermore, states this is the third hearing this particular Board has given discounts because Appellant's have found these fees to be onerous, which he doesn't disagree, but by not following through with the Road Impact Fee Program puts the County's roads system at risk.

The Board partially upholds the appeal by Ryan Maxwell; imposes the multi-family South County Road Area 2 Impact Fee, based on the findings as follows: 1) the fee proposed for this project is not proportional to traffic impacts associated with it due to the described operation of this particular secondary dwelling unit; 2) the intergenerational nature of the described unit makes it more akin to a multi-family use; and 3) therefore the Board finds there is an inadequate degree of proportionality associated with the standard residential fee and finds the multi-family fee to be the more appropriate fee, adopted.

Motion by: Lynn Compton
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			

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, June 07, 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: June 7, 2016