

Tuesday, July 26, 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:

1-16. 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 16 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			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items: Set for Hearing:

1. Introduction of an ordinance amending Chapter 1.01 of the San Luis Obispo County Code to reformat and recompile the San Luis Obispo County Code and repeal the previous county code. Hearing is set for August 16, 2016.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request for approval to apply for the Federal Fiscal Year 2016 Emergency Management Performance Grant in the amount of \$181,902. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Request to approve an agreement with the Arroyo Grande and Grover Beach Chamber of Commerce allocating \$3,000 from District Three Community Project Funds – Fund Center #106 to be used for expenses associated with holding the 26th annual Stone Soup Music Faire on August 27th and 28th, 2016 at Ramona Park in Grover Beach. District 3.

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 month of June 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to: (1) Approve four two-year renewal grant agreements (Clerk's File) from the Children and Families Commission (First 5) of San Luis Obispo County totaling \$548,700 to promote early childhood development for FY's 2016-17 and 2017-18; and (2) Adopt a resolution amending the Position Allocation List (PAL) for Fund Center 160 – Public Health to add a Limited Term 0.75 FTE Public Health Nutritionist I/II position to provide lactation consultant services. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-195, adopted.

6. Request to approve a five-year renewal agreement (Clerk's File) with Kathleen Long, M.D. to provide Medical Director services for the California Children Services (CCS) program for FY 2016-17 through FY 2020-21 in a total amount not to exceed \$80,000 per year. All Districts.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve a FY 2016-17 renewal contract, with the option to renew for two additional years, with the San Luis Obispo Child Resource Development Center, Inc. in an amount not to exceed \$50,000 to provide mental health services to Medi-Cal eligible Seriously Emotionally Disturbed (SED) children. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a FY 2016-17 renewal contract, with the option to renew for two additional years, with Yuan Yuan He and Li Xia Zhang dba American Care Home and American Care Home II in the amount not to exceed \$2,832,425 to provide residential board and care, social support, and outpatient mental health services to adults with serious mental illness. All Districts.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve a FY 2016-17 renewal contract, with an option to renew for two additional years, with Seneca Family of Agencies, d.b.a. Kinship Center in an amount not to exceed \$1,233,389 to provide specialty mental health services to children. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Library Items:

10. Request to create a new capital project, San Luis Obispo Library Renovation, and approve a Budget Adjustment in the amount of \$473,968 from Library Public Facility Fees (\$269,558) and Library Reserves (\$204,410) to Fund Center 230 – Capital Projects, to complete an interior renovation that will improve efficiencies and expand public spaces within the San Luis Obispo Library located at 995 Palm Street, San Luis Obispo. District 5.

Mr. Chase McMunn – Library and Mr. Eric Greening: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

11. Submittal of Pipeline Crossing Agreement from Union Pacific Railroad Company (UPRR) for the Oceano Drainage Improvement Project, Oceano. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

12. Submittal of a resolution approving the new classifications and establishing the salary ranges of Social Worker Aide I/II/III, and amending the Position Allocation List (PAL) for Fund Center 180 – Social Services Administration, by deleting 16.00 FTE Community Service Aide positions, and adding 16.00 FTE Social Worker Aide I/II/III positions. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-196, adopted.

13. Submittal of the Commission on Aging Annual Report for FY 2015-16. All Districts.

Ms. Kathleen Bellefontaine – Commission on Aging Chairperson and Mr. Eric Greening: speak.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of a resolution a) approving the FY 2016-17 Workforce Innovation and Opportunity Act (WIOA) subgrant agreement (Clerk's File) with the State of California for the receipt of Youth funds in the amount of \$699,704 and b) delegating signatory authority for all WIOA administrative documents to the Social Services Director, and request to approve the plan for the FY 2016-17 formula funds budget totaling \$2,133,797. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-197, adopted.

15. Request to approve a FY 2016-17 new service contract (Clerk's File) for Services Affirming Family Empowerment (SAFE) Family Advocates with Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO) in the amount of \$212,708. All Districts.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve a FY 2016-17 new service contract (Clerk's File) for the Independent Living Program (ILP)/Extended Foster Care (EFC) with Family Care Network, Inc. (FCNI), a local foster family agency, in the amount of \$380,594. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Mr. Patrick McGibney: recommends an urgency ordinance be enacted to evict code violators and remove crops prior to harvest time in California Valley (powerpoint).

Dr. C Hite (video); Mr. Ben DiFatta; and Ms. Julie Tacker: express concerns regarding how public participants are treated at meetings. Additionally, Ms. Tacker speaks to a Supervisor's campaign; its relation to Diablo Canyon's desalination project; and the amount of time and money spent by the county.

Mr. Eric Greening: speaks to article two, section 6 of the California Constitution regarding non-partisan offices; and the need to start the processing for permanent oak woodland and ag pond ordinances.

Mr. Bob Blair: comments on South County's road improvements; the Board's vote on the half-cent sales tax measure; and available water sources.

Mr. Mike Broadhurst - Upper Salinas Las Tablas Resources Conservation District (RCD), Board of Directors Chairperson: addresses the oak woodland and ag pond urgency ordinances; and states their agency accepts no responsibility to a winery's recent removal of oak wood.

Ms. Linde Owen: urges the county provide outdoor conservation funding for repurposing recycled water to Los Osos residents in the prohibition zone. **No action taken.**

Hearings:

18. Hearing to consider an appeal by Janneck Limited and RRM Design Group of the Planning Commission’s denial of a request for a Vesting Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots, located approximately two miles south of the City of Arroyo Grande and two miles north of the community of Nipomo, on both the eastern and western sides of Highway 101. Staff is recommending continuing this item to August 23, 2016. District 4.

Mr. Brian Pedrotti – Planning and Building: addresses the reasons for the continuance.

Chairperson Compton: opens the floor to public comment.

Mr. Bob Blair: speaks.

The Board continues the appeal hearing by Janneck Limited and RRM Design Group to Tuesday, August 23, 2016 hearing.

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			

Board Business:

19. Submittal of a report and solicitation of Board direction related to Medical Cannabis (Marijuana), including authorization of amendments to Titles 22 and 23, the Local Coastal Plan, and the Land Use Element of the General Plan. All Districts.

Mr. Guy Savage – Assistant County Administrative Officer: provides the presentation (powerpoint).

Board Members: address various matters regarding license restrictions; the legal status of large and personal grows; potential environmental impacts; medical marijuana identification cards and their variable limitations; vertical integration provisions; the seven cities positions on this matter; specialty crop designations and zoning; nurseries; and the situation in California Valley, with Mr. Savage, Ms. Whitney McDonald – Deputy County Counsel, Ms. Ellen Carroll – Planning and Building, Mr. Dan Buckshi – County Administrative Officer, and Mr. Jim Bergman – Planning and Building Director responding.

Chairperson Compton: opens the floor to public comment.

Mr. Ian Parkinson – Sheriff-Coroner; Mr. Gregg B. Beuer – Sheriff-Coroner Reserve Deputy; and Mr. Art Trinidad – Planning and Building: speak, with Board Members responding to the Sheriff’s urgency ordinance recommendation and Mr. Bergman addressing how they enact code enforcement violations.

Mr. Luke Lothrop; Mr. Alan Reitz; Mr. Simon Caleb; Ms. Patti Nolen; Ms. Joy Fitzhugh – Farm Bureau (letter); Mr. Charles Doster; Mr. Sean Despain; Mr. Austen Connella; Mr. Sean Donahoe – California Growers Association; Mr. Neil Havlik - Carrizo Plains Conservancy President; Mr. Aaron Johnson – Monterey County Farm Bureau; Mr. Mike Brown – Coalition of Labor, Agriculture and Business

(COLAB); and Mr. Jesse Davenport: speak.

Chairperson Compton: tables this item to the afternoon session following the report out on Closed Session.

Closed Session Items:

20. 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) PG&E's 2017 General Rate Case A. 15-09-001; (4) Edmond Paul Price 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.

Board Business:

19. Submittal of a report and solicitation of Board direction related to Medical Cannabis (Marijuana), including authorization of amendments to Titles 22 and 23, the Local Coastal Plan, and the Land Use Element of the General Plan, is brought back.

Board Members: acknowledge the ordinance is a work in progress and will need the flexibility for future amendments; discuss various comments, questions and concerns relating to the proposed ordinance amendment criteria; aligning regulations with the State's; not granting entitlements that are in perpetuity; the environmental review timeline; protecting nurseries; exploring the appropriate analysis of water and energy use for each licensed site; and the Community Services District's authority to regulate California Valley's community well, with Mr. Dan Buckshi - County Administrative Officer and Mr. Guy Savage – Assistant Administrative Officer responding.

Supervisor Arnold: comments on the health and safety concerns in California Valley expressed by the Sheriff; presents residential suburban zoning maps; and asks if the Board will accommodate law enforcement, until a permanent ordinance is established, and enact an urgency ordinance banning new commercial and collective grows in residential suburban zoning countywide, with Mr. Buckshi suggesting this matter be discussed separately to avoid confusion.

Board Members: review and straw vote on the recommendations presented by staff.

The Board receives the update related to Medical Cannabis (Marijuana) regulation; and directs staff

as they start drafting changes to county ordinance(s) regarding marijuana that they incorporate the following: 1) Marijuana be defined and treated as a “Specialty Crop”; 2) a maximum of one hundred (100) licensed Marijuana cultivations be permitted in the unincorporated areas of the county, excluding personal and caregiver cultivations, and revisit license limitations in the future; 3) licensees be limited to one (1) per site; 4) a license decision would include an analysis of water and energy use for each site 5) property setbacks be defined from adjacent site property lines for all licensed Marijuana operations; 6) setbacks for licensed cultivation operations of one thousand (1,000) feet from any pre-school, school, youth facility, public park or playground, or recreation area, and general setbacks for licensed cultivation operations of three hundred (300) feet from the nearest adjacent property line; 7) setback requirements for outdoor personal use cultivation including front of property be fifty (50) feet or behind the main structure; sides: thirty (30) feet; and, rear: thirty (30) feet; 8) no additional vertical integration restrictions be included in the ordinance; 9) not include any provisions allowing for the grandfathering of existing Marijuana operations; 10) pursue both banning and limiting volatile manufacturing on the same site as any cultivation; 11) prohibit the display of Marijuana products or graphics depicting Marijuana (plants or leaves) on the exterior of the property; 12) a security plan and measures be required at the time of license (individualized based on the business and activities); 13) all pesticides and fertilizers are used and stored in conformance with all applicable Federal and State laws and regulation; and 14) existing ordinance related to dispensaries remain separate and unchanged. Furthermore, the Board authorizes the processing of amendments to the Land Use Ordinance (Titles 22 and 23 of the County Code), the Local Coastal Plan, and the General Plan, as necessary, to create one or more ordinances related to Marijuana within the unincorporated areas of San Luis Obispo County.

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			

A discussion occurs regarding a potential urgency ordinance to address the issues taking place in California Valley and other areas in the county.

The Board directs staff to bring back a draft urgency ordinance prohibiting new planting countywide; and ban cultivation in residential suburban zoning, exempting personal grows of 6 mature/12 immature plants.

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			

Mr. Buckshi: questions what meeting date staff is directed to bring this matter back, with Board Members agreeing to Tuesday, August 23, 2016.

Supervisors Hill and Gibson: state they need more information in order to enact an urgency ordinance and look for forward to a briefing with the Sheriff before this matter comes back.

Update regarding the joint proposal for the closure of the Diablo Canyon Power Plant. All Districts.

21.

(This item is added, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Mr. Dan Buckshi - County Administrative Officer: provides the presentation (powerpoint).

Chairperson Compton: opens the floor to public comment.

Ms. Jane Swanson – San Luis Obispo Mothers for Peace; Mr. Eric Greening; Mr. Thomas Becker; Mr. Sam Blakeslee; Ms. Rochelle Becker – Alliance for Nuclear Responsibility; Mr. David Weisman – Alliance for Nuclear Responsibility; Ms. Kathleen Oliver; Ms. Simone Malboent; Mr. Andrew Christie – Sierra Club, Santa Lucia Chapter Director; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Michael Manchak – Economic Vitality Corporation (EVC); Ms. Kara Woodruff – Friends of Wild Cherry Canyon; Mr. John Shoals – Pacific Gas & Electric Company (PG&E) Senior Public Affairs Representative; and Mr. Tom Jones – PG&E Strategic Initiatives Director: speak.

Chairperson Compton: receives and files the report.

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, July 26, 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: August 1, 2016