

Tuesday, August 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, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.

CalFire Deputy Chief Steve Reeder and Incident Management Team 2, Incident Commander Glenn Patterson: provide a status update on the Chimney Fire (incident briefing map).

Mr. Dan Buckshi - County Administrative Officer: announces he issued a local proclamation of emergency related to the Chimney Fire on August 20, 2016; states it remains in effect for up to 7 days unless it is ratified by the Board; and recommends the Board make a motion to add the emergency proclamation item to the agenda.

The Board adds the emergency proclamation item to the agenda.

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			

Added Emergency Item:

- 24.** Request to ratify the Proclamation of Local Emergency made by the Director of Emergency Services on August 20, 2016 and provide direction to staff related to fee waivers for rebuilding as a result of the Chimney Fire. All Districts.

Mr. Dan Buckshi - County Administrative Officer and Director of Emergency Services: outlines the reasons he deemed it was appropriate to proclaim a local emergency given the significant growing threat the fire was posing at that point in time.

Mr. Ron Alsop – Office of Emergency Services Manager: speaks to their response and agency coordination efforts.

Chairperson Compton: opens the floor to public comment.

Mr. Eric Greening: speaks.

On motion by Supervisor Mecham, seconded by Supervisor Gibson, to ratify the Proclamation of Local Emergency made by the Director of Emergency Services on August 20, 2016 due to the Chimney Fire, is discussed.

Mr. Buckshi: recommends the Board direct staff to bring back the necessary information and actions in order to waive fees for those who lost structures from the fire.

The motion maker amends the motion to include the direction stated by Mr. Buckshi, with the second concurring.

The Board ratifies the Proclamation of Local Emergency made by the Director of Emergency Services on August 20, 2016 due to the Chimney Fire and directs staff to bring back to the Board the necessary information and actions needed in order to waive fees for those who lost structures as a result of the fire.

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			

Chairperson Compton: addresses the suggestion to continue the four scheduled hearings to allow for those who would be participating in the hearings (Sheriff, CalFire, staff, etc.) the ability to focus on the Chimney Fire.

Mr. Dan Buckshi - County Administrative Officer: recommends each item be individually opened with a motion to continue the hearing, starting with Item No. 19.

Ms. Rita Neal – County Counsel: states generally the Brown Act requires public comment before or during the Board’s consideration of an item but given today’s situation, public comment does not need to be opened if the items are being continued without deliberation, with Supervisor Gibson and Chairperson Compton responding.

Hearings:

- 19. Hearing to consider an appeal by Eileen Roach of the Planning Commission’s approval of a request by Campbell-Sheppard/Dan Lloyd to allow for a Vesting Tentative Tract Map and Conditional Use Permit/Coastal Development Permit to subdivide a 0.68 parcel into seven residential parcels and one open space parcel. Staff is recommending to continue this item to October 4, 2016. District 2.

The Board continues the appeal by Eileen Roach to Tuesday, October 4, 2016.

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			

- 20. Continued Hearing to consider an appeal by Michael Peachey for a waiver of construction permit processing fees for various permits associated with the construction of six 700 square foot single family rental units located at 164 South Mallagh Street in the community of Nipomo. This item was continued from the July 19th Board meeting. Staff is recommending to continue this item to September 27, 2016. District 4.

The Board continues the appeal by Michael Peachey to Tuesday, September 27, 2016.

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			

- 21. Continued 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. District 4.

(This item is amended, per the addendum to the agenda, by replacing the subject of this item to read "Continued hearing to consider an appeal by Janneck Limited (Laetitia) 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 recommends that the Board take no action on Final EIR ED04-233 because CEQA does not apply to projects that are denied. District 4." Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

The Board continues the appeal by Janneck Limited and RRM Design Group to Tuesday, September 27, 2016.

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			

- 23.** Hearing to consider an interim zoning/urgency ordinance prohibiting the cultivation of cannabis (marijuana) with certain exceptions in the unincorporated portions of San Luis Obispo County; exempt from CEQA. All Districts.

On motion by Supervisor Mecham, seconded by Supervisor Hill, to continue the hearing to Tuesday, September 20, 2016, is discussed.

Supervisor Arnold: responds to Mr. Greenings previous comments regarding the continued date; and suggests the people that are present be allowed to speak, with Chairperson Compton and Ms. Rita Neal – County Counsel responding.

The Board continues the hearing to Tuesday, September 20, 2016.

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			

Consent Agenda – Review and Approval:

- 1-17.** 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 17 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			

Bid Opening:

1. Letter transmitting plans and specifications (Clerk's File) for Widening of L Street Between 13th Street and 14th Street and Expansion of San Miguel Community Park in San Miguel, CA, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, September 22, 2016. District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve the FY 2016-17 agreement with the Food Bank Coalition of San Luis Obispo County in the amount of \$100,000 for the food distribution program from Fund Center 106 – Contributions to Other Agencies. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

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

3. Submittal of a cash procedures and internal control review of the Health Agency conducted February and March 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

4. Submittal of a resolution reappointing Rita L. Neal as County Counsel. All Districts.

The Board approves as recommended by the County Administrative Officer.

5. Request to approve the appointment of Raymond Feeser as the District 3 Alternate to the Water Resources Advisory Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

6. Request to amend the Fixed Asset List for Fund Center 100-Board of Supervisors to include one printer/color copier/scanner machine in the amount of \$6,911. All Districts.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve an agreement with the Los Osos Community Advisory Council allocating \$1,790 from District Two Community Grant Funds – Fund Center #106 to be used for expenses associated with holding monthly public advisory council meetings. District 2.

Mr. Chuck Cesena and Dr. C. Hite: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - District Attorney Items:

8. Submittal of the FY 2015-16 Annual Report of the Real Estate Fraud Prosecution Program as required per Government Code Section 27388(d). All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

9. Request to approve Amendment No. 1 to the FY 2014-15 through 2016-17 contract with the State Department of Rehabilitation to convert the current administrative only contract to a case services contract, allowing more services to be provided directly to clients, with all other provisions remaining the same. All Districts.

Dr. C. Hite: speaks.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve seven FY 2016-17 renewal contracts and one new contract, with the option to renew for two additional years, in the cumulative amount not to exceed \$533,540, with various Recovery Residence facility providers for short term sober living beds throughout the County. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

11. Submittal of resolutions accepting two Avigation Easements from Ernest E. Jones and Julia S. Jones; and Righetti Ranch LP, a Delaware Limited Partnership, for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2016-214 and 2016-215, adopted.

Consent Agenda - Public Works Items:

12. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the FY 2015-16 Asphalt Overlay Various South County Roads, San Luis Obispo County. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTIO NO. 2016-216, adopted.

13. Request to approve Contract Change Order No. 3 to the agreement with Corner Keystone Construction, in the amount of \$3,263, for the "GSA-GS-Replace Windows at Various Locations Project." Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the 2015-16 ADA Upgrades on Tefft Street and North Frontage Road in Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. . RESOLUTIO NO. 2016-217, adopted.

15. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of Buckley Road Two Way Left Turn Lane near San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-218, adopted.

Consent Agenda - Public Works Sitting as Flood Control District:

16. Request to approve a reimbursement agreement between the San Luis Obispo County Flood Control and Water Conservation District (District) and County of San Luis Obispo on behalf of the Los Osos Wastewater System (County) for a loan of funds for cash flow and debt reserve requirement. District 3.

Mr. John Diodatti – Department of Public Works: states the District is incorrect and should be District “2” not “3”.

Mr. Chuck Cesena and Dr. C. Hite: speak.

This item is amended to correct the District listed in the subject line to read “District 2”. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Sheriff - Coroner Items:

17. Request to approve a grant agreement in the amount of \$95,000 from the California State Office of Traffic Safety (OTS); approve a corresponding budget adjustment; amend the fixed asset list to add a gas chromatographer and autosampler for the Sheriff's Forensic Alcohol Lab; and authorize the Sheriff – Coroner to sign documents related to the approval of the OTS grant. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

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

Mr. Eric Greening: discusses the Phillips 66 Oil Train hearing; the applicant’s request for a six month continuance; and the associated fees not paid by the applicant for staff’s time on the project.

Mr. Ben DiFatta: comments on the Chimney Fire; the Los Osos Community Services District; and a Supervisors’ conflict of interest and conduct at meetings.

Ms. Julie Tacker: speaks to the misuse of community funds during an election; and the need to revisit the community use funds policy (email).

Dr. C. Hite: presents past agendas; comments on campaigning; and residential concerns.

Mr. Gary Kirkland: addresses a presenters comments regarding a ballot initiative for a half cents sales tax at a Templeton Area Advisory Group (TAAG) meeting; and explains why a point of order should be called during meetings.

Mr. Chuck Cesena: comments on the Basin Management Committee’s Memorandum of Understanding with the County regarding the Water Conservation Plan.

Mr. Patrick McGibney: discusses the need for the urgency ordinance regarding the cultivation of marijuana in the unincorporated areas. **No action taken.**

Closed Session Items:

22. 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) Application Filed by PG&E for Retirement of Diablo Canyon Power Plant A: 16-08-006; (5) Edmond Paul Price v. County of San Luis Obispo, et al.; (6) Mesa Community Alliance v. State of California Department of Parks and Recreation, et al.; (7) ARB, Inc. v. County of San Luis Obispo; (8) California Water Impact Network 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: (9) San Luis Obispo Government Attorney's Union (SLOGAU); (10) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (11) Deputy County Counsel's Association (DCCA); (12) Sheriffs' Management; (13) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (14) Deputy Sheriff's Association (DSA); (15) District Attorney Investigators' Association (DAIA); (16) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (17) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (18) Unrepresented Management and Confidential Employees; and (19) 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.) (20) Bay Area/Diablo Petroleum Co. dba Golden Gate Petroleum v. San Luis Obispo County, et al."

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.

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, August 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: August 25, 2016