

Tuesday, October 25, 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:

1-11. 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 11 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			

Items: Set for Hearing:

1. Introduction of an amendment to Title 8, Section 8.13.030 of the San Luis Obispo County Code, to extend the expiration date from March 31, 2018 to March 31, 2021 for Ordinance 3258: Moratorium on the Land Application of Treated Sewage Sludge/Biosolids; and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). Hearing date set for November 8, 2016. All Districts.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

2. Request to approve grant funding in the amount of \$100,000 for various non-profit organizations to be used for infrastructure/beautification projects from Fund Center 106 – Contributions to Other Agencies. All Districts.

Mr. Marina Washburn – Dana Adobe Executive Director: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d). Districts 4 & 5.

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 September 2016. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve an agreement (Clerk's File) with the Community Foundation of San Luis Obispo County for the establishment of an endowed fund designated as the Community Animal Welfare Fund in the amount of \$310,000. All Districts.

Mr. Eric Anderson – Animal Services Manager: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

6. Request to approve a FY 2016-17 contract with Rincon Consultants, Inc., in an amount not to exceed \$135,135 to prepare an Environmental Impact Report for the Jack Ranch SLO Tract Map/Conditional Use Permit; TR2429, located at 5502 Los Ranchos Road, San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer.

7. Request to authorize the Planning and Building Department to destroy paper files that have been scanned into an electronic system consistent with the Government Code regarding records retention. All Districts.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve a contract amendment with Rincon Consultants Inc. in the amount of \$67,975 to prepare the Los Osos Habitat Conservation Plan Environmental Impact Report/Environmental Impact Statement. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

9. Request to approve Parcel Map COAL 13-0074 for a lot line adjustment of 2 lots, by Buttonwood Properties LLC., south of the City of San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-263, adopted.

10. Request to 1) ratify Public Works' approval of Contract Change Order Nos. 1 - 4 to the agreement with Whitaker Construction Group, Inc., in the amount of \$205,699, for the Widening of Price Canyon Road between Ormonde Road and Highway 227 near Pismo Beach; 2) approve Contract Change Order No. 5 in the amount of \$23,601, Contract Change Order No. 6 in the amount of \$310,698, and Contract Change Order No. 7 with an estimated reduction of \$650,000; 3) approve the revised plan sheet eliminating Rock Dowel Wall No. 1; and 4) authorize the Director of Public Works, or his designee to execute and process the change orders. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

- 11. Request to approve an agreement (Clerk’s File) with the California Department of Corrections and Rehabilitation (CDCR) not to exceed \$28,108 per year with the option to renew each year for a period of up to five years for security coverage of certain county jail inmates at the Medical Guarding Unit (MGU) at Twin Cities Hospital in Templeton; submittal of a resolution authorizing the Sheriff-Coroner to execute the agreement; and authorize the Sheriff-Coroner to sign all documents related to this agreement. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-264, adopted.

Presentations:

- 12. Submittal of resolutions recognizing Kirstine Willoughby, Michael Eckman, and Starlene Graber for 30 years of County service. All Districts.

Ms. Tami Douglas-Schatz – Human Resources Director: introduces the following employees receiving recognition for 30 years of County Service: Ms. Kirstine Willoughby; Mr. Michael Eckman and Dr. Starlene Graber.

Ms. Christine Johnson – Child Support Services; Ms. Willoughby; Mr. Wade Horton – Public Works Director; Mr. Eckman; Mr. Jeff Hamm – Health Agency; and Dr. Graber: speak.

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

RESOLUTION NO. 2016-265, a resolution commending Kirstine Willoughby in recognition of thirty years of service with San Luis Obispo County; RESOLUTION NO. 2016-266, a resolution commending Michael Eckman in recognition of thirty years of service with San Luis Obispo County; and RESOLUTION NO. 2016-267, a resolution commending Dr. Starlene Graber in recognition of thirty years of service with 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			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Public Comment Period:

- 13. 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: provides an update on the November 8th election; states the elections window is a polling place and electioneering within 100 feet is prohibited.

Mr. Eric Greening: discusses matters relating to an appeal filed on the Phillips 66 Project.

Mr. Ben DiFatta: comments on property tax increases; hydrogen fuel power; and concerns relating to free health care.

Dr. C. Hite: states Wilshire Hospice will be hosting a Day of the Dead celebration on November 5th at the San Luis Obispo Mission Plaza.

Ms. Linde Owen: speaks to water supply and innovative needs in Los Osos.

Supervisor Hill: announces a community meeting regarding the Hitachi Zosen's anaerobic digestion plant on October 26th at 6pm in the Government Center. **No action taken.**

Board Business:

- 14. Status report on the implementation of the contract with Transitions Mental Health Association for the 50 Now Program, which provides housing and supportive services for chronically homeless individuals, and request for direction on the program. All Districts.

Mr. Lee Collins – Department of Social Services Director: introduces the item.

Ms. Jill Bolster-White – Transitions Mental Health Association Executive Director: provides the presentation (powerpoint).

Board Members: question the program’s effectiveness; self-sufficiency; future constraints and challenges; realignment funding and its on-going availability; and the tracking of individuals who left the program, Mr. Mark Lamore – 50 Now Program Manager; Mr. Collins; Ms. Bolster-White, and Mr. Dan Buckshi – County Administrative Officer responding.

Chairperson Compton: opens the floor to public comment.

Dr. C. Hite; Ms. Marie Roth; and Mr. Eric Greening: speak.

Board Members: comment on the success of the program; evaluating the necessary funding sources to extend the contract; and the need for more housing (photograph).

On motion by Supervisor Arnold, seconded by Supervisor Mecham, to receive and file the 50 Now Program status report and direct staff to look into extending the contract with Transitions Mental Health Association (TMHA) for the 50 Now Program, is discussed.

Mr. Dan Buckshi - County Administrative Officer: recommends the extended contract be incorporated into the 2017/18 budget, with the motion maker agreeing.

The Board receives and files the 50 Now Program status report; and directs staff to look into extending the contract with TMHA for the 50 Now Program into 2017/18 budget.

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			

Hearings:

- 15. Hearing to consider the extension of the Marijuana (Cannabis) Interim Zoning / Urgency Ordinance No. 3334 pursuant to Sections 25123, 25131, and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3334 places limits on the cultivation of marijuana and requires all cultivators to register with the County of San Luis Obispo; exempt from CEQA. All Districts.

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

Sheriff-Coroner Ian Parkinson: recommends the Board extend the urgency ordinance.

Board Members: question the voting requirements to retract the urgency ordinance; registration requisites; the permanent ordinance and timeline; and the previous direction to hire a consultant to assist with the development of a permanent ordinance, with Mr. Tim McNulty – Assistant County Counsel and Mr. Dan Buckshi – County Administrative Officer responding.

Chairperson Compton: opens the floor to public comment.

Mr. Simon Caleb; Mr. Larry Montenegro; Dr. C. Hite; and Ms. Marie Roth: speak.

On motion by Supervisor Gibson, seconded by Supervisor Mecham, to extend the urgency ordinance for 10 months and 15 days; waive the reading of the ordinance; direct the Clerk to publish the ordinance; and direct staff to remove the November 15th scheduled permanent ordinance update and bring it back as soon as staff deems appropriate.

Mr. McNulty: reviews the changes to the ordinance based on the motion on the floor in Section 1, Subsections D. and G. and Section 2.

The Board extends the urgency ordinance for 10 months and 15 days; amends the proposed ordinance in Section 1, Subsection D. by adding to the end of the first sentence “, or to extend the ordinance for 10 months and 15 days.”; and in Section 1, Subsection G. and Section 2, by changing the date the ordinance will extend through to read “September 19, 2017”. Further, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3336, an ordinance of the County of San Luis Obispo, State of California, extending Interim Zoning/Urgency Ordinance No. 3334, which establishes a moratorium on the cultivation of cannabis (marijuana) in all the unincorporated portions of San Luis Obispo County, except for certain exceptions, adopted as amended. Furthermore, the Board directs the Clerk to publish said ordinance in the newspaper; and directs staff to remove the November 15th scheduled permanent ordinance update and bring it back as soon as staff deems appropriate.

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			

Closed Session Items:

16. 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) San Luis Flood Control and Water Conservation District v. A. Teichert and Sons, Inc., 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: (6) San Luis Obispo Government Attorney's Union (SLOGAU); (7) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (8) Deputy County Counsel's Association (DCCA); (9) Sheriffs' Management; (10) San Luis Obispo County Probation Peace Officers' Association (SLOCPPOA); (11) Deputy Sheriff's Association (DSA); (12) District Attorney Investigators' Association (DAIA); (13) San Luis Obispo County Probation Managers' Peace Officers' Association (SLOCPMPOA); (14) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (15) Unrepresented Management and Confidential Employees; and (16) 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: The Board directed Chairperson Lynn Compton to work with the County Administrative Officer Dan Buckshi to respond to a letter dated October 20, 2016 from William Monning, a majority leader in the State Senate, that was addressed to Peter Allen, the Administrative Law Judge in the Joint Proposal Hearing, to clarify some inaccuracies in that letter which will be sent out in the next few days. 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, October 25, 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: October 25, 2016