

# MONTEREY COUNTY



## BOARD OF SUPERVISORS

Fernando Armenta  
Louis R. Calcagno  
Simón Salinas  
Jane Parker  
Dave Potter

1st District  
2nd District  
3rd District (Chair)  
4th District (Vice-Chair)  
5th District

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County Administrative Officer  
  
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### ACTION MINUTES MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, NOVEMBER 30, 2010  
9:00 A.M.

#### ROLL CALL:

Present: Supervisors Salinas (Chair), Armenta, Calcagno\*, Parker and Potter.

\*Supervisor Calcagno arrived prior to Closed Session.

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

#### CLOSED SESSION

2. Closed Session under Government Code section 54950, relating to the following items:
  - a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding four items of significant exposure to litigation.  
**CLOSED SESSION REPORT:** The Board heard from counsel on these four items and provided direction to counsel on how to proceed.
  - b. Pursuant to Government Code 54956.9(c), the Board will confer with legal counsel regarding potential initiation of one litigation case.  
**CLOSED SESSION REPORT:** The Board did not authorize litigation in this matter and instead authorized settlement.
  - c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
    - (1) In re: Lyondell Chemical Co., et al., Debtors (Case No. 09-10023 (REG),

U.S. Bankruptcy Court (SD NY))

(2) County of Santa Clara, et al. vs. The Superior Court of Santa Clara County; Atlantic Richfield Company, et al., Real Parties in Interest (Santa Clara County Superior Court case no. CV 788657; Sixth Appellate District case no. H031540; Supreme Court of California case no. S163681)

**CLOSED SESSION REPORT:** The Board authorized a tentative settlement authority in Lyondell Chemical Co.; Atlantic Richfield Co. is related.

d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

**CLOSED SESSION REPORT:** The Board agreed to continue the matter to December 8, 2010.

e. Pursuant to Health and Safety Code section 1462 and Government Code section 37606, the Board will confer regarding trade secrets concerning a proposed new service, program or facility.

**CLOSED SESSION REPORT:** The Board provided direction to Natividad Medical Center CEO on how to proceed in this matter.

f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Keith Honda and Dianne Dinsmore  
Employee organizations: L, M, N, Q, S, and V  
Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board..

**CLOSED SESSION REPORT:** The Board provided direction to Mr. Honda and Ms. Dinsmore to bring back Memorandums of Understanding and/or side letters for these units at a future Board date for final approval.

**10:30 A.M**

**ROLL CALL:**

Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

3. The Pledge of Allegiance led by Supervisor Potter.

4. Additions and Corrections The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

**Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board was asked to make the following additions and corrections:**

**Correction Regular Consent – Natividad Medical Center revised to now read:**

16. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Versaworks Inc. for Information Technology Professional Services at NMC in an amount not to exceed ~~\$832,000~~ \$832,900 for the period November 1, 2010 to June 30, 2011.

**Remove Regular Consent – Planning**

26. a. Accept and authorize the Chair of the Board of Supervisors to execute a Revised Conservation and Scenic Easement Deed; and  
b. Direct the Clerk of the Board to submit the Revised Conservation and Scenic Easement Deed to the County Clerk for recordation.  
(Conservation and Scenic Easement Deed - REF100046/17160 Wilson Way, Royal Oaks, North County Area Plan)

**Correction Moss Landing County Sanitation District**

**Page 11 titled Agreement for Castroville Community Services District to provide operation and maintenance services for the Moss Landing County Sanitation District has a telephone number change to (831) 595-1535**

31. Acting as the Board of Directors of the Moss Landing County Sanitation District:  
a. Approve Agreement with the Castroville Community Services District (CCSD) for CCSD to provide Operation and Maintenance (O&M) Services for the wastewater collection system in the Moss Landing County Sanitation District (DISTRICT); and  
b. Authorize the Chair to execute the Agreement, related documentation necessary to effectuate the Agreement, and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**Motion by Supervisor Potter, seconded by Supervisor Parker to approve additions and corrections. ALL AYES**

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Hans Jongens requested item 19 be pulled for comment.

**Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the Consent Calendar – Regular with the exception of item 19. (See Supplemental Sheet). ALL AYES**

**Public Comment** on Item 19: Hans Jongens.

Supervisor Parker proposed 30 days as a more reasonable timeline for review of proposed amendments to the bylaws. Debby Bradshaw responded.

**Motion by Supervisor Parker, seconded by Supervisor Armenta to approve item 19, revising the timeline for approval of amendments to bylaws as follows: “Instead, amendments would require a 2/3 vote of members present, provided that a copy of the proposed amendment is mailed to each member agency a minimum of ~~fifteen (15)~~ 30 days in advance”; and directed staff to**

**advise AMBAG of this change.**

**Recessed as the Monterey County Board of Supervisors**

**Convened as the Board of Directors of the Boronda County Sanitation District**

**BORONDA COUNTY SANITATION DISTRICT**

**Roll Call:**

Present: Directors: Salinas (Chair), Armenta, Calcagno, Parker, and Potter.

6. CONSENT CALENDAR - BORONDA COUNTY SANITATION DISTRICT  
(See Supplemental Sheet, Item 30)  
**Motion by Director Parker, seconded by Director Armenta. ALL AYES**

**Adjourned**

**Convened as the Board of Directors of the Moss Landing County Sanitation District**

**MOSS LANDING COUNTY SANITATION DISTRICT**

**Roll Call:**

Present: Directors Salinas (Chair), Armenta, Calcagno, Parker, and Potter

7. CONSENT CALENDAR - MOSS LANDING COUNTY SANITATION DISTRICT (See Supplemental Sheet, Item 31)  
**Motion by Director Calcagno, seconded by Director Parker. ALL AYES**

**Adjourned**

**Convened as the Board of Supervisors of the Monterey County Water Resources Agency**

**MONTEREY COUNTY WATER RESOURCES AGENCY**

**Roll Call:**

Present: Directors Salinas (Chair), Armenta, Calcagno, Parker, and Potter

8. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet, Item 32)  
**Motion by Director Potter, seconded by Director Armenta. ALL AYES**

**Adjourned**

**Reconvened as the Monterey County Board of Supervisors**

**APPOINTMENTS:** Items 9 through 11 were heard concurrently.

9. Reappointed Pauline Tomasini and Edward Panziera to the Mission-Soledad Rural Fire Protection District, terms ending November 30, 2013. (Supervisor Salinas)  
**Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**
10. Appointed Alma McHoney to the Equal Opportunity Commission term ending at the Pleasure of the Board. (Supervisor Calcagno)  
**Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**
11. Reappointed George McInnis, Swarup Wood and Robert Shingai to the Monterey County Solid Waste Hearing Panel, each to serve an additional four-year term ending November 30, 2014.  
**Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**

**OTHER BOARD MATTERS:**

12. Board Comments  
Supervisor Parker announced her next guests at Hot Drinks and Hot Topics will be Lynn Diebold to discuss the Next Generation Emergency Network Project. She advised the 2011 Hot Drinks and Hot Topic meetings will be held at the Monterey County Library in Seaside at 4 p.m. on Monday evenings. She also recognized staff who worked on the telephone system for the County.
13. CAO Comments and Referrals. None.
14. Public Comment:  
·Hans Jongens  
·Nina Beety
15. Received Budget Committee Report and Action Minutes for the 4th Quarter of Fiscal Year 2009-10 (April 8, 2010, April 28, 2010, and May 26, 2010).  
**Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES**

**SCHEDULED MATTERS**

- S-1 Public Hearing held and the Board:
  - a. Took action on two (2) Applications to establish Agricultural Preserve and Land Conservation Contracts and seventeen (17) Applications to establish Farmland Security Zones and Contracts effective January 1, 2011;
  - b. Approved Applications for fifteen (15) Farmland Security Zones and Contracts [FSZ No. 2011-001 (Huntington Farms Inc. and Steinbeck Country Produce); FSZ No. 2011-004 (Nunes Company Affiliates; NSHE CA Ivo, LLC, Frank Robert Nunes Revocable Living Trust; and ATN Family 1999

- Trust); FSZ No. 2011-005 (Joseph and Gail Boskovich and Philip and Inge Boskovich); FSZ No. 2011-006 (Dan and Helen Jean Menke Family Trust; Daniel Martin; Margaret Ostarello; Kathleen Draper); FSZ No. 2011-008 (Dinna G. Sargenti Family Trust; Guido Sargenti and Martha Lou Sargenti Trust; Robert and Rusti Silacci; Joseph and Gail Boskovich; Phillip and Inge Boskovich; and Robert W. Salacci and Rusti Lee Silacci Revocable Trust); FSZ No. 2011-009 (Dorothy F. Hageman Revocable Living Trust and Mary B. Rowan Revocable Living Trust); FSZ No. 2011-010 (Dorothy F. Hageman Revocable Living Trust and Mary B. Rowan Revocable Living Trust); FSZ No. 2011-011 (Harkins Road Building Limited Partnership and Stephen Griffin Family Trust); FSZ No. 2011-012 (Lark Corporation S.A.); FSZ No. 2011-013 (Freyer Ranch LLC); FSZ No. 2011-015 (Freyer Ranch LLC); FSZ No. 2011-016 (Freyer Ranch LLC); FSZ No. 2011-017 (Mills Ranch; Pura, Hitchcock, Gill, Romans); FSZ No. 2011-018 (Hayes Ranch; Stanley J. Pura Revocable Trust, David and Susan Gill Family Trust, Romans Revocable Trust, Hitchcock Family Trust; Ann Nail Separate Property Trust and Marilyn Diane Banta) and FSZ No. 2011-019 (Meyers Ranch; Pura, Hitchcock, Gill Romans)]and two (2) Applications to establish Agricultural Preserve and Land Conservation Contracts; [AgP No. 2011-002 (California Rangeland Trust and August Edward Harden and Carolina Ann Harden) AgP No. 2011-014 (Giannini Living Trust and McHaney Family Trust)]
- c. Continued to 2012 two (2) Applications for a Farmland Security Zone Contract;
  - d. Authorized Chair to execute Farmland Security Zone Contracts and Land Conservation Contracts; and
  - e. Directed the Clerk of the Board to record the Farmland Security Zone Contracts and Land Conservation Contracts. (PLN100299/Williamson Act Contract Applications, County-wide)

**Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES**

- S-2 Accepted an oral presentation by the Director of Health on the American Medical Response (AMR) Ambulance contract including ambulance response times, contract compliance, and enforcement activities in North County for the first six (6) months.

**Motion by Supervisor Calcagno, seconded by Supervisor Parker with direction to staff to work on a solution to inadequacy of response and a summary of factors that cause delays. ALL AYES**

**Public comment:** Doug Patrick for AMR.

**12:00 P.M. Recessed to Lunch - Continued Closed Session**

**RECONVENED**

**ROLL CALL:**

Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker and Potter.

**SCHEDULED MATTERS**

S-6 Continued to December 14, 2010 the appeal of William McKiernan, of the August 26, 2010 discretionary decision by the Zoning Administrator to approve the Combined Development Permit (PLN090364/Pelio), to a future hearing. (Continued from November 9, 2010) (Added via Addendum)

**Motion by supervisor Potter, seconded by Supervisor Armenta. ALL AYES**

- S-3
- a. Received report and consider recommendation by the Legislative Committee to adopt the 2011 Legislative Program documents (2011 Legislative Platform and 2011 Legislative Principles and Priorities);
  - b. Received annual legislative report from Monterey County's federal legislative advocate, Brent R. Heberlee of Nossaman LLP; and
  - c. Received annual legislative report from Monterey County's state legislative advocate, John E. Arriaga of JEA & Associates.

**Motion regarding item a.: by Supervisor Potter, seconded by Supervisor Parker to as drafted, staff to make changes as appropriate. ALL AYES**

**Motion regarding item b.: by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**

**Motion regarding item c: by Supervisor Armenta, seconded by Supervisor Parker. ALL AYES**

- S-4
- a. Conducted a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended for the Society for the Prevention of Cruelty to Animals of Monterey County (SPCAMC), a non profit public benefit corporation, to finance a construction and renovation project; and
  - b. Adopted Resolution No. 10-313 approving the issuance of up to \$5,000,000 in taxable or tax-exempt revenue bonds by the California Enterprise Development Authority (CEDA) for the benefit of the Society for the Prevention of Cruelty to Animals of Monterey County to provide for the financing of the project.

**Motion by supervisor Potter, seconded by Supervisor Armenta. ALL AYES**

S-5 **Continued to December 7, 2010**

Public Hearing held for the Board of Supervisors to consider:

- a. Adopting an interim ordinance as an urgency measure that establishes a General Plan consistency determination process for discretionary and ministerial permits, pending adoption of applicable programs and ordinances to implement the 2010 Monterey County General Plan; or
- b. Providing direction to staff to draft a detailed interim ordinance pending adoption of applicable programs and regulations to implement the General Plan.


(General Plan Interim Ordinance - REF100050/County of Monterey-4/5th vote required)

**Public Comment:** Ron Chesshire; Amy White; Dale Ellis

**Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES**

**CLOSED SESSION REPORT:** (See 2 a-f)

**ORDER FOR ADJOURNMENT**

  
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SIMÓN SALINAS, CHAIR  
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board

BY:   
\_\_\_\_\_



(Supplemental Sheet)

**CONSENT CALENDAR**

**NATIVIDAD MEDICAL CENTER:**

16. Agreement No. A-11891 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Versaworks Inc. for Information Technology Professional Services at NMC in an amount not to exceed \$832,900 for the period November 1, 2010 to June 30, 2011.
17. Agreement No. A-11892 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Second Amendment to Professional Medical Services Agreement with Precision Orthopedics to provide Orthopedic Services at NMC in an amount not to exceed \$1,200,000 for the period December 1, 2010 to November 30, 2011.

**HEALTH AND SOCIAL SERVICES:**

18. Agreement No. A-11893
  - a. Approved and authorized the Monterey County Veteran's Services Officer to sign a Memorandum of Understanding with the California Department of Veterans Affairs (CDVA) for the provision of a Collaborative Lead Associate Governmental Program Analyst for the CDVA's Central Coast Regional Collaborative; and
  - b. Authorized the Monterey County Veteran's Services Officer to sign up to three (3) amendments to this M.O.U. that do not significantly change the scope of work.

**GENERAL GOVERNMENT:**

19. Approved the recommendations of the Association of Monterey Bay Area Governments (AMBAG) Board of Directors and amendment of the AMBAG Bylaws.  
**Motion by Supervisor Parker, seconded by Supervisor Armenta to approve item 19, revising the timeline for approval of amendments to bylaws as follows: "Instead, amendments would require a 2/3 vote of members present, provided that a copy of the proposed amendment is mailed to each member agency a minimum of fifteen (15) 30 days in advance"; and directed staff to advise AMBAG of this change.**
20. Item deleted.
21. Construction No. 2010-008 Authorized acceptance of work and file a combined Notice of Completion for the second and third (final) quarters of the annual maintenance of park roadways at Laguna Seca Recreation Area for calendar year 2010, Bid No. 10225.

22. Construction No.: 2010-013
  - a. Authorized Director of Parks to accept work and file Notice of Completion for Island Group Area Building Improvements at Laguna Seca Recreation Area, Bid No. 10252; and
  - b. Authorized the Purchasing Manager to increase the contract with Mill Construction for an additional \$4,233.00 in the Parks Department, Account 001-7500-7516-6780 for an unanticipated Change Order for a new adjusted contract total of \$91,126.
  
23. Construction No. 2010-14
  - a. Authorized Director of Parks to accept work and file Notice of Completion for The Island Group Area Improvements at Laguna Seca Recreation Area, Bid No. 10251; and
  - b. Authorized the Purchasing Manager to increase the contract with Garcia Engineering for an additional \$10,551.47 in the Parks Department, Account 001-7500-7516-6780 for an unanticipated Change Order, for an adjusted contract total amount of \$143,942.47.
  
24. Agreement Nos. A-11894; A-11895
  - a. Approved and authorized the Deputy Chief Park Ranger/South County Operations Manager to sign two (2) Standard Grant Agreements with the Department of Boating and Waterways (A-11894) for patrol boat equipment (Agreement No. 10-204-769 for \$38,000) and new patrol boat (A-11895) (Agreement No. 09-204-750 for \$80,000); and
  - b. Authorized the Contracts/Purchasing Officer to approve the purchases up to the approved grant amounts \$38,000.00 and \$80,000 respectively.
  
25. Adopted Resolution No. 10-311 to approve four tentative agreements and one tentative grievance settlement letter of understanding negotiated with SEIU Local 521 regarding pay issues that surfaced as a result of the implementation of the new Advantage HRM/Payroll system.

**RMA - PLANNING DEPARTMENT:**

26. ~~a. Accept and authorize the Chair of the Board of Supervisors to execute a Revised Conservation and Scenic Easement Deed; and~~  
~~b. Direct the Clerk of the Board to submit the Revised Conservation and Scenic Easement Deed to the County Clerk for recordation. (Conservation and Scenic Easement Deed REF100046/17160 Wilson Way, Royal Oaks, North County Area Plan)~~
  
27. Agreement No. A-11242
  - a. Approved Amendment No. 7 to Reimbursement Agreement No. A-11242 with September Ranch Partners to increase the County Surcharge by \$28,160 for a total amount not to exceed \$54,735 to allow reimbursement to County of Monterey for costs incurred by the Resource Management Agency - Planning

Department for production costs and County staff time associated with preparation of the Final Revised Water Demand Analysis, and process the project application for the September Ranch Subdivision (PLN050001) east of Highway 1 on the north side of Carmel Valley Road, for a term through January 31, 2011; and

- b. Authorized the Director of Planning to execute Amendment No. 7 to Reimbursement Agreement No. A-11242 and future amendments to this Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount. (Amendment - PLN050001/September Ranch)

**RMA - PUBLIC WORKS:**

28. Adopt Resolution No. 10-310; Construction No. 2010-009
  - a. Accepted the Certificate of Completion for construction of San Miguel Canyon Road Signal Coordination, Project No. 10-135065; and
  - b. Authorized the Director of Public Works to execute and record the Notice of Completion.
  
29. Agreement No. A-11889
  - a. Approved Renewal to Professional Services Agreement with AMEC Geomatrix, Inc. to continue to provide tasks associated with groundwater contamination monitoring and gas monitoring; and waste discharge requirement reporting services for the closed County landfills located at Bradley, San Ardo, and Lake San Antonio North Shore in the amount of \$63,600 for a total amount not to exceed \$160,400 and extend the term through June 30, 2011; and
  - b. Authorized the Contracts/Purchasing Officer to execute the Renewal to the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**BORONDA COUNTY SANITATION DISTRICT:**

30. Acting as the Board of Directors of the Boronda County Sanitation District:  
Agreement No.: A-11890
  - a. Approved and authorized the Director of Public Works, or his designee, to execute the proposed Purchase and Sale Agreement for the San Jerardo Water System between the County of Monterey, Boronda County Sanitation District and John W. Richardson, Federal Receiver, for the San Jerardo Water System;
  - b. Approved and authorized the transfer of the Federal Receiver's Vendor Agreements/Amendments for Operation and Maintenance of the San Jerardo Water System with MCSI to the County of Monterey, Boronda County Sanitation District; and
  - c. Approved and authorized the Contracts/Purchasing Officer to approve a sole source exemption for MCSI on an interim, temporary basis pending

completion of the Request for Proposal process for the long-term Operation and Maintenance of the San Jerardo Water System.

31. Acting as the Board of Directors of the Moss Landing County Sanitation District: Agreement No.: A-11891
  - a. Approved Agreement with the Castroville Community Services District (CCSD) for CCSD to provide Operation and Maintenance (O&M) Services for the wastewater collection system in the Moss Landing County Sanitation District (DISTRICT); and
  - b. Authorized the Chair to execute the Agreement, related documentation necessary to effectuate the Agreement, and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**MONTEREY COUNTY WATER RESOURCES AGENCY:**

32. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:  
Accepted the Monterey County Floodplain Management Plan 2010 Annual Report.

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