

Monterey County

*Monterey County Government Center
Board Chamber
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Action Minutes - Final

Tuesday, September 17, 2013

9:00 AM

**See separate agendas for Board of Supervisors governed Agencies
and Special Districts; and Board of Supervisors and Monterey
County Water Resources Agency Joint Board Leadership Committee**

Board of Supervisors

Chair Louis R. Calcagno - District 2

Vice Chair Simón Salinas - District 3

Supervisor Armenta - District 1

Supervisor Jane Parker - District 4

Supervisor Dave Potter - District 5

Call to Order

Supervisor Calcagno arrived prior to the Closed Session.

The meeting was called to order by Chair Armenta.

Roll Call

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Additions and Corrections for Closed Session

There were no additions to Closed Session.

The Chair announced that Assemblyman Mark Stone is unable to attend today's meeting and sends his regrets.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Daniel Hogan v. County of Monterey (Monterey County Superior Court case no. M118066)
 - (2) Estate of Anthony Mitre v. County of Monterey (Monterey County Superior Court case no. M118067)
 - (3) Gerald Williams v. County of Monterey (Monterey County Superior Court case no. M118068)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will provide performance evaluations for the following public employee positions:
 - (1) County Counsel
 - (2) Equal Opportunity Officer.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette NealEmployee Organizations: All Units
 - d. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) City of Carmel-by-the-Sea
 - (2) City of Del Rey Oaks
 - (3) City of Gonzales
 - (4) City of King City

- (5) City of Marina
- (6) City of Monterey
- (7) City of Pacific Grove
- (8) City of Salinas
- (9) City of Sand City
- (10) City of Seaside
- (11) City of Soledad

Public comment:

Jason Burnett; Jim Panetta; Daniel Armenta.

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

- (1) Daniel Hogan v. County of Monterey (Monterey County Superior Court case no. M118066)**
- (2) Estate of Anthony Mitre v. County of Monterey (Monterey County Superior Court case no. M118067)**
- (3) Gerald Williams v. County of Monterey (Monterey County Superior Court case no. M118068)**

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1) through (3).

b. Pursuant to Government Code section 54957(b)(1), the Board will provide performance evaluations for the following public employee positions:

- (1) County Counsel**
- (2) Equal Opportunity Officer.**

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.b.(1) & (2).

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

- (1) Designated representatives: James May and Brette Neal**
- Employee Organizations: All Units**

CLOSED SESSION REPORT: The Board took no reportable actions on item 1.c. (1).

d. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

- (1) City of Carmel-by-the-Sea**
- (2) City of Del Rey Oaks**
- (3) City of Gonzales**
- (4) City of King City**
- (5) City of Marina**
- (6) City of Monterey**
- (7) City of Pacific Grove**
- (8) City of Salinas**
- (9) City of Sand City**
- (10) City of Seaside**
- (11) City of Soledad**

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.d.(1) through (11).

10:30 AM Reconvene

Roll Call

Present: Marisela Quezada, Interpreter

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Chair Armenta.

Additions and Corrections

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 is asked to make the following correction:

Removed Under Scheduled Matters:

6. Receive a legislative update from Assemblymember Mark Stone

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Hans Jongens pulled item 21 for comments.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to approve Consent Calendar (See Supplemental Sheet). ALL AYES

Other Board Matters

3. Board Comments

Supervisor Parker announced the annual Coastal Clean-up Day this Saturday and Save Our Shores has organized a number of clean up events in Monterey and Santa Cruz Counties. She will be at the Fort Ord Dunes State Beach and welcomes the community to join her. It's a great way to do something good for the community. Flyers are available on the desk in the Board Chamber. She also announced the free bus tours of Fort Ord being coordinated by Community Relations. Flyers are also on the desk.

Supervisor Parker announced the schedule for her Hot Topic meetings on the second, third and fourth Mondays from 5:30 to 6:30 p.m. when Tuesday Board meetings are scheduled. For more information contact her office.

Supervisor Armenta thanks Assistant CAO Manny Gonzalez, Supervisors and County Staff for attending the two day workshop on gang prevention and for their efforts. A detailed debriefing will follow regarding the events of the two-day workshop.

4. CAO Comments and Referrals

There were no CAO comments or referrals.

5. General Public Comment

Daniel Armenta; Gary Richard Arnold; Colin Gallagher; Hans Jongens.

10:30 A.M. - Scheduled Matters

6. Receive a legislative update from Assemblymember Mark Stone.

Item removed via Additions and Corrections.

7. Receive a report on Health care Reform Enrollment and Eligibility from the Department of Social Services.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to receive a report on Health care Reform Enrollment and Eligibility from the Department of Social Services; additionally requested staff return with a report information on a more robust outreach effort and a summary of where outreach efforts are taking place throughout the County. ALL AYES

12:00 PM Recess to Lunch and:

Board of Supervisors and Monterey County Water Resources Agency Joint Board Leadership Committee - See separate agenda and minutes.

1:30 PM Reconvene

Roll Call

Present: Marisela Quezada, Interpreter

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

1:30 P.M. - Scheduled Matters

- 7.1 Public Hearing to:
- a. Consider whether to affirm or rescind the August 27, 2013 Board of Supervisors’ determination finding and certifying that the 2010 Monterey County General Plan as amended is consistent with, and intended to be carried out in a manner fully in conformity with, the Fort Ord Base Reuse Plan, the Fort Ord Reuse Authority’s plans and policies, including the Master Resolution, and the Fort Ord Reuse Authority Act and
 - b. Direct staff to submit the 2010 General Plan as amended along with the required documentation to the Fort Ord Reuse Authority for a consistency determination.

(REF130071/Fort Ord Consistency Determination) (ADDED VIA ADDENDUM)

Public comment: Jane Haines; Amy White; Molly Erickson; Sid Williams; Mary Estrada; Steve Bloomer; Jack Stewart; Mike Soreno; Eric Peterson.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to adopt Resolution No. 13-307 to: a. Affirm the August 27, 2013 decision finding and certifying that the 2010 Monterey County General Plan, as amended, inclusive of the Fort Ord Master Plan, is consistent with, and intended to be carried out in a manner fully in conformity with, the Fort Ord Base Reuse Plan, the Fort Ord Reuse Authority's plans and policies, including the Fort Ord Reuse Authority Master Resolution, and is otherwise consistent with the Fort Ord Reuse Authority Act; and b. Direct the Director of Resource Management Agency - Planning to submit the 2010 General Plan as amended together with materials sufficient for a thorough and complete review to the Fort Ord Reuse Authority for certification. 3-2 (Supervisors Calcagno and Parker Dissented)

Adjournment

**In Memory of Frank "Mickey" Hearne
(Added Via Addendum)**

APPROVED:

~~/s/ Louis R. Calcagno~~
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST:

BY: /s/ Denise Hancock, for
GAIL T. BORKOWSKI
CLERK OF THE BOARD
APPROVED ON 03-18-14

Supplemental Sheet, Consent Calendar**Natividad Medical Center**

- 7.1.1 Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 2 to the Agreement (A-12241) with San Jose Boiler Works for Preventative Maintenance Services for Steam, Domestic Hot Water, Heating Boilers and Boiler Parts at NMC, extending the Agreement to June 30, 2014 for a total Agreement amount not to exceed \$175,000 (no change from previously approved amount) in the aggregate.

Approved - Agreement No. A-12241

Health and Social Services

8. Accept, and approve by resolution, the second reorganization of the bylaws of Monterey County's Animal Control Program Advisory Board.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resoluiton No. 13-306 to accept and approve the second reorganization of the bylaws of Monterey County's Animal Control Program Advisory Board. ALL AYES

9. a. Approve and authorize the Director of Health or designee, to execute on behalf of the County of Monterey standard agreements, and any amendments thereto, for continued funding from local, State, and Federal agencies for designated programs; and
b. Approve and authorize the Director of Health or designee, to sign subcontractor agreements associated with our continued funding agreements for designated programs.

Approved

General Government

10. a. Approve and authorize the Contracts/Purchasing Officer to execute an Agreement between the County of Monterey and Somkid, Inc. for the provision of training services for the period of November 1, 2013 through June 30, 2014 in the amount of \$150,000; and
b. Authorize the Contracts/Purchasing Officer to sign one additional one year extensions to this Agreement as needed by the County of Monterey.

Approved - Agreement No. A-12564

11. Authorize the Registrar of Voters to consolidate and render specified election services to certain cities and districts relating to the conduct of the November 5, 2013 City/School/Special District Election.

Approved

- 12. Approve the 2013-14 Secured Roll Tax Rates.

Approved

- 13. Appoint nominees to governing boards of various districts that have insufficient nominees to cause an election on November 5, 2013.

Approved

- 14.
 - a. Authorize the Auditor-Controller to approve amendment of the Fiscal Year (FY) 2013-14 Office of Emergency Services Homeland Security Grant Fund 024 CAO023 Budget to increase estimated revenue and appropriations in the amount of \$223,679 (4/5th Vote Required); and
 - b. Approve and authorize the Contracts/Purchasing Officer to sign and execute a purchase order from Northrup Grumman Remotec Inc. in the amount of \$151,700 for a remote robot on behalf of the Monterey County Sheriff's Office and the Office of Emergency Services.

Approved

RMA - General

- 15. Adopt Resolution to:
 - a. Approving Safe Drinking Water State Revolving Fund (SDWSRF) Funding Agreement No. SRF13P116 with the State of California Department of Public Health in the amount of \$440,000 for a Feasibility Study and Engineering Design of County of Monterey (San Lucas Water District) Project No. 2701676-007P to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and
 - b. Authorizing and directing the Director of the County of Monterey Resource Management Agency to sign the Agreement, including but not limited to Amendments, Certifications required by and for the Agreement, Claims for Reimbursement, the Budget and Expenditure Summary, the Contractor's Release Form, and the Certification for Project Completion.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-304 to:

- a. Approving Safe Drinking Water State Revolving Fund (SDWSRF) Funding Agreement No. SRF13P116 with the State of California Department of Public Health in the amount of \$440,000 for a Feasibility Study and Engineering Design of County of Monterey (San Lucas Water District) Project No. 2701676-007P to enhance the provision and protection of the municipal drinking water supplied to the consumers of the community of San Lucas; and**
- b. Authorizing and directing the Director of the County of Monterey Resource Management Agency to sign the Agreement, including but not limited to Amendments, Certifications required by and for the Agreement, Claims for Reimbursement, the Budget and Expenditure Summary, the Contractor's**

Release Form, and the Certification for Project Completion. **ALL AYES**

RMA - Planning

16. a. Accept the Amended Conservation and Scenic Easement Deed for the 3196 LLC property;
- b. Authorize the Chair of the Board of Supervisors to execute the Amended Conservation and Scenic Easement Deed; and
- c. Direct the Clerk of the Board to submit the Amended Conservation and Scenic Easement Deed to the County Recorder for recordation.
- (Conservation and Scenic Easement Deed Amendment - PLN130215/3196 LLC, 3196 17 Mile Drive, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone)

Approved

RMA - Public Works

17. Adopt an ordinance, amending Sections 12.24.010 and 12.24.020 of the Monterey County Code to designate Foothill Road a through highway from River Road to Paraiso Springs Road in Soledad and amending Section 12.24.020 to establish stop intersections at the intersections of Foothill Road and Colony Road, Foothill Road and Mile End Road, Foothill Road and Mission Road, and Foothill Road and Paraiso Springs Road in the Soledad area in the unincorporated area of the County of Monterey.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Ordinance 5225 amending Sections 12.24.010 and 12.24.020 of the Monterey County Code to designate Foothill Road a through highway from River Road to Paraiso Springs Road in Soledad and amending Section 12.24.020 to establish stop intersections at the intersections of Foothill Road and Colony Road, Foothill Road and Mile End Road, Foothill Road and Mission Road, and Foothill Road and Paraiso Springs Road in the Soledad area in the unincorporated area of the County of Monterey. ALL AYES

18. Consider Adoption of a Resolution to:
- a. Approve the Job Order Contracting Policy Guidelines constituting the order of the Board approving Job Order Contracts pursuant to Public Contract Code Section 20128.5;
- b. Authorize the Director of Resource Management Agency, Director of Public Works, Director of Parks, and the Chief Executive Officer of Natividad Medical Center to process and approve Job Orders; and
- c. Approve the Revised Role and Responsibilities of the Board of Supervisor's Capital Improvement Committee (CIC).

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-305 to:

- a. Approve the Job Order Contracting Policy Guidelines constituting the order of the Board approving Job Order Contracts pursuant to Public Contract Code Section 20128.5; b. Authorize the Director of Resource Management Agency,**

Director of Public Works, Director of Parks, and the Chief Executive Officer of Natividad Medical Center to process and approve Job Orders; and c. Approve the Revised Role and Responsibilities of the Board of Supervisor's Capital Improvement Committee (CIC). ALL AYES