

BOARD OF SUPERVISORS

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

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

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

Gail T. Borkowski
Clerk of the Board
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ACTION MINUTES **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY**

TUESDAY, MARCH 13, 2012
9:00 A.M.

9:00 A.M.

ROLL CALL

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

1. Additions and Corrections for Closed Session: There we 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(a), the Board will confer with legal counsel regarding existing litigation:
 - (1) City of Greenfield v. Linda Tulett, Registrar of Voters for Monterey County (Monterey County Superior Court case no. M116214)
 - (2) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
 - (3) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
 - (4) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
 - (5) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey

County Superior Court case no. M109451)

CLOSED SESSION REPORT: The Board took no reportable action on items 2.a.(1) through (5).

b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable actions.

c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of one public employee.

CLOSED SESSION REPORT: The Board upheld the arbitrator's decision on the issue of dismissal of a public employee.

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

(1) Designated representatives: Izetta Birch and Brette Neal Employee Organizations: Units E and S

CLOSED SESSION REPORT: The Board took no reportable actions.

Acting as the Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION

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

(1) In the Matter of the Application of California-American Water Company (Application 04-09-019)

(2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)

(3) Monterey Coastkeeper v. Monterey County Water Resources Agency (Monterey County Superior Court case no. M108858)

CLOSED SESSION REPORT: The Board took no reportable action on items 2.e.(1) through (3).

f. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable action.

g. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

CLOSED SESSION REPORT: The Board took no reportable action.

h. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.

CLOSED SESSION REPORT: The Board took no reportable action.

ROLL CALL

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

3. The Pledge of Allegiance was 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 Section 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 is asked to make the following additions and corrections:
Correction under Ceremonial Resolutions (Revised Resolution submitted)
 8. Adopt a Resolution Supporting the Big Sur International Marathon for the year 2012. (Chair Potter)
The resolution was revised to reflect the following change in the 7th paragraph from the top: the economic impact of the marathon is \$30 million, not the \$3 million as was mentioned in the initial resolution.
Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the correction to the agenda. ALL AYES
5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Supervisor Parker pulled item 41 for comments and questions.
Supervisor Calcagno pulled item 24 for questions. County Counsel Charles McKee responded.
Supervisor Calcagno pulled item 27 for questions to staff. John Pinio responded.
County Administrative Officer Lew Bauman responded to questions regarding item 27.
Motion by Supervisor Parker, seconded by Supervisor Salinas to approve the Consent Calendar - Regular. ALL AYES

Recessed

Convened as the Board of Directors BORONDA COUNTY SANITATION DISTRICT

BORONDA COUNTY SANITATION DISTRICT

ROLL CALL

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

6. CONSENT CALENDAR - BORONDA COUNTY SANITATION DISTRICT (See Supplemental Sheet)
Supervisor Calcagno pulled item 43 and questioned staff. Benny Young responded.
Motion by Director Salinas, seconded by Director Armenta. ALL AYES

Adjournment

Reconvened as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS 7 & 8 heard concurrently

7. Adopted **Resolution No. 12-054** recognizing Michael Olson as the 2012 Al Smith Friend of Agriculture Award recipient. (Supervisor Calcagno)
Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES
8. Adopted **Resolution No. 12-053** Supporting the Big Sur International Marathon for the year 2012. (Chair Potter)
Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

APPOINTMENTS 9 through 14 heard concurrently

9. Appointed Ronald Holland to the Military & Veterans Affairs Commission, term ending January 1, 2015. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
10. Appointed Daniel Presser to the Military & Veterans Affairs Commission to fill an unscheduled vacancy, term ending January 1, 2013. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
11. Appointed Nancy Russell to the Moss Landing County Sanitation District Citizens' Advisory Committee, term ending March 24, 2015. (Supervisor Calcagno)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
12. Appointed Gwen E. Foote to the Commission on the Status of Women, term ending February 1, 2015. (Supervisor Armenta)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
13. Reappointed Alycia Young, Shannan Watkins, Cathy Nyznyk, Theresa Ikstrums, and Kendra Bobsin to the Child Care Planning Council, terms ending December 31, 2012. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES
14. Reappointed Larry Drury, Maria Guerrero, Noemy Loveless, Eileen McCourt, Jennifer Mancera, Megan Mosquera, and Lauryn Rodriguez to the Child Care Planning Council, terms ending December 31, 2013. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

OTHER BOARD MATTERS

15. a. Adopted **Resolution No. 12-055** proclaiming the month of March 2012 as "Tsunami Awareness and Preparedness Month" in Monterey County; and
b. Accepted National Oceanic and Atmospheric Administration (NOAA) recognition for Monterey County for "Tsunami Ready" status.

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

16. Board Comments

Supervisor Parker announced the next Hot Topics meeting on Monday, March 19th at Mountain Mike's Pizza in Marina. She thanked everyone that worked on the Natividad Medical Center and County proposal prepared and submitted to Salinas Valley Memorial Healthcare Hospital District. The proposal is on the SMVH website. Her office received comments and inquiries on this process. Supervisor Parker reiterated her commitment to public access and access to information. She requested that the public be given at least 10 days notice of meetings on the hospital proposal. The proposal

17. CAO Comments and Referrals

County Administrative Officer Bauman advised of the following Board Referral: Explore the potentially permanent preservation of the Whispering Oaks site in relation to the Boards' February 14th action. The intent is to explore ensuring permanent preservation of the Whispering Oaks site through rezoning and transferring of property to BLM or parks for open space use. Referred to Planning and Economic Development (Parker)

18. Public Comment

Gary Richard Arnold; Yvonne Lattimore; Hans Jongens.

SCHEDULED MATTERS

- S-1 Received an annual report presentation from the United Way Monterey County about the Health and Human Service information and referral service (2-1-1) offered throughout the County of Monterey.

Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

- S-2 Received the Annual Three-Year Financial Forecast for the period of Fiscal Year (FY) 2011-12 through FY 2014-15.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

12:00 P.M. RECESS TO LUNCH- CONTINUE TO CLOSED SESSION

1:30 P.M. RECONVENE - MONTEREY COUNTY BOARD OF SUPERVISORS

MONTEREY COUNTY BOARD OF SUPERVISORS

ROLL CALL

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

SCHEDULED MATTERS

- S-3 Public Hearing held to consider:
- a. Deny the appeal of Mark and Gayle Comer from the discretionary decision by the Planning Commission to partially deny a Fee Waiver Request;
 - b. Waive and ratify the refund of planning code violation fees of \$9,406.95;
 - c. Waive building code violation fees of \$16,172.58; and
 - d. Provide direction to staff to analyze County impacts of the fee waiver policy. (Appeal, Discretionary Decision - PLN060768/Comer, 19014 Pesante Rd, Prunedale, North County Area Plan)
- Testimony: Applicants Gayle Comer and Mark Comer
Public comment: Laura Harris; Paula Garner; Corrine; Kerry Palmer; Dora Palmer
- Motion by Supervisor Calcagno, seconded by Supervisor Salinas to adopt a Resolution of Intention No. 12-056 to uphold the appeal; waive all fees, including the environmental review fees; and directed staff to refund the fees already paid by the appellants; additionally directed staff to return with the appropriate findings in support the Board's action today.**
- 4 -1 (Supervisor Parker dissented)**

Closed Session Report (See item 2.a through h)

**ADJOURNMENT
In Memory of John Pack**

APPROVED:

DAVE POTTER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: _____

(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

19. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute **Amendment No. 1 to the Agreement A-11723** with McKesson Technologies, Inc. for Horizon Medical Imaging Radiology, Picture Archiving and Communication System (PACS) and related systems services at NMC in an amount not to exceed \$2,749,633 in the aggregate (an increase of \$149,663) for the period February 28, 2012 to June 30, 2015.
20. **Agreement No.: A-12187**
 - a. Authorized the Purchasing Manager for NMC to execute a Master Agreement for Construction Management Services for projects not to exceed \$100,000 per Request for Proposals RFP #9600-24 and;
 - b. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Agreements with JKL Construction, Origin Solutions, Ausonio Inc. and Integrated Construction Management for Construction Management Services per the RFP #9600-24; and
 - c. Authorized the Purchasing Manager for NMC to establish a total obligation for all project contracts combined not to exceed \$400,000 per year for the period February 1, 2012 through January 31, 2015.
21. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute **Amendment No. 6 to the Agreement A-10748** with Jennifer D’Attilio for Speech Therapy Services at NMC extending the Agreement to June 30, 2013 and adding \$360,577 for a revised total Agreement amount not to exceed \$1,229,000 in the aggregate.

HEALTH AND SOCIAL SERVICES

22. **Agreement No.: A-12188**
 - a. Approved Amendment No. 1 to the Employment Agreement with Dr. Alia Karim a current Contract Physician in the Health Department; and
 - b. Authorized the Director of Health to execute Amendment No. 1.

GENERAL GOVERNMENT

23. Approved the Action Minutes of the Monterey County Board of Supervisors of Tuesday, January 10, 2012.
24. a. Approved and authorized the Contracts/Purchasing Officer on behalf of the Information Technology Department to execute a Professional Services Agreement with Columbia Telecommunications Corporation for the period of

- March 20, 2012 through June 30, 2013 in the amount of \$15,240 for the provision of consulting services for the upgrade of the government channel broadcasting system; and
- b. Accepted non-standard insurance provided by the vendor as recommended by the Director of Information Technology.
25.
 - a. Accepted the recommendation of the Monterey County Fish and Game Commission to award six (6) funding grants; and
 - b. Approved the distribution of Fish and Game grant funds in the amount of \$19,000 for specified grant projects for Fiscal Year 2011-2012.
 26. Approved an Application for Order Authorizing Destruction of Records for the Parks Department.
 27. Approve recommendation from the Monterey County Parks Commission to name the environmental center at Toro Park, "The Penny Welsh Environmental Center."
 28.
 - a. Adopted **Resolution No. 12-057** of support for the Monterey Bay National Heritage Alliance seeking a National Heritage Area (NHA) designation for Monterey, San Benito and Santa Cruz Counties; and
 - b. Authorized the Chair of the Monterey County Board of Supervisors to sign the letter of transmittal to the Monterey Bay National Heritage Area Alliance.
 29. Approved the amended Conflict of Interest Code of the Marina Coast Water District with a clerical correction.
 30. Approved the amended Conflict of Interest Code of the Housing Authority of the County of Monterey.
 31. Approved the Conflict of Interest Code of the Monterey County Airport Land Use Commission with a clerical correction.
 32. **Resolution No. 12-058** Extended the Administrative Proclamation of Local Emergency due to the conditions of high surf and rising river levels at the Carmel Lagoon causing conditions of extreme peril to the safety of persons and property along Scenic Road and adjoining neighborhoods signed by the Administrative Officer on November 16, 2011 for an additional thirty days in accordance with California Government Code Section 8630 (4/5ths vote required).

RESOURCE MANAGEMENT AGENCY

33.
 - a. Adopted **Resolution No. 12-059** accepting a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcels E11b.6.3, E11b.7.1.2, and E11b.7.2 (Habitat Reserve Parcels), and Parcel L20.19.1.2 (a portion of Barloy Canyon Road) from the Fort Ord Reuse Authority to the County of Monterey, authorizing the Chair of the Board to sign the Quitclaim

- Deed, and accepting Parcel No. L20.19.1.2 into the County-maintained road system; and
- b. Directed the Clerk to the Board to record the signed deed with the County Recorder.

RMA - PUBLIC WORKS

34.
 - a. Approved Change Order No. 02 to **Agreement No. A-12076** with The Don Chapin Company, Inc., for the 855 E. Laurel Bldg A - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, in the amount of \$19,393, for a total contract value of \$90,350;
 - b. Authorized a contingency (not to exceed 10% of the new contract amount) to provide funding for approved contract change orders; and
 - c. Authorized the Director of Public Works to execute Change Order No. 02 to Agreement No. A-12076 with The Don Chapin Company, Inc., and subject to the terms of the Public Contract Code, approve subsequent contract change orders where the total subsequent change orders do not exceed 10% of the new contract amount, and do not significantly alter the project's scope.

35.
 - a. Approved and authorized the Contracts/Purchasing Officer to execute a Grant of Easement, effective March 13, 2012, to New Cingular Wireless PCS, LLC, a Delaware limited liability company for purpose of ingress and egress and construction of utility connections over County-owned property located at 1410 Natividad Road, Salinas, California;
 - b. Approved the Performance Bond executed and provided by New Cingular Wireless PCS, LLC, a Delaware limited liability company; and
 - c. Authorized the Director of Public Works to record the Grant of Easement and accept the Performance Bond provided by New Cingular Wireless PCS, LLC, a Delaware limited liability company.

36. **Agreement No.: A-12189**
 - a. Made findings that the purchase of the 28,850 square feet office building located at 20 East Alisal Street in Salinas CA (APN 002-232-014 & 015) is categorically exempted from CEQA per Section 15301 of CEQA Guidelines;
 - b. Approved a Commercial Property Purchase Agreement and Joint Escrow Instructions with Crocker Corner Partnership to purchase the 28,850 square feet office building located at 20 East Alisal Street in Salinas CA (APNs 002-232-014 & 015), for the amount of \$4,650,000 for use by the Probation Department and other collaborative County Departments and supportive programs;
 - c. Authorized the Contracts/Purchasing Officer to execute the Commercial Property Purchase Agreement and Joint Escrow Instructions, and any necessary transfer documents to complete the purchase, including Certificate of Acceptance and Consent to Recordation on behalf of the County; and

- d. Authorized the expenditure of up to \$5.2 million for the sale as outlined in the final closing documents and \$2.1 million to expedite completion of code and tenant improvements.
37. Adopted **Resolution No. 12-060**:
- a. Accepting the Certificate of Completion for construction of the tenant improvements consisting of Addition and Renovation of the Agricultural Commissioner's Building, 1428 Abbott Street, Salinas, California, Project No. 8810, Bid No 10165; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion the tenant improvements consisting of Addition and Renovation of the Agricultural Commissioner's Building, 1428 Abbott Street, Salinas, California, Project No. 8810, Bid No. 10165, performed by John F. Otto, Inc. dba Daniels House Otto Construction.
38. Adopted **Resolution No. 12-061** to:
- a. Confirm the sale of County-owned real property located at 26 Central Avenue in Salinas, California (formerly Monterey County Free Libraries Administration Building), APN 002-164-020 to Taylor Fresh Foods, Inc. for the purchase price of \$500,000;
 - b. Authorize the Auditor-Controller to amend the Fiscal Year (2011-12) adopted budget by increasing appropriations and estimated revenues to the Resource Management Agency's Appropriation Unit 404-3000-RMA015-8174 Capital Projects in the amount of \$500,000;
 - c. Authorize the Auditor-Controller to permit payment in the amount of \$465,751 net sale proceeds to the City of Marina to fulfill the County's full share contribution for the construction of a new MCFL Administration Office facility per the Board approved November 9, 2004 Construction and Operations Agreement with the City of Marina. Payment will be made from Appropriation Unit RMA015 Capital Projects; and
 - d. Authorize the Auditor-Controller to permit transfer of \$34,249 from Appropriation Unit RMA015 Capital Projects to Appropriation Unit RMA003 Architectural Services in the amount of \$26,914; and RMA006 Real Property in the amounts of \$1,179; and Monterey County Free Library LIB001 in the amount of \$6,156 to recover costs expended on the sale of the property (4/5ths vote required).
39. Adopted **Resolution No. 12-062; Construction No.: 2011-014**:
- a. Accepting the Certificate of Completion for Modular Building No. 5 Relocation, from 168 West Alisal Street, Salinas, CA to Natividad Medical Center, Project No. 8841, Bid Package No. 10325; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion for Modular Building No. 5 Relocation, Project No. 8841, performed by R. Jensen Company, Inc.

40.
 - a. Approved the recommended Fiscal Year (FY) 2011-12 reallocation of capital funds to be funded from Facility Master Plan Implementation, Fund 404, as shown on Attachment 2;
 - b. Approved the recommended capital projects to be funded in FY 2011-12; and
 - c. Authorized the modification to the adopted FY 2011-12 Budget from \$4.1 million to \$8.78 million.

41. **Construction No.: 2012-008**
 - a. Approved the Plans and Specifications for Integrated Health Clinic Services Center, 298 12th Street, Marina, CA Project No. 8834, Bid Package No. 10351; and
 - b. Authorized the Director of Public Works to advertise the Notice to Contractors in The Californian.

42. **Construction No. 2012-009**
 - a. Approved the Plans and Specifications for Refurbish Youth Center Kitchen - 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310; and
 - b. Authorized the Director of Public Works to advertise the Notice to Contractors in The Californian.

BORONDA COUNTY SANITATION DISTRICT

43. Acting as the Board of Directors of the Boronda County Sanitation District:
Adopted **Resolution No. 12-063:**
 - a. Establishing the Public Works Advisory Committee for Boronda County Sanitation District - San Jerardo Area pursuant to the Resolution No. 80-12;
 - b. Appointing members and alternates of the Public Works Advisory Committee for Boronda County Sanitation District - San Jerardo Area; and
 - c. Adopting the Boronda County Sanitation District - San Jerardo Area Public Works Advisory Committee By-Laws.

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