

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

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, APRIL 13, 2010
9:00 A.M.

9:00 A.M.

ROLL CALL:

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

1. Additions and Corrections for Closed Session: There were no additions or corrections.
2. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
 - (1) Designated representatives: Keith Honda and Patricia Covert
Employee organizations: All Units

CLOSED SESSION REPORT: The Board conferred with designated representatives and provided direction on how to proceed in these negotiations.

- b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
 - (1) Latonya Moore v. County of Monterey (MCSC Case No. M91935)

CLOSED SESSION REPORT: The Board conferred with counsel and provided mediation settlement authority to counsel. If settlement is achieved, the settlement agreement will be available in the office of County Counsel.

(2) Daniel P. Mastro v. Natividad Medical Center, et al. (MCSC Case No. M103925)

CLOSED SESSION REPORT: The Board conferred with counsel and authorized settlement. If settlement is reached, the settlement agreement will be available in the office of County Counsel.

(3) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908)

CLOSED SESSION REPORT: The Board heard an update regarding past court hearings on this matter (also known as the Red Barn) and provided direction on the court hearing scheduled on April 15, 2010 in Monterey.

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

CLOSED SESSION REPORT: The Board conferred with counsel and provided direction on how to resolve this matter. If this matter is resolved through a settlement agreement, the agreement will be available through the office of County Counsel.

ROLL CALL:

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

3. The Pledge of Allegiance was led by Clerk of the Board Gail T. Borkowski.
4. Additions and Corrections: The Clerk of the Board announced Consent Items 37 and 38 were renumbered to S-3 and S-4, respectively.
5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
 - Supervisor Calcagno pulled Item 40 for comment and questions. Item 40 was trailed to the afternoon.

Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the Consent Calendar with the exception of Item 40. ALL AYES
6. CONSENT CALENDAR - PAJARO COUNTY SANITATION DISTRICT
Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve Item 40. ALL AYES (heard in the afternoon)

OTHER BOARD MATTERS:

7. Board Comments: There were no Board comments.
8. CAO Comments and Referrals: There were no CAO comments.
9. Public Comment (Limited to 3 minutes per speaker)
David Quevedo

RESOLUTIONS Items 10 through 18.1 heard concurrently

10. Adopted Resolution No. 10-076 honoring the Alisal High School Boys Soccer Team as the 2010 Central Coast State (CCS) Division I Champions. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
11. Adopted Resolution No. 10-077 honoring the North Salinas High School Girls Basketball Team as the 2010 Central Coast State (CCS) Division I Champions. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
12. Adopted Resolution No. 10-078 honoring Carol Hayward upon her selection as one of Six Outstanding Woman of Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
13. Adopted Resolution No. 10-079 honoring Jeannette Marie Pendergrass upon her selection as one of Six Outstanding Women of Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
14. Adopted Resolution No. 10-080 honoring Sagrario Perea de Perez upon her selection as one of Six Outstanding Women of the Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
15. Adopted Resolution No. 10-081 honoring Gloria Torrez Navarro upon her Selection as one of Six Outstanding Woman of Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
16. Adopted Resolution No. 10-082 honoring Mary Dandridge upon her selection as one of Six Outstanding Woman of Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
17. Adopted Resolution No. 10-090 honoring Sherrie Yokomizo McCullough upon her selection as one of Six Outstanding Women of Monterey County for 2010. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES
18. Adopted Resolution No. 10-083 proclaiming the week of April 18 through the April 24, 2010, as "National Volunteer Week" in Monterey County. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

- 18.1 Adopted Resolution No. 10-084 proclaiming the Week of April 19, 2010, as Monterey County Work Zone Awareness Week. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Potter. ALL AYES

APPOINTMENTS: Items 19 through 23 heard concurrently

19. Reappointed Edward O. Fischer to the Parks Commission, term ending April 26, 2014. (Supervisor Salinas)
Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
20. Reappointed Roger Soell to the Parks Commission, term ending April 26, 2014. (Supervisor Parker)
Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
21. Reappointed Maria Orozco to the Monterey County Housing Advisory Committee, term ending April 21, 2012. (Supervisor Salinas)
Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
22. Appointed Louann N. Raras to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Salinas)
Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES
23. Reappointed Frank Aguillon to the Military & Veterans Affairs Committee, term ending January 1, 2013. (Supervisor Calcagno)
Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES

SCHEDULED MATTERS:

- S-1 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 Cynara Court Affordable Housing Project located at 10860-10868 Merritt Street and 10201-10203 Merritt Street in Castroville being developed by Mid-Peninsula Housing Coalition ; and
b. Adopted Resolution No. 10-092 approving the issuance of up to \$11,700,000 in Private Activity Bonds by the California Municipal Finance Authority (CMFA) for the benefit of Mid-Peninsula Castroville Associates, L.P. to provide for the financing of the Project.
Motion by Supervisor Parker, seconded by Supervisor Calcagno. ALL AYES
- S-2 **Continued the public hearing as requested by Monterey County staff, to May 4, 2010, on the application from Mid-Valley Fire Protection District (GPZ09003) consisting of:**
a. General Plan Amendment to change the General Plan Land Use Designation of 0.35 acres from "Public-Quasi-Public" to "Low Density Residential";

- b. Amendment to the zoning ordinance to rezone 0.35 acres from "Public-Quasi-Public" zoning district to "Low Density Residential" district; and
- c. Combined Development Permit consisting of: 1) Minor Subdivision Tentative Map to allow the division of a 1.98 acre parcel into two parcels of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2); and 2) a variance to allow a reduction of the minimum lot size from 1 acre to 0.35 acres in the "Low Density Residential" zoning district. (General Plan Amendment - GPZ090003/Carmel Valley Fire Protection District, Carmel Valley Master Plan area)

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

S-3 Considered staff recommendations and:

- a. Authorized the expenditure of \$155,000 from the County's Capital Projects Fund 402 to Aromas Water District for preparation of an Engineer's Report to include surveying, engineering and design fees, Appraisers Fee, LAFCO Report Fee and Environmental Document costs for the connection of Oak Ridge Mutual Water Company and portion of Via Del Sol Drive Area to the Aromas Water System;
 - b. Transferred \$155,000 from County Capital Projects Fund 402, Unit 8174, Account 7521, Buildings and Improvements to Account 7201, Contributions to Other Agencies;
 - c. Authorized the County Administrative Officer to execute an Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District; and
 - d. Authorized, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment. (This item was moved from the Consent Calendar)
- CAO Bauman advised of questions from James Safranek and Molly Erickson.
· Staff responded.

Public Comment: Glen McGowan; Jenny Arguello read letter from neighbor; Laurie Bronnar; Judi Taylor; Mary Bannister; Carolyn Anderson; Mike Livermore; Sid Matt; Julie Engel; John Webster; Suzie Peterson; Jan Mitchell; Steve Collins; The Chair announced that William Brady, Sharon Brady, Melissa Beeks, C. Chitwood, and Nick Pizzica submitted speaker cards in support of the recommendations but did not speak.

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

S-4 Considered and approved the following staff recommendations:

- a. Authorized loan in the amount of \$195,900 to Monterey County Water Resources Agency from the County's Capital Project Fund 402 for preparation of Environmental Impact Report for the Granite Ridge Water Supply Project;
- b. Authorized repayment of this loan from the following sources, Proposition 84, successful Proposition 218 ballot proceeding, or repayment from Monterey

County Water Resources Agency Ad Valorem Taxes or any of its other appropriate revenue sources. Terms of this loan to be developed by the County Administrative Office and the Water Resources Agency;

- c. Directed Auditor-Controller to set up loan repayment; and
- d. Amended Fiscal Year 2009-10 Capital Project Fund 402 Budget to provide for transfer of funds to Monterey County Water Resources Agency Budget as indicated in the Board Order. (This item was moved from the Consent Calendar)

Public Comment: J Eric Tynan; Lou Solton; Dell Matt; Don Rochester; Julie Engel; Sid Matt; Steve Collins.

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

Recessed to Lunch – Continued Closed Session (Joint Board Leadership Meeting cancelled)

RECONVENED

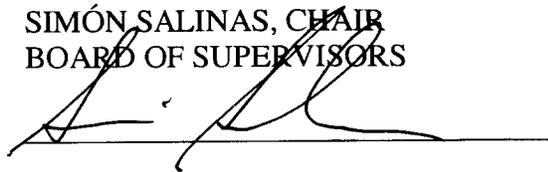
ROLL CALL:

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

CLOSED SESSION REPORT: (see 2 a-c)

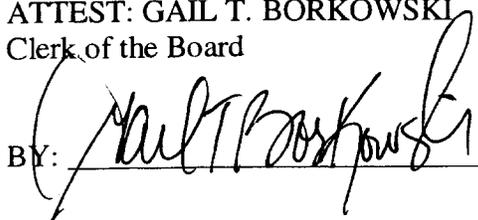
ORDER FOR ADJOURNMENT

SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS



ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY:



(Supplemental Sheet)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

24. Agreement No. A-11677 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with Gallun Snow Associates Inc. for Interior Design and Design Master Planning Services at NMC in an amount not to exceed \$198,500 (an increase of \$60,000) for the period March 1, 2010 to June 30, 2010.
25. Adopted Resolution No. 10-085 to amend Personnel Policies and Practices Resolution No. 98-394 to:
 - a. Added the classifications of Hospital Decision Support Manager and Hospital Decision Support Analyst;
 - b. Amended the Fiscal Year (FY) 2009-10 NMC Budget Unit 9600 to add one (1) FTE Hospital Decision Support Manager, and delete one (1) FTE Management Analyst III; and
 - c. Directed the Auditor-Controller's Office and the County Administrative Office to incorporate this budgetary change in the FY 2010-11 adopted budget.

HEALTH AND SOCIAL SERVICES:

26.
 - a. Adopted Resolution No. 10-086 to amend the Fiscal Year (FY) 2009-10 Department of Social & Employment Services, Budget Unit SOC 006-001-5010-8256 to delete one (1.0) FTE Office Assistant III position and add one (1.0) FTE Principal Office Assistant position; and
 - b. Directed the Auditor-Controller to incorporate this change in the Department of Social & Employment Services FY 2009-10 Final Budget SOC 006-001-5010-8256.
27.
 - a. Approved and amended the Fiscal Year (FY) 2009-10 Department of Social & Employment Services Adopted Budget to add 18.0 FTEs;
 - b. Directed the Auditor-Controller to amend the Department of Social & Employment Services FY 2009-10 Adopted Budget SOC009-007-5010-8261 to increase appropriations and estimated revenues of \$6,140,394 and reflect position allocations as indicated on the accompanying Board Order (4/5th vote required); and
 - c. Directed the Auditor-Controller's Office and the County Administrative Office to amend the FY 2009-10 Budget and incorporate approved changes in the FY 2010-11 adopted budget.

- 27.1 a. Adopted Resolution No. 10-087 adopting the Negative Declaration prepared on the proposed ordinance regarding polystyrene foam food packaging;
- b. Adopt Ordinance 5156, as modified per the Board of Supervisors' direction on April 6, 2010, adding Chapter 10.42 to the Monterey County Code to establish regulations restricting the use of polystyrene foam food packaging by retail food providers in the unincorporated area of the County of Monterey; and
- c. Directed the Auditor-Controller to establish an account pursuant to Chapter 1.22.180 of the Monterey County Code for the purpose of remitting penalties collected under this ordinance to the Health Department, Environmental Health Bureau. (Ordinance - PLN090146)

CRIMINAL JUSTICE:

28. Approved and authorized the District Attorney to sign and submit applications, including any extensions or amendments thereof, for continued funding for Fiscal Year 2010-11 from State agencies for five District Attorney's Office assistance and prosecution programs as identified in the Board Order.

GENERAL GOVERNMENT:

29. Authorized the Registrar of Voters to consolidate and render specified election services to certain districts relating to the conduct of the June 8, 2010 Consolidated Statewide Primary Election.
30. Adopt Resolution No. 10-089 to amend Personnel Policies and Practices Resolution No. 98-394 to add Section B.18 Lactation in the Workplace. (Board Referral 2009.25)
31. a. Approved specifications for concrete multi-use improvements at Laguna Seca Recreation Area, Bid No. 10239;
- b. Authorized and directed the Clerk of the Board to advertise the "Notice to Bidders" in the Salinas Californian on April 16 and April 23, 2010; and
- c. Set May 6, 2010 at 1:00 pm for the opening of the bids.
32. a. Agreement No. A-11678 Approved and authorized the Contracts/Purchasing Officer to sign the "Agreement for the purchase of Mobile Data Communications Infrastructure Equipment Utilizing Fiscal Year (FY) 2008 Federal Assistance to Firefighters Grant Funding" (AFG MOU) with the City of Monterey for the period of December 1, 2009 through six (6) months after notice of completion of the project has been recorded by the Preparedness Directorate's Office of Grant and Training;
- b. Agreement No. A-11679 Approved and authorized the Contracts/Purchasing Officer to sign an "Agreement for End User Software License, Software Implementation Services and Software Maintenance" (Radio IP Agreement) with RadioIP Software, Inc. in the amount of \$36,143.75 for perpetual

- software licenses and software implementation services for a term of April 15, 2010 through December 31, 2010;
- c. Accepted non-standard insurance, liability, and indemnification provisions in the RadioIP Agreement as recommended by the Director of Information Technology;
 - d. Approved and authorized the Contracts/Purchasing Officer to sign amendments to the RadioIP Agreement not to exceed a total cost of \$100,000 for additional licenses requested by end-users and for additional services as requested by the Director of Information Technology provided that all additional terms are approved by County Counsel;
 - e. Approved and authorized the Contracts/Purchasing Officer to sign up to 3 one year extensions to the RadioIP Agreement for software maintenance services;
 - f. Authorized the purchase of fixed assets totaling \$36,278;
 - g. Directed the Auditor-Controller's Office and the County Administrative Office to amend the FY 2009-10 Budget; and
 - h. Increased revenue and appropriations in Information Technology budget as detailed in the Board Order (4/5th vote required).
33. Approved and adopted the Action Minutes of the Board of Supervisors meeting of Tuesday, February 23, 2010.
34. Approved and adopted revisions to the Bylaws of the Equal Opportunity Advisory Commission.
35.
 - a. Approved Amendment No. 3 extending the Management Agreement ("Interim Agreement (A-11144)" between Forever Resorts, doing business as "Monterey Lake Resorts and Marinas, LLC", and the County of Monterey one year to operate the resort businesses at Lake Nacimiento and Lake San Antonio until April 23, 2011; and
 - b. Authorize the Board Chair to sign Agreement Amendment No. 3.
36.
 - a. Approved and authorized the transfer of funds in the amount of \$4,500 from Fund 020 Restricted Revenue Designations to Fund 001 Budget Unit 8004 Clerk-Recorder's Fund to compensate RMA to assist Contracts/Purchasing to generate and advertise an RFP for the purpose of selecting a qualified security system design professional for the Assessor-County Clerk/Recorder Security Camera Project;
 - b. Increased revenue and appropriations in the amount of \$4,500 in Fund 001 Budget Unit 8004 (4/5th vote required); and
 - c. Directed the Auditor-Controller to transfer funds and increase appropriations as detailed in the Board Order.
37. Item moved to Scheduled Matters, S-3.
38. Item moved to Scheduled Matters, S-4.

RMA - PUBLIC WORKS:

39. a. Approved the transfer of \$30,000 to the Lake San Antonio and San Lorenzo Park Improvements - Re-Roof Buildings project from Capital Projects Fund, Fund 402, Unit 8174, Account 7521 (Unspecified-Needs Board Approval) and allocate to Facilities Project Fund, Fund 401, Unit 8184, Appropriation Unit RMA004;
- b. Directed the Auditor-Controller to move appropriations in the amount of \$30,000 within Capital Projects Fund, Fund 402, Unit 8174, Appropriation Unit RMA014, from Account 7521 (Unspecified - Needs Board Approval) to Account 7614 (Operating Transfers Out); and
- c. Directed the Auditor-Controller to amend the FY 2009-10 budget by increasing revenue and appropriations to Facilities Project Fund, Fund 401, Unit 8184, Appropriation Unit RMA004, Accounts 5940 and 6311, (Operating Transfers-In and Buildings and Improvements Maintenance, respectively) in the amounts of \$30,000 (4/5th vote required).

PAJARO COUNTY SANITATION DISTRICT:

40. a. Set a Public Hearing on May 11, 2010, at 10:30 a.m. to consider protests and objections to a report of delinquent accounts for the Pajaro County Sanitation District; and
- b. Directed the Clerk of the Board to publish a Notice of Public Hearing for the report of delinquent fees once no later than April 19, 2010, in The Californian and Monterey County Herald.

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

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