

# Monterey County

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



## **Action Minutes - Final**

**Tuesday, January 15, 2013**

**9:00 AM**

**Board of Supervisors**

**9:00 A.M. Call to Order**

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****Closed Session**

1. 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) Neelima Vegesna v. Monterey County, et al. (USDC CAND case number 12-CV-05314-HRL)
    - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding ~~one matter~~ two matters of significant exposure to litigation. (REVISED VIA SUPPLEMENTAL)
    - c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
    - d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:  
(1) Designated representatives: James May and Brette Neal  
Employee Organization(s): Units A, B, C, F, H, J, K, R, S, X, Y, and Z
    - e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.
    - f. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.  
(1) City of King City (ADDED VIA ADDENDUM)
- 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) Neelima Vegesna v. Monterey County, et al. (USDC CAND case number 12-CV-05314-HRL)
- CLOSED SESSION REPORT: The Board conferred with counsel and authorized settlement in this matter. The Settlement Agreement will be available in the**

office of County Counsel once it is fully executed.

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

**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 a public employee.

**CLOSED SESSION REPORT:** The Board took no reportable actions.

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

(1) Designated representatives: James May and Brette Neal

Employee Organization(s): Units A, B, C, F, H, J, K, R, S, X, Y, and Z

**CLOSED SESSION REPORT:** The Board took no reportable actions.

e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.

**CLOSED SESSION REPORT:** The Board took no reportable actions.

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

(1) City of King City (Added via Addendum)

**CLOSED SESSION REPORT:** The Board took no reportable actions.

## **10:30 AM Reconvene**

### **Roll Call**

*Present: Charlie Steves, 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 Supervisor 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 additions and corrections:

Adjourn in Memory of Melanie Mayer Gideon (District 2)

### **Consent Calendar- (See Supplemental Sheet)**

2. Approval of the Consent Calendar - Regular (See Supplemental Sheet)

*Supervisor Calcagno pulled item 20 for comments.*

*Supervisor Calcagno commented on the performance and service of County Counsel Charles McKee.*

**A motion was made by Dave Potter, seconded by Jane Parker, to approve the Consent Calendar - Regular. ALL AYES**

### **Ceremonial Resolutions**

3. Adopt Resolution honoring American Red Cross of Northern California Blood Services in recognition of National Blood Donor Month. (Supervisor Armenta)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 13-002. ALL AYES**

### **Appointments**

4. Reappoint to the Commission on Disabilities Mario Salazar representing Resources Management Agency Department as an ex-officio ~~Department Heads~~ and Stella Lauerman representing Easter Seals Central California, terms ending December 31, 2015. (Full Board) (REVISED VIA SUPPLEMENTAL)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this reappointment be approved. ALL AYES**

5. Reappoint to the Resources Conservation District of Monterey County, Rebecca King, Benny Jefferson and Linda Ferrasci, terms ending November 30, 2016. (Full Board)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this reappointment be approved. ALL AYES**

6. Appoint Tom Hicks to the Commission on Disabilities representing Community Based Organizations, with a term ending December 31, 2015. (Full Board)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**

7. Appoint Maria Kovell and Linda Melendrez to the Area Agency on Aging Advisory Council, filling unexpired terms ending January 1, 2014. (Full Board)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**

8. Reappoint Marilyn Bloom to the Area Agency on Aging Advisory Council, term ending January 1, 2016. (Supervisor Potter)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this reappointment be approved. ALL AYES**

- 9. Appoint Sheree Goldman to the Domestic Violence Coordinating Council, term ending January 15, 2016. (Supervisor Potter)

**A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES**

**Other Board Matters**

- 9.1 Consider and approve appointments of Board of Supervisors members to various boards, committees and commissions for Calendar Year 2013.

*Public comment: Eric Peterson; Carlos Ramos*

**A motion was made by Supervisor Simón Salinas, seconded by Dave Potter, to approve the appointment of Board of Supervisor members to boards, committees and commission for Calendar Year 2013 as recommended, correcting the FORA appointment to reflect Supervisor Salinas as the Regular member and Supervisor Calcagno as the Alternante member. ALL AYES**

- 10. Board Comments

Supervisor Parker announced that are a series of five public meetings to be held throughout the County over the next week or so, to solicit public input on the capacity of safety net health providers and suggestions to improve access to those services. Residents of District 4 and Monterey Peninsula are encouraged to attend the meeting tonight at the Oldemeyer Center. Information is available on her website [JaneParker.org](http://JaneParker.org).

Supervisor Parker advised she has been invited, on January 25th, to join State Senator Anthony Cannella, Salinas Mayor Joe Gunter and Councilmember Steve McShane for a discussion about the state and local budget to be held at the Villa Serra Senior Community from 8:00 - 9:00 a.m. Everyone is invited to attend.

Supervisor Potter advised he is forwarding a Board Referral to the County Administrative Office regarding agendizing reconsideration of the vote on the Guiding Principles in Implementing Policy Options following the Base Reuse Plan Reassessment that was voted on by the Board on December 4, 2012.

Supervisor Armenta reiterated Supervisor Parker's announcement about the five public meetings to solicit public inpute on safety net health providers, including the meeting this evening at the Oldemeyer Center, Seaside Room, and the meeting tomorrow night in Salinas at the Monterey County Health Department from 6:00 - 8:00 p.m. He will consult with Ray Bullick and others associated with this outreach effort to consider rescheduling some of the meetings to assure better attendance and to assure all stakeholders have been noticed.

Supervisor Armenta plans to submit a written referral regarding how part-time and temporary employees are compensated, treated and evaluated.

Supervisor Calcagno commented on the safety net providers public meeting at the Castroville library last night and suggested the presentation be placed on the County website to provide better public access to the outreach information.

11. CAO Comments and Referrals

County Administrative Officer Lew Bauman advised we are having some technical issues with the live web-streaming. The Clerk of the Board advised that the live streaming is occurring during the meeting, but the agenda is not displaying with the live stream. Granicus is troubleshooting the issue.

12. General Public Comment

There were no public comments.

### **10:30 A.M. - Scheduled Matters**

- 12.1
- a. Receive an oral update on the status of the Low Income Health Program application; and
  - b. Receive an oral update on the development of Access Point for Health Care Services, a local program for uninsured in Monterey County; and
  - c. Receive an oral summary overview of the County's preparation for implementation of Affordable Care Act in January 2014; and
  - d. Provide direction to staff on options delineated in Board Report. (ADDED VIA ADDENDUM)

Ray Bullick advised there are modifications to the matrix included in the Board Report. Specifically the reference to administrative costs for Alliance for Health, should be corrected to 3% or \$150,000 whichever is greater.

Public comment: Erik Larson, Mario Torres, Art Schuyler, Arthur Martinez, Reyna Pacheco, Ad Uti, Cesar Lara, Linda Leu, Lavonne Stone, Carlos Ramos, Joe Vierra, Eric Peterson

A motion was made by Supervisor Simón Salinas, seconded by Jane Parker, to:

- a. Receive an oral update on the status of the Low Income Health Program application; and
- b. Receive an oral update on the development of Access Point for Health Care Services, a local program for uninsured in Monterey County;
- c. Receive an oral summary overview of the County's preparation for implementation of Affordable Care Act in January 2014;
- d. Provided direction to staff to implement ViaCare at 0-100% of the Federal Poverty Level at a maximum Maintenance of Effort of \$3.3 million and include a waiting list; and e. Additionally directed staff to report back at the first meeting of May 2013 regarding Access Point, implementation plan, a timeline and precise idea of resources need . ALL AYES

### **12:00 PM Recess to Lunch**

### **1:30 PM Reconvene**

## Roll Call

*Present: Charlie Steves, Interpreter*

**Present:** 4 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

**Absent:** 1 - Supervisor Dave Potter

## 1:30 P.M. - Scheduled Matters

13. Public hearing (continued from December 4, 2012) to consider:
- Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area;
  - Finding the project Categorical Exempt from CEQA per CEQA Guidelines Section 15307; and
  - Approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area. (Appeal of a Coastal Development Permit and Restoration Plan - PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area)
- [Board to consider request for continuance of the hearing to February 5, 2013.]**
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to continue this Public Hearing to February 5, 2013 at 1:30 p.m. 4-0 (Supervisor Potter Absent)**
14. Public hearing (continued from November 6, 2012) to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating “green” building principles and practices into new development in the unincorporated area of Monterey County.
- (Green Building Ordinance - REF110058/County-wide)
- Opened the public hearing;**  
**Public comment: Don Ask; Joe Vierra.**  
**Closed the Public Hearing; and a motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to continue to January 29, 2012 at 1:30 p.m consideration of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards**

Code by reference and add requirements and incentives for incorporating "green" building principles and practices into new development in the unincorporated area of Monterey County; directed the RMA Director and staff to evaluate other criteria that maybe appropriate, including criteria to exempt the East/West Wing construction from "Green" criteria due to the characteristics and time of remodel; and increase remodel threshold limit to \$500,000.

(Green Building Ordinance - REF110058/County-wide). 3-1 (Supervisor Parker dissented; Supervisor Potter Absent)

**15.**

Continued from December 11, 2012 to conduct a Public Hearing to:

a. Approve a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) No. 2012-010 and FSZ Contract No. 2012-010 and making various adjustments to Williamson Act Agricultural Preserve (AgP) No. 73-12 and No. 83-05 and Land Conservation Contract No. 73-12, 83-05, and 83-26-5.a as more fully described in the staff report.

b. Authorize the Chair to execute new or amended Land Conservation and FSZ Contracts to implement the foregoing.

c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC., located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP))

**Conducted a Public Hearing; a motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-006 to:**

**a. Approve a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) No. 2012-010 and FSZ Contract No. 2012-010 and removal of 7.42 acres from Williamson Act Agricultural Preserve (AgP) No. 73-12 and Land Conservation Contract No. 73-12 to: reduce a 349.33 acre parcel (Lot MM, Assessor's Parcel Numbers (APN) 167-081-006-000) to a 335.11 acre parcel (proposed Lot 1); increase a 0.84 acre parcel (Lot LL, a portion of APN 167-011-013-000) to a 14.22 acre parcel (proposed Lot 2); reduce a 30.7 acre parcel (Lot GG, a portion of APN 167-011-015-000) to a 6.28 acre parcel (proposed Lot 3); and increase a 29.3 acre parcel (Lot DD, a portion of APN 167-011-015-000 and a portion of APN 167-011-013-000) to a 54.56 acre parcel (proposed Lot 4). A 7.42 acre portion of Lot GG (30.7 acres), a portion of APN 167-011-015-000, will be removed from Williamson Act AgP No. 73-12 and Land Conservation Contract No. 73-12. Approve administrative correction to remove a total of 24.33 acres (APN Nos. 137-151-006-000 [2.31 acres], 137-151-007-000 [1.59 acres] and 137-151-008-000 [20.43 acres]) currently within FSZ No. 2012-010 from AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a to correct an inadvertent omission from Board of Supervisors Resolution No. 11-379 which placed portions of the property subject to AgP No. 73-12 and Land Conservation Contract No. 73-12 and AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a into FSZ No. 2012-010 and FSZ Contract No. 2012-010 without rescinding AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a as applicable to the 24.33 acres of property within FSZ No. 2012-010 and now subject to FSZ Contract No. 2012-010.**



b. Authorize the Chair to execute new or amended Land Conservation and FSZ Contracts, in order to rescind a portion of existing AgP No. 73-12 and Land Conservation Contract No. 73-12 as applicable to the reconfigured lots within AgP No. 73-12 and Land Conservation Contract No. 73-12, and to rescind AgP No. 83-05 and Land Conservation Contract Nos. 83-05 and 83-26-5.a from FSZ No. 2012-010, and amend FSZ Contract No. 2012-010 as applicable to the reconfigured lots, and simultaneously execute new or amended Land Conservation and FSZ Contracts for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures.

c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC., located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP))

d. removed Evidence H from Finding No. 6 in the resolution.

**ALL AYES**

**16.**

Public hearing (continued from October 23, 2012) to consider:

a. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;

b. Approval of the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;

c. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and

d. Approval of a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well.

(Appeal of Coastal Administrative Permits - PLN110366 and PLN110367/Mozingo (Powell) 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan)

**This item was heard before item 14.**

**A motion was made by Supervisor Simón Salinas, seconded by Jane Parker, pursuant to the request of the Applicant, to continue this item to February 26, 2013 at 1:30 p.m. ALL AYES**

## **Adjournment**

**APPROVED:**

/s/Louis R. Calcagno

**LOUIS R. CALCAGNO, CHAIR  
BOARD OF SUPERVISORS**

**ATTEST:**

**BY:** /s/Gail T. Borkowski

**GAIL T. BORKOWSKI**

**CLERK OF THE BOARD**

**APPROVED:** January 28, 2014

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

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Mohamed Kerala Serio M.D. to provide cardiology services at NMC for an amount not to exceed \$750,000 for the period February 1, 2013 to June 30, 2014.

**Approved - Agreement No. A-12387**

18. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute Amendment #6 to the Agreement (A-11102) with the Natividad Medical Foundation (NMF) for philanthropic services, defined as “capital campaign development fundraising; community outreach in connection with fundraising; preparing and submitting foundation grant applications; administering current/future foundation grants; providing administrative and fiscal oversight expertise of secured federal grant awards and support and coordinate NMC/NMF joint community relations” in support of NMC’s strategic vision which includes a goal of \$6 million through philanthropy to support capital needs at NMC; adding \$974,428 (a decrease of \$40,000 from the previous year) and extending the Agreement to December 31, 2013, for a revised total Agreement amount not to exceed \$5,112,826 in the aggregate.

**Approved - Agreement No. A-11102**

**General Government**

19. a. Introduce, waive reading, and set January 29, 2013 at 1:30 p.m. to consider adoption of an ordinance amending Chapter 2.80 of the Monterey County Code establishing policy and procedures for the investigation and resolution of discrimination complaints.  
b. Direct the Clerk of Board to publish the summary five days prior to set date of January 29, 2013 and within 15 days of adoption in The Salinas Californian.

**Approved**

20. Approve agreement to reappoint Charles J. McKee as County Counsel and authorize the Chair of the Board to execute the agreement.

**Approved - Agreement No. A-09350**

- 20.1 a. Approve amendments to Monterey County Child Care Planning Council by-laws effective July 1, 2012, that make various changes to the number and terms of County appointees to the Council;  
b. Confirm adjustment of the terms of existing Planning Council members

effective July 1, 2012, to accommodate the changes to the by-laws; and  
c. Declare that other or subsequent changes to the Council's by-laws no longer require Board approval unless such changes affect the number and terms of County appointees, or otherwise affect the County's duties under state law.

**Approved**

**20.2**

- a. Approve amended response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; and
- b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013. (ADDED VIA ADDENDUM)

**Approved**

### **RMA - Public Works**

**21.**

- a. Approve the recommended Five-Year Capital Improvement Plan financing plan for Capital Projects Fund 404;
- b. Approve the recommendation of capital projects to be funded in FY 2012-13; and
- c. Direct Resource Management Agency staff to continue to pursue alternative options for the proposed new office facility for the Public Defender.

**Approved**

**22.**

- a. Authorize the additional expenditure of \$58,000 from the County's Capital Projects Fund 402 to Aromas Water District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the connection of Oak Ridge Mutual Water Company and portion of Via Del Sol Drive Area to the Aromas Water System;
- b. Authorize the RMA Director to execute an amendment No. 2 to Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District; and,
- c. Authorize, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment.

**Approved**

**23.**

Adopt a Resolution:

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
- c. Authorizing the Director of Public Works to terminate the emergency to

repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and  
d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion. (ADDED VIA ADDENDUM)

**A motion was made by Dave Potter, seconded by Jane Parker, to adopt Resolution No. 13-005:**

- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;**
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);**
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and**
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion. ALL AYES**