

Monterey County

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



Action Minutes - Final

Tuesday, March 11, 2014

9:00 AM

**See separate agenda for Board of Supervisors of the Monterey
County Water Resources Agency**

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

9:00 A.M. - Call to Order

The meeting was called to order by Chair Calcagno.

Roll Call

Present: 3 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

Absent: 2 - Supervisor Fernando Armenta and Supervisor Dave Potter

Additions and Corrections for Closed Session

There were no additions or corrections to 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(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) People v. Atlantic Richfield Co. (Santa Clara County Superior Court Case No. 1-00-CV-788657)
 - (2) Keep Fort Ord Wild v. County of Monterey (Monterey County Superior Court Case No. M114961)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee. (ADDED VIA SUPPLEMENTAL)

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a and b.

10:30 AM Reconvene**Roll Call**

Present: Charlie Steves, Interpreter

Present: 3 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

Absent: 2 - Supervisor Fernando Armenta and Supervisor Dave Potter

Pledge of Allegiance

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 correction:

Correction to 1:30 P.M. Scheduled Item

24. Adopt Resolution approving the June 2013 revision to the County of Monterey Emergency Operations Plan in accordance with Chapter 2.68.080 and 2.68.040 of the County Code. Executive Summary Attachment Page 2 first bullet Corrected to read as Maximize survival of people, save lives, prevent and/or minimize injuries, and preserve property and resources within the County of Coconino County of Monterey by making use of all available manpower, equipment, and other resources in the event of a natural, man-made, or national security emergency/disaster.

To add Adjournment in memory of Dorothy Ann Giannini

Correction to Consent General Government

33. Remove from the Agenda

- a. Approve the Park Department's Renewal and Addendum No. 2 to the Management Agreement between Monterey County and Urban Park Concessionaires, doing business locally as "Monterey Lakes Recreation Company", renewing the Agreement retroactively to October 31, 2013 and extending the current term through January 31, 2015 for management of resort business operations at Monterey County Parks lakes resort; and
- b. Authorize the Chair of the Monterey County Board of Supervisors to sign Addendum No. 2 to the Agreement.

A motion was made by Supervisor Parker, seconded by Supervisor Salinas to approve Additions and Corrections. 3-0 (Supervisors Armenta and Potter Absent)

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Parker pulled items 30 and 31.

Regarding item 30: Supervisor Parker thanked the Sheriff and his office for a well written report and commended him for the clarity and transparency in the report. She requested that future reports include more information about programs, services and outcomes being provided. She requested contact information in order to allow the public to provide feedback, as well as information on who is coordinating these programs. Jim Colangelo responded on behalf of the Sheriff. He advised Chief Ed Lavarone would be the public contact.

Supervisor Parker question staff regarding item 31 regarding lack of end date for the agreement. Michael Ferry responded and advised he will get back to the Board. CAO Bauman advised it automatically renews unless cancelled. Jerrold Malkin, Deputy County Counsel provided additional clarification regarding the agreement.

Charles McKee advised item 32 and 33 requires a 4/5ths vote and should be removed from the agenda today.

Supervisor Calacagno pulled items 28 and 36 and asked questions of staff. Ray Bullick responded to questions on item 28. Mike Ferry responded to questions and request regarding item 36.

Regarding item 39: David Spaur provided clarification that in the Camphora agreement, Eden housing is affiliating with South County Housing and may be creating a new entity called the Camphora Associates LP. Financial documents will reflect this name if and when this occurs.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to approve the Consent Calendar with the exception of items 32 and 33, which were removed from the agenda. **ALL AYES**

Ceremonial Resolutions

3. Adopt Resolution honoring Gill Campbell as recipient of the Monterey Peninsula Chamber of Commerce 2013 Robert C. Littlefield Award for Lifetime Achievement. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-047 honoring Gill Campbell as recipient of the Monterey Peninsula Chamber of Commerce 2013 Robert C. Littlefield Award for Lifetime Achievement. (Supervisor Potter) 3-0 (Supervisors Armenta and Potter Absent)
4. Adopt Resolution honoring Nancy Kotowski, Ph.D. as recipient of the Monterey Peninsula Chamber of Commerce 2013 Ruth Vreeland Memorial Public Official of the Year Award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-048 honoring Nancy Kotowski, Ph.D. as recipient of the Monterey Peninsula Chamber of Commerce 2013 Ruth Vreeland Memorial Public Official of the Year Award. (Supervisor Potter) 3-0 (Supervisors Armenta and Potter Absent)
5. Adopt Resolution honoring Mary Ann Leffel as recipient of the Monterey Peninsula Chamber of Commerce 2013 Citizen of the Year Award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-049 honoring Mary Ann Leffel as recipient of the Monterey Peninsula Chamber of Commerce 2013 Citizen of the Year Award. (Supervisor Potter) 3-0 (Supervisors Armenta and Potter Absent)
6. Adopt Resolution recognizing "Undisclosed Recipient" as the recipient of the Monterey Peninsula Chamber of Commerce 2013 Volunteer of the Year Award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Resolution No. 14-050 recognizing Max Feldman as the recipient of the Monterey Peninsula Chamber of Commerce 2013 Volunteer of the Year

Award. (Supervisor Potter) 3-0 (Supervisors Armenta and Potter Absent)

7. Adopt Resolution recognizing “Undisclosed Recipient” as the recipient of the Monterey Peninsula Chamber of Commerce 2013 Business of the Year Award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-05 recognizing Meals on Wheels of the Monterey Peninsula as the recipient of the Monterey Peninsula Chamber of Commerce 2013 Business of the Year Award. (Supervisor Potter) 3-0 (Supervisors Armenta and Potter Absent)

Appointments

8. Appoint Kelly Vasquez to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2016. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint Kelly Vasquez to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2016. (Full Board) 3-0 (Supervisors Armenta and Potter Absent)

9. Appoint Doris Jones to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2017. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint Doris Jones to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2017. (Full Board) 3-0 (Supervisors Armenta and Potter Absent)

- 9.1 Appoint Guillermo Rodriguez to the Domestic Violence Coordinating Council, term ending January 1, 2015. (Supervisor Calcagno)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint Guillermo Rodriguez to the Domestic Violence Coordinating Council, term ending January 1, 2015. (Supervisor Calcagno) 3-0 (Supervisors Armenta and Potter Absent)

10. Reappoint Carlos Martinez to the Equal Opportunity Advisory Commission, term ending December 31, 2016. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Carlos Martinez to the Equal Opportunity Advisory Commission, term ending December 31, 2016. (Full Board) 3-0 (Supervisors Armenta and Potter Absent)

11. Appoint Jason Stilwell to the Emergency Medical Care Committee to fill an unscheduled vacancy, term ending June 30, 2015. (Full Board)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint Jason Stilwell to the Emergency Medical Care Committee to fill an unscheduled vacancy, term ending June 30, 2015. (Full Board) 3-0 (Supervisors Armenta and Potter Absent)

12. Reappoint Carmen Lorenzana to the Greenfield Public Recreation District,

term ending December 31, 2017. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Carmen Lorenzana to the Greenfield Public Recreation District, term ending December 31, 2017. (Supervisor Salinas) 3-0 (Supervisors Armenta and Potter Absent)

- 13.** Appoint Deborah Mills to the Mental Health Commission filling an unscheduled vacancy, term ending May 31, 2015. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint Deborah Mills to the Mental Health Commission filling an unscheduled vacancy, term ending May 31, 2015. (Supervisor Salinas) 3-0 (Supervisors Armenta and Potter Absent)

- 14.** Appoint William Vaughan to the Soledad Cemetery District filling an unscheduled vacancy, term ending February 1, 2015. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Appoint William Vaughan to the Soledad Cemetery District filling an unscheduled vacancy, term ending February 1, 2015. (Supervisor Salinas) 3-0 (Supervisors Armenta and Potter Absent)

- 15.** Reappoint Manuel Zuniga to the San Lucas County Water District, term ending December 1, 2017. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Reappoint Manuel Zuniga to the San Lucas County Water District, term ending December 1, 2017. (Supervisor Salinas) 3-0 (Supervisors Armenta and Potter Absent)

Other Board Matters

- 16.** Board Comments

Supervisor Parker announced this is the last month to sign up for Covered California. She encouraged anyone who hasn't signed up to do so this month. She has received positive comments and comments regarding challenges with the website. Dialing 2-1-1 will assist with any questions you may have.

Supervisor Salinas announced extended hours at the King City Public Library to assist with Covered California sign-ups, Monday through Thursday from 4 pm - 8 pm and Saturday, the 15th from 12 pm to 6 p.m. He thanked Natividad Medical Center, the Health department and the Department of Social Services for helping with these arrangements.

- 17.** CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from Supervisor Parker:

Provide presentation to the Board of Supervisors regarding the ViaCare transition, to include Medical and MIA patients. Natividad Medical Center CEO Harry Weis will bring that report to the Board.

18. General Public Comment

Steve Ecklund; Hans Jongens.

10:30 A.M. - Scheduled Matters

19. Receive a presentation from the Resource Management Agency on how performance measures are being used as a management tool.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to receive a presentation from the Resource Management Agency on how performance measures are being used as a management tool. 3-0 (Supervisors Armenta and Potter Absent)

20. a. Receive and accept the FY 2013-14 Year-end Estimate and Annual Three-Year Financial Forecast for the period of Fiscal Year (FY) 2014-15 through FY 2016-17;
b. Approve recommendation that the County Counsel-Risk Management Office provide an annual report to the Board's Budget Committee and to the Board of Supervisors detailing annual funding levels and estimated cost obligations based on results of the annual actuarial for the County's General Liability Insurance fund.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to a. Receive and accept the FY 2013-14 Year-end Estimate and Annual Three-Year Financial Forecast for the period of Fiscal Year (FY) 2014-15 through FY 2016-17; b. Approve recommendation that the County Counsel-Risk Management Office provide a bi-annual report to the Board's Budget Committee and to the Board of Supervisors detailing annual funding levels and estimated cost obligations based on results of the annual actuarial for the County's General Liability Insurance fund. 3-0 (Supervisors Armenta and Potter Absent)

21. a. Receive a status report on process for response to Board of Supervisors referral 2014.01 regarding Commencement/Completion of Salinas Valley Zone 2C Groundwater Basin Study; and
b. Provide direction to staff as appropriate.

Public comment: Amy White.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to: a. Receive a status report on process for response to Board of Supervisors referral 2014.01 regarding Commencement/Completion of Salinas Valley Zone 2C Groundwater Basin Study; and
b. Provided direction to staff as appropriate. 3-0 (Supervisors Armenta and Potter Absent)**

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

Present: 3 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas and Supervisor Jane Parker

Absent: 2 - Supervisor Fernando Armenta and Supervisor Dave Potter

Scheduled Matters

- 22.**
- a. Consider approving the attached proposed County Financial Policies revision to include a policy to fund the Road Fund through a County Transient Occupancy Tax contribution formula in a graduated process from 20% up to a flat rate contribution of 25% to maintain roads;
 - b. Consider approving the policy to include the implementation of a Road Fund Advisory Committee to provide direction on the use of the funds; and
 - c. Consider approving the Resource Management Agency as the designated County department to support the Road Fund Advisory Committee.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to: a. Approve the proposed County Financial Policies revision to include a policy to fund the Road Fund through a County Transient Occupancy Tax contribution formula in a graduated process from 20% up to a flat rate contribution of 25% to maintain roads; b. Approve the policy to include the implementation of a Road Fund Advisory Committee to provide direction on the use of the funds; and c. Approve the Resource Management Agency as the designated County department to support the Road Fund Advisory Committee. 3-0 (Supervisors Armenta and Potter Absent)

- 23.**
- Consider adoption of an ordinance amending Section 12.24.010 of the Monterey County Code to amend the through highway parameters of Old Stage Road and to amend Section 12.24.020 of the Monterey County Code to establish a four-way stop intersection at Old Stage Road and Old Natividad Road in the Salinas area of the unincorporated area of the County of Monterey.

Public comment: Susie Brusa.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Ordinance 5233 amending Section 12.24.010 of the Monterey County Code to amend the through highway parameters of Old Stage Road and to amend Section 12.24.020 of the Monterey County Code to establish a four-way stop intersection at Old Stage Road and Old Natividad Road in the Salinas area of the unincorporated area of the County of Monterey. 3-0 (Supervisors Armenta and Potter Absent)

- 24.**
- Adopt a resolution approving the June 2013 revision to the County of Monterey Emergency Operations Plan in accordance with Chapter 2.68.080 and 2.68.040 of the County Code.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-066 approving the June 2013 revision to the County of Monterey Emergency Operations Plan in accordance with Chapter 2.68.080 and 2.68.040 of the County Code. 3-0 (Supervisors Armenta and Potter Absent)

- 25.** Consider continuing to March 25, 2014 the public hearing to accept annual reports on the status of compliance with mitigation measures, any related code enforcement actions, and any proposed action to modify conditions of approval for land use projects approved in 2012 and 2013.
(Annual Report--Condition Compliance and Monitoring Program/REF140016, County-wide)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas: Continued to March 25, 2014 the public hearing to accept annual reports on the status of compliance with mitigation measures, any related code enforcement actions, and any proposed action to modify conditions of approval for land use projects approved in 2012 and 2013. (Annual Report Condition Compliance and Monitoring Program/REF140016, County wide) 3-0 (Supervisors Armenta and Potter Absent)

Adjournment

In Memory of Dorothy Giannini

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 ON 05-20-14

Supplemental Sheet, Consent Calendar**Health Department**

26. a. Approve and authorize the Contracts/Purchasing Officer to execute a two-year Lease Agreement, effective February 25, 2014 with the City of Gonzales, for approximately 400 square feet of general office space at 411 Center Street, Gonzales, California, for use by the Health Department's Behavioral Health Bureau; and
- b. Authorize the Auditor-Controller to make payments of \$50.00 per month for reimbursement of electric utilities, and in accordance with the terms of the Lease Agreement; and
- c. Authorize the extension of the Lease Agreement for one additional two-year period under the same terms and conditions and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

Approved

27. a. Approve and authorize the Director of Health to sign Amendment No. 1 to the County of Monterey Standard Agreement with Keith Vandever, Attorney-At-Law to increase the existing Agreement amount by \$7,800 for Fiscal Year (FY) 2013-14, \$7,800 for FY 2014-15, and \$7,800 for FY 2015-16 for a new total contract amount not to exceed \$117,000; and
- b. Authorize the Director of Health to sign up to two future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the total contract amount and do not significantly change the scope of work.

Approved - Agreement No. A-12653

28. a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Agreement with Integra Telecom Holdings, Inc., to provide dedicated telecommunications circuits between the County and the Oregon Community Health Information Network, Inc., to increase the amount by \$183,800 for a revised total not to exceed \$194,411, and to extend the term to February 28, 2017; and
- b. Authorize the Contracts/Purchasing Officer to approve up to three (3) future amendments to this Agreement where the amendments do not significantly change the scope of work or result in an increase to General Fund Contribution.

Approved - Agreement No. A-12652

Department of Social Services

29. a. Amend the Department of Social Services (DSS) Budget Unit 5010-SOC005-8262, to reallocate one (1.0) FTE Senior Account Clerk to one

(1.0) FTE Office Maintenance Worker, reallocate one (1.0) FTE Principal Office Assistant to one (1.0) FTE Social Worker Supervisor II, and reallocate one (1.0) FTE Finance Manager I to one (1.0) FTE Management Analyst III; and

b. Authorize the County Administrative Office to incorporate the changes into the 5010-SOC005-8262 FY2013-14 Adopted Budget to reflect the change in position counts.

Approved

Criminal Justice

30. Accept the Inmate Welfare Trust Fund Annual Report for the Fiscal Year 2012-13.

Approved

General Government

31. a. Approve an automatically self-renewing agreement between the County of Monterey (Lessee) and Hubert Schwab (Lessor) for the County to install, operate and maintain a radio transmitter and receiver station on Hubert Schwab's property; and
b. Authorize the chair of the Board to sign and execute the agreement.

Approved - Agreement No. A-12657

32. a. Authorize the Auditor-Controller to establish a budget for the East Garrison Developer Reimbursements, Fund 182, Unit 8431, Appropriation Unit DEO029, for FY 2013-14 by increasing appropriations and estimated revenues by \$150,000 (4/5th vote required); and
b. Authorize the Auditor-Controller's Office to incorporate approved appropriation and estimated revenue modifications to the FY 2013-14 Budget.

ITEM REMOVED VIA ADDITIONS AND CORRECTIONS

33. a. Approve the Park Department's Renewal and Addendum No. 2 to the Management Agreement between Monterey County and Urban Park Concessionaires, doing business locally as "Monterey Lakes Recreation Company", renewing the Agreement retroactively to October 31, 2013 and extending the current term through January 31, 2015 for management of resort business operations at Monterey County Parks lakes resort; and
b. Authorize the Chair of the Monterey County Board of Supervisors to sign Addendum No. 2 to the Agreement.

ITEM REMOVED VIA ADDITIONS AND CORRECTIONS

34. Approve the use of Toro Park on May 10, 2014 for a function held by Seven

Day Adventist Church - Salinas in compliance with Monterey County Code 14.12.130.

Approved

35. Approve the use of Toro Park on August 10, 2014 for a function held by Canaan Methodist Church in compliance with Monterey County Code 14.12.130.

Approved

36. a. Approve a one-time Concession Agreement for Special Events between The Do LaB, LLC, and the County of Monterey to produce the Lightning in a Bottle Arts & Music Festival event at the Lake San Antonio North Shore on May 22nd-26th, 2014; and
b. Authorize the Chair of the Board to sign the Agreement.

Approved

37. Authorize the Registrar of Voters to execute Agreement Number 13G30331 with the Secretary of State's office to receive Help America Vote Act (HAVA) Section 303 grant funds in the amount of \$52,764.61.

Approved - Agreement No. A-12655

38. Approve the Monterey County Board of Supervisor's Draft Action Minutes of Tuesday, October 8, 2013; Tuesday, October 22, 2013; Tuesday, November 5, 2013; Friday, January 24, 2014 and Monday, January 27, 2014.

Approved

39. a. Authorize the Auditor-Controller to increase revenue and appropriations in Economic Development Department's Boronda Housing Set-Aside Unit, 176-8202-DEO013 by \$300,000;
b. Approve a loan in the amount of \$300,000 between the Housing Successor Agency of the County of Monterey and South County Housing Corporation (SCH) for the redevelopment of the Camphora Labor Camp; and
c. Authorize the Director of the Economic Development Office to make minor revisions to the loan documents (if necessary), execute the loan documents, and execute subsequent loan related documents, including subordination agreements, provided that the Housing Successor Agency's interests are secured only behind the construction or the permanent loan and the loans provided by governmental agencies.

Approved

40. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Salinas Union High School District.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-065 to approve the amendments to the

**Conflict of Interest Code of the Salinas Union High School District. 3-0
(Supervisors Armenta and Potter Absent)**

RMA - Planning

41. a. Accept the Conservation and Scenic Easement Deed and authorize the Chair to execute the Conservation and Scenic Easement Deed; and
 b. Direct the Clerk of the Board to submit the Scenic Easement Deed to the County Recorder for filing.
(Scenic Easement - PLN090437/Latts Jeffrey & Diana Martinetto, 708 La Terraza Court Monterey, Greater Monterey Peninsula Area Plan)

Approved

RMA - Public Works

42. a. Approve Professional Services Agreement with The Paul Davis Partnership, LLP to provide architectural and engineering services for the design, permitting and construction of a proposed road maintenance corporation facility located at 8455 Carmel Valley Road in the unincorporated area of Monterey County (RFP #10446), in a total amount not to exceed \$274,000, for a term of March 11, 2014 to March 11, 2016, with the option to extend the Agreement for two (2) additional one (1) year periods, in accordance with the terms and conditions of the Agreement; and
 b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and up to three (3) future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-12651