

Monterey County

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



Action Minutes - Final

Tuesday, October 9, 2012

9:00 AM

See separate agenda for Monterey County Water Resources Agency

Board of Supervisors

Call to Order

The meeting was called to order by Vice Chair Armenta.

Roll Call

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

Absent: 1 - 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(a), the Board will confer with legal counsel regarding existing litigation:
 - (1) Save Our Peninsula Committee v. County of Monterey (Monterey County Superior Court case no. M110694)
 - (2) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)
 - (3) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
 - (4) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
 - (5) Stephen P. Collins v. County of Monterey, et al. (Monterey County Superior Court case no M117744)
 - (6) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)
 - b. Pursuant to Government Code section 59456.9(b), the Board will confer with legal counsel regarding significant exposure to two litigation matters.
 - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of two litigation matters.
 - d. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.
 - e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

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

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

Absent: 1 - Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Vice Chair Armenta.

Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Added Under Adjournment

Adjourn in Memory of County Employee Jose D. Torres

Consent Calendar- (See Supplemental Sheet)

2. Approve Consent Calendar - Regular (See Supplemental Sheet)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to approve the Consent Calendar - Regular. 4-0 (Supervisor Potter Absent)

Appointments

3. Reappoint Sandy Vosti, John E. Kesecker and Tim Headley for the Mission-Soledad Rural Fire Protection District, terms ending November 30, 2016. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, that these Appointments be approved. 4-0 (Supervisor Potter Absent)

Other Board Matters

4. Board Comments

Supervisor Parker wished Supervisor Salinas Happy Birthday yesterday. She

advised of the survey being conducted by the Monterey County Free Libraries to determine how to better serve and meet the needs of Monterey County residents. She encouraged everyone to participate in the survey. The survey is available online at www.mcflplan.org.

Supervisor Armenta announced he travelled with about 600 farmworkers and supporters to King, California to the headquarters of the United Farmworkers of America, to honor the work and life of Cesar Chavez and farmworkers, as well as dedicate the Cesar Chavez Service Center (not official name), now run and managed by the National Park Service. There were members of the California legislature in attendance.

5. CAO Referrals

County Administrative Officer Dr. Lew Bauman introduced the new Public Works Director, Robert K. Murdoch. Mr. Murdoch comes to Monterey County with 20 years of public sector management experience. He possesses an MPA and BS in Civil Engineering. Dr. Bauman acknowledged and thanked Paul Greenway for his outstanding tenure and oversight of the Public Works department and continuing dedicated service to Monterey County.

Dr. Bauman noted Elliott Robinson, Department of Social Services Director, was acknowledged by the American Public Human Services Association, a bi-partisan, non-profit organization representing appointed state and local health and human services commissioners, as Outstanding Member for a Local Agency. He was commended as a steadfast advocate for the value of human services at the county and municipal level.

6. General Public Comments

Elisa Elder; Becky Steinbrenner; Hans Jongens; Eric Peterson.

10:30 A.M. - Scheduled Matters

7. Public hearing to:
- Consider alternatives for the provision of safe potable water to the approved nine-lot Oaks subdivision due to the high arsenic level in the subdivision well water;
 - Provide direction to staff as to the preferred alternative to enable staff to conduct appropriate environmental review; and
 - Direct staff to return to the Board for further action following environmental review.
- (PC947170 & PLN030107 (Ferrini Oaks): fronting on east side of San Benancio Road adjacent to San Benancio school, Toro Area Plan)
- [Board to consider request for continuance of the hearing to December 4, 2012]**

Public comment: Tim Miller; Dick Rotter; George Riley; William Pyburn.
A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to continue this item to Tuesday, December 4, 2013 at 10:30

a.m. 4-0 (Supervisor Potter Absent)

- 8.
 - a. Approve Work Plan from CAO-Intergovernmental & Legislative Affairs Division regarding development and implementation of a Countywide performance measurement program, Managing for Results (MFR);
 - b. Receive MFR Performance Measurement Program update;
 - c. Receive Resource Management Agency (RMA) selected Bureau performance measure results; and
 - d. Provide direction as appropriate.

Public comment: Hans Jogens.

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

- a. Approve Work Plan from CAO-Intergovernmental & Legislative Affairs Division regarding development and implementation of a Countywide performance measurement program, Managing for Results (MFR);
- b. Receive MFR Performance Measurement Program update;
- c. Receive Resource Management Agency (RMA) selected Bureau performance measure results; and
- d. Provided direction to staff as appropriate. 4-0 (Supervisor Potter Absent)

12:00 PM Recess to Lunch and Continued Closed Session

Reconvene (following Closed Session)

Roll Call

Supervisors Potter and Calcagno were not present for the continued Closed Session during the lunchtime recess and the Closed Session Report.

Present: 3 - Supervisor Fernando Armenta, Supervisor Jane Parker and Supervisor Simón Salinas

Absent: 2 - Supervisor Dave Potter and Supervisor Louis R. Calcagno

Adjournment

In Memory of Jose D. Torres

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**

Supplemental Sheet, Consent Calendar

Health and Social Services

9. a. Approve and authorize the Contracts/Purchasing Officer to sign a one fiscal year term Agreement (July 1, 2012 to June 30, 2013) with the County of San Benito, permitting the Monterey County Health Department, Behavioral Health Bureau to provide mental health services to clients under the Medi-Cal jurisdiction of San Benito County and to bill County of San Benito for these services for an annual total contract amount not to exceed \$25,000 for Fiscal Year 2012-13, and
- b. Authorize the Contracts/Purchasing Officer, to approve up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase to County General Fund Contribution.

Approved - Agreement No. A-12334

General Government

10. Accept the Monterey County Law Library Annual Report for FY 2011-12.

Approved

11. Adopt a Resolution to:
- a. Approve the 2012 Winter Recess from December 26, 2012 through December 31, 2012 for Units D, E, G, P, X and Z;
- b. Authorize the Auditor-Controller to implement the Winter Recess for the aforementioned Units in the Advantage HRM system; and
- c. Approve closure of selected County departments and/or divisions for the Winter Recess from December 26, 2012 through December 31, 2012 and waive Ordinance No. 766, fixing the days and hours of operation of County offices.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to adopt a Resolution No. 12-270 to:

- a. Approve the 2012 Winter Recess from December 26, 2012 through December 31, 2012 for Units D, E, G, P, X and Z;**
- b. Authorize the Auditor-Controller to implement the Winter Recess for the aforementioned Units in the Advantage HRM system; and**
- c. Approve closure of selected County departments and/or divisions for the Winter Recess from December 26, 2012 through December 31, 2012 and waive Ordinance No. 766, fixing the days and hours of operation of County offices.**
- 4-0 (Supervisor Potter Absent)**

RMA - Building

12. Introduce, waive reading, and set November 6, 2012 at 1:30 P.M. as the date and time 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)
(DATE REVISED VIA SUPPLEMENTAL)

Approved

RMA - Public Works

13. a. Award a contract to Stronger Building Services, the lowest responsible and responsive bidder, for the 142 W. Alisal St, Salinas, CA-Old Jail-Roof Replacement and Limited Weatherization, Project No. 8820, Bid Package No. 10362, in the total amount of \$187,000;
b. Approve the Performance and Payment Bonds executed and provided by Stronger Building Services;
c. Authorize a contingency (not to exceed 20% of the contract amount) to provide funding for approved contract change orders; and
d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve contract change orders where total change orders do not exceed 20% of the original contract amount, and do not significantly alter the project’s scope.

Approved - Agreement No. A-12335; Construction No.2012-016