

Monterey County

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



Action Minutes - Final

Tuesday, March 25, 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 Fernando 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: 4 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Absent: 1 - Supervisor Fernando Armenta

Additions and Corrections for Closed Session

County Counsel Charles McKee advised of the following addition to Closed Session:

Item 1.b.: **CBRE Commercial Real Estate Brokerage & Cushman and Wakefield should include Scott Prosser as a negotiator for that party.**

A motion was made by Supervisor Simon Salinaas, seconded by Supervisor Dave Potter to approve the addition to Closed Session. 4-0 (Supervisor Armenta Absent)

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) The Estate of Alfredo Vargas
 - (2) Teresa Ordonez Zavala
 - (3) Anthony Vargas Vargas
 - (4) Perla N. Vargas Vargas
 - b. Pursuant to Government Code section 54956.8, the Board will confer with its real property negotiators:
 - (1) Property: 1441 & 1448 Schilling Place, SalinasAgency Negotiator: Benny Young, Resource Management Agency Director
Negotiating Party: CBRE Commercial Real Estate Brokerage and Cushman and Wakefield
Under negotiation: Price and terms
 - c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
California Public Utilities Commission Proceeding: In the Matter of the Application of California-American Water Company (U 210 W) for an Order Approving a Settlement Agreement with the County of Monterey and the

Monterey County Water Resources Agency A.13-05-017 (ADDED VIA SUPPLEMENTAL)

CLOSED SESSION REPORT

Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.

- (1) The Estate of Alfredo Vargas
- (2) Teresa Ordonez Zavala
- (3) Anthony Vargas Vargas
- (4) Perla N. Vargas Vargas

CLOSED SESSION REPORT: The Board unanimously (4-0 Supervisor Armenta Absent) rejected the claims of (1) The Estate of Alfredo Vargas; (2) Teresa Ordonez Zavala; (3) Anthony Vargas Vargas; and (4) Perla N. Vargas Vargas.

b. Pursuant to Government Code section 54956.8, the Board will confer with its real property negotiators:

- (1) Property: 1441 & 1448 Schilling Place, Salinas
Agency Negotiator: Benny Young, Resource Management Agency Director
Negotiating Party: CBRE Commercial Real Estate Brokerage and Cushman and Wakefield (Negotiator: Scott Prosser) (Added via Additions and Corrections)

Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board took no reportable action on item 1.b. (1).

c. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:

California Public Utilities Commission Proceeding: In the Matter of the Application of California-American Water Company (U 210 W) for an Order Approving a Settlement Agreement with the County of Monterey and the Monterey County Water Resources Agency A.13-05-017 (ADDED VIA SUPPLEMENTAL)

CLOSED SESSION REPORT: The Board took no reportable action on item 1.c.

10:30 AM Reconvene

Roll Call

Present: 4 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Absent: 1 - Supervisor Fernando Armenta

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Salinas.

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 addition and correction:

Under 10:30 A.M. Scheduled Matters - Remove

11. Consider adoption of an ordinance amending section 12.24.010 of the Monterey County Code to rescind the designation of the following roads as through highways: Barloy Canyon Road from Watkins Gate Road generally southeast to its terminus; Watkins Gate Road from West Camp Street generally northeast to its terminus; and West Camp Street from Sherman Boulevard generally southeast to its terminus in the East Garrison area of the unincorporated area of the County of Monterey.

Adjourn in Memory of

Ms Terri Cook (current employee of the County of Monterey)

Mrs. Jennie E. Frassetto (retired employee of the County of Monterey)

Mrs. Alejandra Nasol Iglesia (mother of former County of Monterey employee and current Superior Court Judge Efren Iglesia)

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Jane Parker to approve Additions and Corrections. 4-0 (Supervisor Armenta Absent)

Consent Calendar- (See Supplemental Sheet)

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

Supervisor Parker pulled item 21 and asked questions of staff. Mike Novo and the City of Gonzales Planning Director responded.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simon Salinas to approve item 21, with explicit recommendation that the use of the monies would go as priority to Ag easements and understanding that this would not restrict other potential uses. 4-0 (Supervisor Armenta Absent)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor

Jane Parker to approve the Consent Calendar with the exception of item 21. 4-0
(Supervisor Armenta Absent)

Ceremonial Resolutions

3. Adopt Resolution honoring Melinda Stirling upon her retirement from the Monterey Cooperative Extension after 35 years of dedicated service. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-068 honoring Melinda Stirling upon her retirement from the Monterey Cooperative Extension after 35 years of dedicated service. (Full Board) 4-0 (Supervisor Armenta Absent)**
4. Adopt Resolution Commending Forensic Autopsy Technician Hilleary Ekberg of the Monterey County Sheriff's Office upon her receiving the Professional Staff Employee of the Year for 2013. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-074 commending Forensic Autopsy Technician Hilleary Ekberg of the Monterey County Sheriff's Office upon her receiving the Professional Staff Employee of the Year for 2013. (Full Board) 4-0 (Supervisor Armenta Absent)**
- 4.1 Adopt Resolution commemorating the 100th anniversary of the Aromas Branch Library of the Monterey County Free Library System. (Full Board)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-069 commemorating the 100th anniversary of the Aromas Branch Library of the Monterey County Free Library System. (Full Board) 4-0 (Supervisor Armenta Absent)**
- 4.2 Adopt Resolution honoring Chief Eric C. Sills of Soledad Police Department upon his selection as the 2013 Soledad-Mission Chamber of Commerce's Citizen of the Year. (Supervisor Salinas) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-077 honoring Chief Eric C. Sills of Soledad Police Department upon his selection as the 2013 Soledad-Mission Chamber of Commerce's Citizen of the Year. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Armenta Absent)**
- 4.3 Adopt Resolution honoring McDonald's upon its selection as the 2013 Soledad-Mission Chamber of Commerce's Business of the Year. (Supervisor Salinas) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-075 honoring McDonald's upon its selection as the 2013 Soledad-Mission Chamber of Commerce's Business of the Year. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Armenta Absent)**
- 4.4 Adopt Resolution honoring Victory Outreach Soledad upon its selection as the 2013 Soledad-Mission Chamber of Commerce's Friend of the Chamber.

(Supervisor Salinas) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-056 honoring Victory Outreach Soledad upon its selection as the 2013 Soledad-Mission Chamber of Commerce's Friend of the Chamber. (Supervisor Salinas) (ADDED VIA ADDENDUM) 4-0 (Supervisor Armenta Absent)

- 4.5** Adopt Proclamation proclaiming the Week of March 30 - April 5, 2014 as "Safety Seat Checkup Week" in Monterey County. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-073 proclaiming the Week of March 30 - April 5, 2014 as "Safety Seat Checkup Week" in Monterey County. (Full Board) (ADDED VIA ADDENDUM) 4-0 (Supervisor Armenta Absent)

Appointments

- 5.** Appoint Kelly Morgan to the Commission on Disabilities, term ending December 31, 2016. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to Appoint Kelly Morgan to the Commission on Disabilities, term ending December 31, 2016. (Full Board) 4-0 (Supervisor Armenta Absent)

Other Board Matters

- 6.** Board Comments

Supervisor Parker encouraged Monterey County residents to sign up for Covered California for the next week and advised MediCal sign-ups continue throughout the year. Call 2-1-1 if you need assistance. The Cabrillo Resource Center in Seaside will hold a free community health fair on March 26th from 12 pm - 4 pm. There will be people to assist with healthcare sign-ups and provide other assistance.

- 7.** CAO Comments and Referrals

There were no CAO comments or referrals.

- 8.** General Public Comment

Susan Bradley; Bruce Britton; Jan Boishure; Dick Matthews; Patricia Conglari; Melanie; Richard Meyer; Ashley Meyer; Joe Vierra; Bill Harrison; Patricia Qualles; Julie Felice; Melia Fernanda;

10:30 A.M. - Scheduled Matters

- 9.** a. Approve and adopt the Equal Opportunity Plan for County of Monterey;
and
b. Direct the Equal Opportunity Officer to implement and administer the

Equal Opportunity Plan.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to: a. Approve and adopt the Equal Opportunity Plan for County of Monterey; b. Direct the Equal Opportunity Officer to implement and administer the Equal Opportunity Plan. 4-0 (Supervisor Armenta Absent)

10.

Public hearing to consider:

- a. Receiving a report related to Mitigation Monitoring and Reporting for projects approved with Mitigation Measures in 2012 and 2013; and
- b. Adopting a Resolution accepting 2012 and 2013 Annual Reports for the Mitigation Monitoring and Reporting Program.

(Condition of Approval and Mitigation Monitoring and Reporting Program 2012 and 2013 Annual Reports - REF140016/Countywide)

Held Public hearing and:

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to: a. Receive a report related to Mitigation Monitoring and Reporting for projects approved with Mitigation Measures in 2012 and 2013; and b. Adopted Resolution No. 14-087 accepting 2012 and 2013 Annual Reports for the Mitigation Monitoring and Reporting Program. (Condition of Approval and Mitigation Monitoring and Reporting Program 2012 and 2013 Annual Reports REF140016/Countywide) 4-0 (Supervisor Armenta Absent)

11.

Consider adoption of an ordinance amending section 12.24.010 of the Monterey County Code to rescind the designation of the following roads as through highways: Barloy Canyon Road from Watkins Gate Road generally southeast to its terminus; Watkins Gate Road from West Camp Street generally northeast to its terminus; and West Camp Street from Sherman Boulevard generally southeast to its terminus in the East Garrison area of the unincorporated area of the County of Monterey.

REMOVED VIA ADDITIONS & CORRECTIONS

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: 4 - Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Absent: 1 - Supervisor Fernando Armenta

1:30 P.M. - Scheduled Matters

12.

Receive a presentation and report on Managing for Results (MFR) from the Department of Emergency Communications.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to receive a presentation and report on Managing for Results (MFR)

from the Department of Emergency Communications. 4-0 (Supervisor Armenta Absent)

- 13.
 - a. Approve 2014-15 Monterey County Strategic Initiatives and Key Objectives; and
 - b. Provide further direction to staff as necessary.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to: a. Approve 2014-15 Monterey County Strategic Initiatives and Key Objectives; and
 b. Provide further direction to staff as necessary. 4-0 (Supervisor Armenta Absent)

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 ON 11-04-14

Supplemental Sheet, Consent Calendar**Health Department**

14. a. Reallocate 3.0 FTE Office Assistant II to 3.0 FTE Office Assistant III positions in Health Department Budget Unit HEA004-8121;
b. Delete a vacant 1.0 FTE Office Assistant II in Health Department Budget Unit HEA004-8121;
c. Reallocate a vacant 1.0 FTE CA Children's Services Case Worker II to a 1.0 FTE Supervising CA Children's Services Case Worker in Health Department Budget Unit HEA004-8121; and
d. Authorize the County Administrative Office to incorporate the approved position changes in the FY 2013-14 Adopted Budget.

Approved

15. a. Approve and authorize the Director of Health to sign a Memorandum of Understanding (MOU) with California Youth Outreach (CYO) (February 3, 2014 to September 30, 2014) to formalize the collaboration between Monterey County Behavioral Health and CYO to provide services to youth returning to the Monterey County from incarceration, and
b. Authorize the Director of Health to sign up to three (3) future amendments to this MOU where the amendments do not significantly change the scope of work.

Approved – Agreement No. A-A12660

16. a. Approve and authorize the Director of Health or designee to sign Agreement #13-20933 with the California Department of Public Health in the amount of \$517,949, for the period of February 10, 2014 through February 9, 2015, to provide Supplemental Nutrition Assistance Program-Education (SNAP-Ed) training and technical assistance to local health departments in the applicable service area to promote the delivery of SNAP-Ed nutrition education and physical activity promotion; and
b. Authorize the Director of Health or designee to approve three future amendments up to ten percent (10%) of the annual amount, which does not significantly alter the scope of services or result in an increase to net county costs.

Approved

Criminal Justice

- 16.1 Adopt Resolution to:
a. Amend Personnel Policies and Practices Resolution No. 98-394 and Appendix A to create the classifications of Deputy Sheriff Reserve I/II with the salary ranges as indicated in the attached Resolution; and

- b. Direct Human Resources Department to implement the changes in the Advantage HRM system. (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-086 to:

- a. Amend Personnel Policies and Practices Resolution No. 98-394 and Appendix A to create the classifications of Deputy Sheriff Reserve I/II with the salary ranges as indicated in the attached Resolution; and**
b. Direct Human Resources Department to implement the changes in the Advantage HRM system. 4-0 (Supervisor Armenta Absent)

General Government

17. Receive the attached Action Minutes of the Budget Committee for FY 2011-12: October 26, 2011, November 9, 2011, December 7, 2011, February 29, 2012, April 9, 2012, April 25, 2012, May 30, 2012 and June 27, 2012.

Approved

18. Approve and authorize the Contracts/Purchasing Officer to execute a Renewal, Extension and Amendment No. 1 to an Agreement between with Robert Half International, Inc for \$74,412 in amount not-to-exceed \$149,292.00 to provide accounting and auditing assistance in reconciling the Advantage HRM (Payroll) System to the Advantage Financial (General Ledger) System.

Approved – Agreement No. A-12659

19. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Assessor-County Clerk-Recorder's Department.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-081 to approve the amendments to the Conflict of Interest Code of the Assessor-County Clerk-Recorder's Department. 4-0 (Supervisor Armenta Absent)

RMA - Planning

20. Introduce, waive reading, and set April 8, 2014 at 1:30 P.M. as the date and time to consider adoption of an ordinance adding Chapter 18.28 to the Monterey County Code to establish an on-going, county-wide program to implement a state law commonly known as the Mills Act. The ordinance establishes uniform procedures under which the County may enter into a contract with owners of qualified historic properties to preserve, restore, and maintain the historic properties in exchange for preferential property tax assessment.

(REF130101/Mills Act Ordinance, County-wide)

Approved

21. a. Approve a Memorandum of Agreement between the City of Gonzales and

- the County of Monterey regarding working cooperatively on common planning, growth and development issues; and
- b. Authorize the Chair of the Board of Supervisors to execute the Memorandum of Agreement.
(Gonzales Memorandum of Agreement/REF090001/Exempt under CEQA)

Approved

22.

Consider a Resolution to:

- a. Approve a Lot Line Adjustment between three (3) legal lots of record under Land Conservation Contract No. 76-4, established by County Resolution No. 76-45-4, with no net decrease in acreage under Williamson Act Contract; and
- b. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and Lance and Christina Batistich reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Policies or procedures; and
- c. Direct the Clerk of the Board to cause the new or amended Contract or Contracts to be filed with the Recorder on payment of fees to the Recorder concurrently with the recordation of the Certificates of Compliance for the reconfigured parcels.

(Lot Line Adjustment - PLN120829/Lance and Christina Batistich, 32800 Johnson Canyon Rd, Gonzales, Central Salinas Valley)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-088 to:

- a. Approve a Lot Line Adjustment between three (3) legal lots of record under Land Conservation Contract No. 76 4, established by County Resolution No. 76 45 4, with no net decrease in acreage under Williamson Act Contract; and
- b. Authorize the Chair to execute a new or amended Land Conservation Contract or Contracts in order to rescind a portion of the existing Land Conservation Contract as it applies to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract or Contracts for the reconfigured lots between the County and Lance and Christina Batistich reflecting the new legal descriptions, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Policies or procedures; and
- c. Direct the Clerk of the Board to cause the new or amended Contract or Contracts to be filed with the Recorder on payment of fees to the Recorder concurrently with the recordation of the Certificates of Compliance for the reconfigured parcels.

(Lot Line Adjustment PLN120829/Lance and Christina Batistich, 32800 Johnson Canyon Rd, Gonzales, Central Salinas Valley) 4-0 (Supervisor Armenta Absent)

RMA - Public Works

23. Adopt Resolution:
- a. Accepting the 2013 Annual Report of Mileage for Maintained County Roads; and
 - b. Authorizing the Director of Public Works to forward the resolution and summary sheet to the California Department of Transportation.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-082:**
- a. Accepting the 2013 Annual Report of Mileage for Maintained County Roads; and**
 - b. Authorizing the Director of Public Works to forward the resolution and summary sheet to the California Department of Transportation. 4-0 (Supervisor Armenta Absent)**
24.
 - a. Adopt Plans and Special Provisions for the Davis Road Class II Bikeway Project, Project No. 14-869465; State Project No. 054A2784L; Federal Aid Project No. RPSTPLE 5944(104); and
 - b. Authorize the Director of Public Works to advertise the “Notice to Bidders” in the *Monterey County Weekly*.

Approved - Construction No. 2014-007
25. Board of Supervisors acting as County Service Area No. 75- Chualar:
- a. Adopt Plans and Special Provisions for the Chualar Sanitary Sewer Rehabilitation, Project No. 093-45, Bid No. 10479; and
 - b. Adopt Plans and Special Provisions for the Chualar Monitoring Well Replacement, Project No. 093-46, Bid No. 10480; and
 - c. Authorize the Director of Public Works to advertise the “Notice to Contractors” for the projects in the *Monterey County Weekly*. (ADDED VIA ADDENDUM)
- Approved - Construction No. 2014-008 (Chualar Sanitary Sewer Rehabilitation Project); Construction No. 2014-009 (Chualar Monitoring Well Replacement Project)**