

Monterey County

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



Action Minutes - Final

Tuesday, October 16, 2012

9:00 AM

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) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)
 - (2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875) (ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.
 - c. Pursuant to Government Code section 54957, the Board will confer regarding appointment to the position of the Health Officer.
 - d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation. (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) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)
 - (2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875) (ADDED VIA ADDENDUM)**CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1) & (2).**

b. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.
CLOSED SESSION REPORT: The Board voted unanimously 4-0 (Supervisor Potter absent), to modify the arbitrators decision regarding two employees.

c. Pursuant to Government Code section 54957, the Board will confer regarding appointment to the position of the Health Officer.
CLOSED SESSION REPORT: The Board took no reportable actions.

d . Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
(ADDED VIA ADDENDUM)
CLOSED SESSION REPORT: The Board took no reportable actions.

10:30 AM Reconvene

Roll Call

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 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:

Correction Under Appointments

10. Appoint Yvette Padilla to the Equal Opportunity Advisory Commission to fill unscheduled vacancy, term ending at the Pleasure of the Board. (Supervisor Calcagno)

Remove from Consent Calendar – Health and Social Services - Continued to October 23, 2013

19. Adopt a Resolution to:

- a. Approve the transfer of the administrative organizational reporting structure of the Office for Employment Training from the Department of Social and Employment Services to the Economic Development Department;
- b. Amend Personnel Policies and Practices Resolution No. 98 394 to re title the classification of Economic Development/WIB Executive Director to Economic Development Director and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;
- c. Approve the re titling of the Department of Social and Employment Services to the Department of Social Services; and
- d. Authorize the County Administrative Officer and Auditor Controller to take the necessary action to program the Advantage system to implement these

actions including the transfer of positions, appropriations and units as well as the accounting structure and levels of the appropriation control effective July 1, 2013 (4/5ths vote required).

A Motion by Supervisor Jane Parker, seconded by Supervisor Simon Salinas, to approve Additions and Corrections.

Consent Calendar- (See Supplemental Sheet)

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

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

Ceremonial Resolutions

3. Adopt Resolution honoring Cecil Bindel as recipient of the NAACP Steven E. Ross award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-267. 4-0 (Supervisor Potter Absent)

4. Adopt Resolution declaring October 21, 2012-October 27, 2012 National Save for Retirement Week in Monterey County. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-268. 4-0 (Supervisor Potter Absent)

5. Adopt Resolution honoring Joseph Berlanga on the occasion of his retirement after 28 years of distinguished service with the County of Monterey, Department of Social and Employment Services. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-269. 4-0 (Supervisor Potter Absent)

- 5.1 Adopt Resolution recognizing Mee Memorial Hospital's contributions to the community on their 50th anniversary. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-271. 4-0 (Supervisor Potter Absent)

- 5.2 Adopt Resolution honoring Harry Wiggins, Scoutmaster Boy Scout Troop 505 - Pajaro after 17 year of service to the community. (Supervisor Calcagno) (REVISED RESOLUTION VIA SUPPLEMENTAL)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-272. 4-0 (Supervisor Potter Absent)

Appointments

6. Reappoint Salvador Vasquez to the Pajaro Valley Water Management Agency, term ending December 1, 2014. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)

7. Appoint Fernando Elizondo to the Community Action Commission, term ending July 1, 2015. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)

8. Appoint Angel H. Rivera to the Community Action Commission to fill unscheduled vacancy, term ending July 1, 2014. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter)

9. Appoint Susan Orman to the Commission on the Status of Women, term ending February 1, 2014. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)

10. Appoint Yvette Padilla to the Equal Opportunity Commission to fill unscheduled vacancy, term ending Pleasure of the Board. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. 4-0 (Supervisor Potter Absent)

Other Board Matters

11. Board Comments

Supervisor Calcagno advised of Supervisor Parker's request to support her nomination for appointment to the Coastal Commission. He also noted that Supervisor Salinas is interested in the nomination for appointment. He requested that consideration of nominees be heard at the next scheduled Board meeting.

Supervisor Armenta announced that he and Supervisor Parker attended the Mujeres Migrante (Women Migrant) worker conference last Saturday. He thanked all of the non-profit agencies and Health Department staff involved in the event. He advised that he worked with Monterey Salinas Transit to transport migrant women and their children from South County to the event and back home at the end of the day.

12. CAO Comments and Referrals

Clerk of the Board Gail T. Borkowski introduced Lucila Sanchez, the new Management Analyst in the Clerk of the Board's office. She worked as a grant specialist with Women's Crisis Support -Defensa de Mujeres and for the City of Watsonville. Ms. Borkowski welcomed Ms. Sanchez to the County family and the Clerk of the Board's office.

County Administrative Officer Dr. Lew Bauman announced that Stephen

Kennedy, Director of Child Support Services was acknowledged last month by the Western Interstate Child Support Enforcement County in Jackson, Wyoming for making a difference in the lives of children and families across the state and county. Department achievements include collecting a record \$38 million last fiscal year and developing a paternity program. He congratulated Steve and his entire team on behalf of the County.

13. General Public Comment

Ron Chesshire; Ed Mitchell; Hans Jongens.

10:30 A.M. - Scheduled Matters

14. Consider adoption of an ordinance amending section 12.16.010 of the Monterey County Code to establish a four-way stop intersection at Portola Drive and Estoque Place in Toro Park Estates in the unincorporated area of the County of Monterey.

Public comment: Eric Peterson; Hans Jongens.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Ordinance 5208 amending section 12.16.010 of the Monterey County Code to establish a four-way stop intersection at Portola Drive and Estoque Place in Toro Park Estates in the unincorporated area of the County of Monterey. 4-0 (Supervisor Potter Absent)

15. PLN120564 - Conduct a Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013

a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.

b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of three (3) Contracts with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

(PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009 and No. 69-017)

Public comment: Sam Nigai; Linda Slesher.

Conducted a Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas adopting Resolution 12-273 to:

a. Approve County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract

requirements and/or with the Property Owner's consent.

b. Authorize the Chair to execute three (3) Notices of Non-Renewal for the following Contracts:

1) CAPPURO PROPERTIES LLC (Frank C. Capurro & Son) – Land Conservation Contract No. 68-011 (Partial Non-Renewal)

2) FRANK L & BETTY J CAPURRO - Land Conservation Contract No. 68-011 (Partial Non-Renewal)

3) JAMES N & TRINA HEARNE - Land Conservation Contract No. 69-009 (Partial Non-Renewal)

c. Direct the Clerk of the Board to record three (3) County-initiated Notices of Non-Renewal with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation. 4-0 (Supervisor Potter Absent)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to continue the non-renewal of Land Conservation (contract No. 69-35-017-Get Away) to October 23, 2012 at 10:30 a.m. 4-0 (Supervisor Potter Absent)

12:00 PM Recess to Lunch and:

15.1

Monterey County Board of Supervisors and Monterey County Water Resources Agency Joint Leadership meeting. (Added Via Addendum)

1:30 PM Reconvene - Monterey County Board of Supervisors

Roll Call

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

Absent: 1 - Supervisor Dave Potter

1:30 P.M. - Scheduled Matters

16.

Consider process to amend the County's certified Local Coastal Program to apply Chapter 10.72 of the Monterey County Code requiring public ownership of desalination plants within the Coastal zone.

(Board Referral #2012.09)

Public comment: George Riley; Amy White; Margie Kay; Bill Carrothers; Ed Mitchell.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno and:

a. Considered the process to amend the County's certified Local Coastal Program to apply Chapter 10.72 of the Monterey County Code requiring public ownership of desalination plants within the Coastal Zone; and

b. Approved staff's recommendation that the Board of Supervisors not pursue an amendment to the Local Coastal Program, as the amendment to the Local Coastal Program is not necessary to achieve consistency in the application of Chapter 10.72 to the inland and coastal areas of the county. Board Referral #2012.09) 3-1 (Supervisor Potter Absent and Supervisor Parker Dissented)

17. a. Receive staff response to Board Referral #2012-10 regarding input from the agriculture community on the regulations for permitting of Ag wells; and
b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations. (Board Referral #2012.10)

Public comment: Bill Carrothers

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to:

- a. Receive staff response to Board Referral #2012-10 regarding input from the agriculture community on the regulations for permitting of Ag wells; and
b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations. (Board Referral #2012.10) 4-0 (Supervisor Potter Absent)**

18. a. Direct staff to study and propose changes to Title 1.22 of the County of Monterey Code to:
1. Reduce the use of an Administrative Law Judge to play a more limited, selective role in adjudicating certain code enforcement cases;
 2. Create a Hearing Officer role and/or appoint an Appeals Hearing Board of qualified individuals; and
 3. Implement a progressive enforcement program that would include a more diligent approach to the use of administrative citations and follow-up with collections.
- b. Authorize staff to convene a group of code enforcement stakeholders to provide a forum for reviewing proposed changes to Title 1.2 prior to making recommendations to the Board.
- c. Direct staff to utilize the Nuisance Abatement Fund with reimbursements for abatement costs and administrative costs to be recovered through liens recorded against the property.

Public comment: Ed Mitchell

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, a. Direct staff to study and propose changes to Title 1.22 of the County of Monterey Code to:

- 1. Reduce the use of an Administrative Law Judge to play a more limited, selective role in adjudicating certain code enforcement cases;
2. Create a Hearing Officer role and/or appoint an Appeals Hearing Board of qualified individuals; and
3. Implement a progressive enforcement program that would include a more diligent approach to the use of administrative citations and follow-up with collections.
b. Authorize staff to convene a group of code enforcement stakeholders to provide a forum for reviewing proposed changes to Title 1.2 prior to making recommendations to the Board.
c. Direct staff to utilize the Nuisance Abatement Fund with reimbursements for abatement costs and administrative costs to be recovered through liens recorded against the property. 4-0 (Supervisor Potter Absent)**

Tour of the Monterey County Probation Department

The Board recessed and reconvened the meeting at the Monterey County Probation Department, 20 E. Alisal St., Salinas, CA and adjourned the meeting at the conclusion of that tour.

Adjournment

In Memory of Carl Niizawa & Lloyd K. Daniel

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

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

Supplemental Sheet, Consent Calendar

Health and Social Services

19. Adopt Resolution to:
- Approve the transfer of the administrative organizational reporting structure of the Office for Employment Training from the Department of Social and Employment Services to the Economic Development Department;
 - Amend Personnel Policies and Practices Resolution No. 98-394 to re-title the classification of Economic Development/WIB Director to Economic Development Director and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;
 - Approve the re-titling of the Department of Social and Employment Services to the Department of Social Services; and
 - Authorize the County Administrative Officer and Auditor Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the accounting structure and levels of the appropriation control effective July 1, 2013 (4/5ths vote required). (CONTINUED VIA ADDITIONS AND CORRECTIONS TO OCTOBER 23, 2013)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, to continue this item to October 23, 2012. 4-0 (Supervisor Potter Absent)

Criminal Justice

20. Approve and authorize the Sheriff to submit a grant application to the Justice Assistance Grant (JAG) Program through Board of State and Community Corrections (BSCC) for Marijuana Suppression Program grant funding for Federal Fiscal Year 2012-13.

Approved

21.
 - Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding in the amount of \$105,000 with the Monterey Peninsula Unified School District for collaborative services with the Monterey High, Seaside High and Central Coast High School sites during FY 2012-2013; and
 - Authorize the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement No. A-12336

22.
 - Approve and authorize the Contracts/Purchasing Officer to sign three (3)

Memoranda of Understanding in the amounts of \$189,948, \$138,096, and \$160,915 with the Monterey County Office of Education for collaborative services with the Boronda Community School, the Silver Star Resource Center, Independent Study Program, and the Salinas/Warner Davis Community Schools during FY 2012-2013; and

b. Authorize the Contracts/Purchasing Officer to sign up to three (3) future amendments to each Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

Approved - Agreement Nos. A-12337 (Boronda Community School); A-12338 (Silver Star Resource Center); A-12339 (Salinas/Warner Davis Community Schools)

General Government

23. a. Ratify the Tiburon, Inc. Agreement for Extended Services executed in July, 1997 and actually used since that time for maintenance and support of the Computer Aided Dispatch system used by Monterey County Emergency Communications;
- b. Approve and authorize an auto-renewal clause;
- c. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications; and
- d. Approve and authorize the Contracts / Purchasing Officer to issue Purchase Orders for the amounts identified in Exhibit A and B as specified each year of the term upon recommendation of the Director of Emergency Communications.

Approved - Agreement No. A-12340

24. Item Deleted

25. a. Approve and authorize the Contracts / Purchasing Officer to sign a "License Agreement" with American Tower for the NGEN Radio System Project for a one year term beginning with equipment installation in an amount not to exceed \$11,142.84 for the first year and increases of 4% per year after the first one year term;
- b. Approve and authorize an auto-renewal clause as recommended by the Director of Emergency Communications;
- c. Approve payment of related fees as defined in the agreement upon recommendation of the Director of Emergency Communications; and
- d. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

Approved - Agreement No. A-12341

26. Approve Board of Supervisors Regular Meeting Schedule for Calendar Year (CY) 2013.

Approved

27. a. Reject the single bid for the grounding work proposed for the Information Technology, Radio Communications site located on Mount Toro;
b. Approve the revised Plans and Specifications for the Mount Toro Grounding Project No. 5108, Bid Package No. 10395; and
c. Authorize the Contracts/Purchasing Officer to Advertise the *Notice to Contractors* in *The Californian*.

Approved - Construction No. 2012-013

28. Approve the Action Minutes for the Board of Supervisor's meetings of Tuesday, September 11, 2012; Tuesday, September 18, 2012, Friday, September 28, 2012.

Approved

- 28.1 a. Ratify the Agreement with The Data Center for Tax Bill Printing and Distribution Services per Request for Proposal (RFP) # 10307 which was signed by the Contracts/Purchasing Officer on 07/05/11, a total amount not to exceed \$100,000 per fiscal year and a term from 07/05/11 through 06/30/14 with two additional one year options to extend; and
b. Authorize the Contracts/Purchasing Officer to sign future Amendments to the Agreement which do not significantly alter the scope of work and do not exceed 10% of the original Agreement annual cost. (Added via Addendum)

Approved - Agreement No. A 12342**RMA - Public Works**

29. Adopt a Resolution:
a. Accepting the Certificate of Completion for construction of the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc.; and
b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-274:

- a. Accepting the Certificate of Completion for construction of the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc.; and
b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc. 4-0 (Supervisor Potter Absent)**

30. Adopt a Resolution:
a. Accepting the Certificate of Completion for construction of the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA

05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to adopt Resolution 12-275:

a. Accepting the Certificate of Completion for construction of the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering. 4-0 (Supervisor Potter Absent)

31.

Adopt a Resolution:

a. Accepting the Certificate of Completion for construction of the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno to adopt Resolution No. 12-276:

a. Accepting the Certificate of Completion for construction of the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company; and

b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company.

32.

a. Approve the Request to CPUC Staff for Authorization to Alter Highway-Rail Crossing Pursuant to General Order 88-B Agreement with the California Public Utilities Commission and the California Department of Transportation for the Far Sighted Investments of Monterey, LLC Project for intersection improvements required for compliance with Condition of Approval No.17 of Development Permit No. PLN100620, located at 22250 Somavia Road, Salinas, in the Greater Salinas Area Plan; and

b. Authorize the Director of Public Works to execute the Request to CPUC Staff for Authorization to Alter Highway-Rail Crossing Pursuant to General Order 88-B Agreement.

Approved