

Monterey County

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



Action Minutes - Final

Tuesday, February 3, 2015

9:00 AM

Board of Supervisors

*Chair Simón Salinas - District 3
Vice Chair Jane Parker - District 4
Supervisor Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor John M. Phillips - District 2*

9:00 A.M. Call to Order

The meeting was called to order by Chair Salinas.

Roll Call

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

Additions and Corrections for Closed Session

There were no additions or corrections to Closed Session.

Supervisor Potter arrived prior 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 of the State of California v. Atlantic Richfield Company, et al. (Sixth District Court of Appeal case no. H040880)
 - (2) Evergreen Financial Group v. County of Monterey, et al. (Monterey County Superior Court case no. M129621)
 - (3) Jesse Hernandez v. County of Monterey, et al. (United States District Court case no. CV-13-2354-PSG)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.
 - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
Property: Concession Agreement regarding Mazda Raceway at Laguna Seca
Agency Negotiator(s): Nick Chiulos, Assistant County Administrative Officer
Negotiating Parties: Gill Campbell, General Manager of SCRAMP
Under negotiation: Price and Terms
- CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. through c.**

10:30 AM Reconvene**Roll Call**

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

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 corrections:

Remove from Consent Calendar - Criminal Justice

13. Authorize advance step placement of Tracy Brown at Step 7 of the Chief Deputy Sheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98 394, Sections A.1.11.1 and A.1.11.5.

14. Authorize advance step placement of Galen Bohner at Step 7 of the Undersheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98 394, Sections A.1.11.1 and A.1.11.5.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve corrections to the agenda. ALL AYES

Consent Calendar- (See Supplemental Sheet)

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

Kevin Dayton pulled item 24 and commented on item.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet). ALL AYES

Ceremonial Resolutions

- 3.** Adopt Resolution honoring Probation Services Manager Kathy Foxworthy upon her retirement from the Monterey County Probation Department after more than 23 years of dedicated county service. (Full Board)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-010 honoring Probation Services Manager Kathy Foxworthy upon her retirement from Monterey County Probation Department after more than 23 years of dedicated county service. (Supervisor Salinas) ALL AYES

Appointments

- 4.** Appoint Molly Evans to the Commission on the Status of Women for a term ending February 1, 2018. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Supervisor

Fernando Armenta to Appoint to the Commission on the Status of Women Molly Evans for a term ending February 1, 2018. (Supervisor Potter). ALL AYES

- 4.1** Reappoint Don Rochester and Cosme Padilla to the Monterey County Planning Commission for terms ending January 23, 2019. (Supervisor Phillips) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to Reappoint Don Rochester and Cosme Padilla to the Monterey County Planning Commission for terms ending January 23, 2019. (Supervisor Phillips) (ADDED VIA ADDENDUM) ALL AYES

Other Board Matters

- 5.** Board Comments
- There were no Board comments.**
- 6.** CAO Comments and Referrals
- There were no CAO comments.**
- 7.** General Public Comment
- Hans Jongs.**

10:30 A.M. - Scheduled Matters

- 8.** Receive a report on Public Safety Realignment from the Probation Department for the period covering 10/01/11 through 06/30/14.
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Receive a report on Public Safety Realignment from the Probation Department for the period covering 10/01/11 through 06/30/14. ALL AYES**

12:00 PM Recess to Lunch - Continued Closed Session

1:30 PM Reconvene

Roll Call

Present: 5 - Supervisor Simón Salinas, Supervisor Jane Parker, Supervisor Fernando Armenta, Supervisor Dave Potter and Supervisor John M. Phillips

1:30 P.M. - Scheduled Matters

- 9.** Receive a presentation from Dover, Kohl & Partners on the Regional Urban Design guideline (RUDG) development for the former Fort Ord on standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.

By consensus the Board of Supervisors hereby:

Received a presentation from Dover, Kohl & Partners on the Regional Urban Design guideline (RUDG) development for the former Fort Ord on standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance and directed staff to return with a report on future cost effectiveness.

10.

Consider continuance of a public hearing to February 10, 2015 for:

- a. Adoption of a resolution to certify the Final Environmental Impact Report and adopt associated Findings of Fact and a Statement of Overriding Considerations for the California Flats Solar Project;
- b. Adoption of a resolution to approve a Use Permit to allow the construction of a 280 Megawatt solar generating facility on an approximately 3,000 acre site including: photovoltaic (PV) solar modules, two substations (approximately 6 acres each), a switching station (approximately 6 acres), a 4,000 square foot operations and maintenance building, an approximately 155 acre utility corridor, other infrastructure needed to serve the proposed project and grading of approximately 880,000 cubic yards of cut and 880,000 cubic yards of fill.; and to adopt a Mitigation Monitoring and Reporting Plan; and
- c. Adoption of an Ordinance to approve a Development Agreement between the County of Monterey and California Flats Solar, LLC and to authorize the Chair of the Board to execute the Development Agreement.

(PLN120294/California Flats, southeastern corner of Monterey County, approximately 7 miles southeast of Parkfield, South County Area Plan)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the continuance of a public hearing to February 10, 2015 for: a. Adoption of a resolution to certify the Final Environmental Impact Report and adopt associated Findings of Fact and a Statement of Overriding Considerations for the California Flats Solar Project; b. Adoption of a resolution to approve a Use Permit to allow the construction of a 280 Megawatt solar generating facility on an approximately 3,000 acre site including: photovoltaic (PV) solar modules, two substations (approximately 6 acres each), a switching station (approximately 6 acres), a 4,000 square foot operations and maintenance building, an approximately 155 acre utility corridor, other infrastructure needed to serve the proposed project and grading of approximately 880,000 cubic yards of cut and 880,000 cubic yards of fill.; and to adopt a Mitigation Monitoring and Reporting Plan; and c. Adoption of an Ordinance to approve a Development Agreement between the County of Monterey and California Flats Solar, LLC and to authorize the Chair of the Board to execute the Development Agreement. (PLN120294/California Flats, southeastern corner of Monterey County, approximately 7 miles southeast of Parkfield, South County Area Plan) ALL AYES

11.

Public hearing to consider adopting a resolution to:

- a. Rescind the Board of Supervisors approval of a Combined Development Permit pursuant to Resolution No. 14-259 which denied an appeal by Evergreen Financial Group of the Venkatesh application approved by the Zoning Administrator, and approved a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling; 2) a

Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval; and
b. Find the project Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301(e); and
c. Confirm the findings on the appeal and approve a Design Approval for a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling, including an attached 18' 5.5" tall privacy wall.
(Combined Development Permit - PLN130706/Venkatesh, 173 Spindrift Road, Carmel, Carmel Land Use Plan)

Public comment:Anthony Lombardo; Hans Jongens.

**A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-012 to: a. Rescind the Board of Supervisors approval of the Combined Development Permit pursuant to Resolution No. 14-259 which denied an appeal by Evergreen Financial Group of the Venkatesh application approved by the Zoning Administrator, and approved a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval; and b. Find the project Categorically Exempt per Section 15301(e) of the CEQA Guidelines; and c. Confirm the findings on the appeal and approve a Design Approval for a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling, including an 18'5.5" tall privacy wall subject to the conditions of approval and in accordance with the project plans, both attached to the resolution and incorporated herein by reference.
ALL AYES**

Adjournment

In Memory of Chuck Warner and Judy Riley

APPROVED:

/s/ Simón Salinas

**SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

APPROVED ON 05-12-2015

Supplemental Sheet, Consent Calendar**Health Department**

12. a. Approve delegation of authority to the Director of Health to execute a six month Facility Use Agreement (January 28, 2015 to June 30, 2015) with Interim, Inc. for the Behavioral Health Bureau to provide clinical consultation, counseling and support groups, wellness groups and activities for transition age youth, adults and their families at a suite of space located at Pajaro Street Wellness Center located at 339 Pajaro, Salinas, CA.
- b. Accept recommendation of Director of Health to accept a non-standard indemnity provision and liability for reasonable repairs.
- c. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not significantly change the services to be provided.

Approved

Criminal Justice

13. Authorize advance step placement of Tracy Brown at Step 7 of the Chief Deputy Sheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

ITEM REMOVED VIA ADDITIONS AND CORRECTIONS

14. Authorize advance step placement of Galen Bohner at Step 7 of the Undersheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

ITEM REMOVED VIA ADDITIONS AND CORRECTIONS

General Government

15. Approve and authorize the Assessor to enter into a Two Year Agreement on Behalf of Monterey County for a Petroleum and Geothermal Property Sales Study between California Assessor's Association Members and Harold W. Bertholf, Inc.

Approved - Agreement No. A-12842

16. Approve the use of Toro Park on July 5, 2015 for a function held by Christ the King Church in compliance with Monterey County Code 14.12.130.

Approved

17. Authorize acceptance of work and file a combined Notice of Completion for the second and fourth quarters of the annual maintenance of interior Park roadways at Laguna Seca Recreation Area for calendar year 2014, Bid No. 10465.
- Approved - Construction No. 2014-003**
18. Approve the use of San Lorenzo Park on May 24, 2015 for a function held by Full Gospel Church in compliance with Monterey County Code 14.12.130.
- Approved**
19. a. Approve & authorize the Contracts / Purchasing Officer to sign a Memorandum of Understanding between County of Monterey and City and County of San Francisco and the included Grant Assurances Document (Appendix B), to receive funds in the amount of \$1,050,000 as partial payment for the purchase of a Computer Aided Dispatch System for the Emergency Communications Department (\$1,000,000) and the purchase of a Joint Information Center Mobile Support Kit for the Office of Emergency Services (\$50,000);
- b. Approve non-standard terms and conditions based on the recommendation of the Director of the Department of Emergency Communications; and
- c. Approve & authorize the Contracts / Purchasing Officer to sign up to three (3) future amendments to the Memorandum of Understanding where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.
- Approved**
20. a. Receive a report on the Schilling Place Utilization Project Update from the County Administrative Office;
- b. Approve the Schilling Place architectural design and engineering costs in the amount of \$491,238; and
- c. Approve and authorize the Auditor-Controller to increase appropriations (404-3000-8174-6613) and revenue (404-3000-8174-6613) by \$491,238 financed by Operating Transfer. (4/5th Vote Required)
- Approved**
21. Receive a report on the Governor's 2015-16 Proposed Budget.
- Approved**
22. a. Approve and authorize to amend the adopted budget for the County Administrative Office, Contracts and Purchasing (Budget Unit 8047), Appropriation CAO002 to add one (1) Buyer II position; (4/5th Vote Required)
- b. Approve and authorize an increase of appropriations in CAO002, County Administrative Office, Contracts and Purchasing by \$38,000, offset by an

Interfund Reimbursement of \$38,000 from AUD006, Capital Project Automation; and (4/5th Vote Required)

c. Approve and authorize the County Administrative Office and the Auditor-Controller to incorporate the position changes in the FY 2014-15 Adopted Budget. (4/5th Vote Required)

Approved

23. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Salinas Valley Memorial Healthcare System.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-011 to approve the amendments to the Conflict of Interest Code of the Salinas Valley Memorial Healthcare System. ALL AYES

RMA - Planning

24. a. Approve Amendment No. 2 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$56,530 to \$303,825 and the Contingency budget is increased by \$19,786 to \$122,916, for a total amount not to exceed \$426,741 to complete additional work related to response to comments for the Draft Environmental Impact Report (EIR) and new tasks related to review of the Administrative Final EIR and Appendix to the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the term to September 30, 2015; and
- b. Approve Amendment No. 2 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$56,530 to \$303,825, the Contingency budget is increased by \$19,786 to \$122,916, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$429,911 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete additional work related to response to comments for the Draft EIR and new tasks related to review of the Administrative Final EIR and Appendix to the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the term to September 30, 2015; and
- c. Authorize the Director of Planning to execute Amendment No. 2 to Professional Services Agreement No. A-12432, Amendment No. 2 to Funding Agreement No. A-12433 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
(REF150001/Rincon Consultants, Inc. and PLN120294/EIR for the California Flats Solar Project, in South County)

Approved - Agreement Nos. A-12432 (Rincon); A-12432 (California Flats Solar, LLC)