

Monterey County

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



Action Minutes - Final

Tuesday, April 1, 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 Vice Chair Salinas.

Roll Call

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Additions and Corrections for Closed Session

There were no additions to Closed Session.

Closed Session

0.1

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) County of Los Angeles v. Superior Court (Kennebrew) (Los Angeles County Superior Court Case no. BA 352179, Second District Court of Appeal case no. B249494)
 - (2) People v. George Manuel Garcia (Monterey County Superior Court case no. SS120524A)

(ADDED VIA ADDENDUM)

CLOSED SESSION REPORT

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) County of Los Angeles v. Superior Court (Kennebrew) (Los Angeles County Superior Court Case no. BA 352179, Second District Court of Appeal case no. B249494)

CLOSED SESSION REPORT: The Board authorized County Counsel to support the depublication and/or a petition for review in the Supreme Court in the matter of County of Los Angeles v. Superior Court (Kennebrew) (Los Angeles County Superior Court Case no. BA 352179, Second District Court of Appeal case no. B249494).

(2) People v. George Manuel Garcia (Monterey County Superior Court case no. SS120524A) (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board conferred with counsel and authorized County Counsel to seek a writ in the matter of People v. George Manuel Garcia (Monterey County Superior Court case no. SS120524A).

10:30 A.M. Reconvene**Roll Call**

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Dr. Lew Bauman.

Additions and Corrections

There were no additions or corrections.

Consent Calendar- (See Supplemental Sheet)

1. Approval of Consent Calendar (See Supplemental Sheet)

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

Ceremonial Resolutions

2. Adopt Resolution commending Sergeant William King of the Monterey County Sheriff's Department Office upon his retirement after 17 years of from public service. (Full Board) (REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-079 commending Sergeant William King of the Monterey County Sheriff's Office upon his retirement after 17 years of Public Service. (Full Board) ALL AYES

3. Adopt Resolution recognizing Benn and Elfriede Murray as two of six recipients of the 2012 Jefferson Award. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-070 recognizing Benn and Elfriede Murray as two of six recipients of the 2012 Jefferson Award. (Full Board) ALL AYES

4. Adopt Resolution designating the Week of April 6 - April 12, 2014 as National national Crime Victims' Rights Week in Monterey County. (Full Board) (REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-071 designating the Week of April 6- April 12, 2014 as National Crime Victims' Rights Week in Monterey County. (Full Board) ALL AYES

5. Adopt Resolution commending Debra "Debbie" Abbott, Associate Personnel Analyst, on her retirement from 26 years of dedicated public service with the Monterey County Department of Social Services. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-080 commanding Debra "Debbie" Abbott, Associate Personnel Analyst, on her retirement from 26 years of dedicated

public service with the Monterey County Department of Social Services. (Full Board) ALL AYES

5.1 Adopt Resolution for Margaret L. Eaton, Pharm.D., J.D. of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-080 for Margaret L. Eaton, Pharm.D., J.D. of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM). ALL AYES

5.2 Adopt Resolution for Rod Braga of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-083 for Rod Braga of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

5.3 Adopt Resolution for Roy Robbins of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-084 for Roy Robbins of Natividad Medical Center Board of Trustee. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

Appointments

6. Reappoint Pauline Tomasini and Edward Panziera to the Mission-Soledad Rural Fire Protection District, terms ending November 31, 2016. (Supervisor Salinas)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to Reappoint Pauline Tomasini and Edward Panziera to the Mission-Soledad Rural Fire Protection District, terms ending November 31, 2016. (Supervisor Salinas) ALL AYES

7. Reappoint Mary Paredes to the Castroville Cemetery District, term ending March 30, 2017. (Supervisor Calcagno)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to Reappoint Mary Paredes to the Castroville Cemetery District, term ending March 30, 2017. (Supervisor Calcagno) ALL AYES

Other Board Matters

8. Board Comments

Supervisor Armenta announced that during the month of March, he attended the Legislative Conference and an Immigration Reform workshop with Javier Bacerra. He also attended workshops related to public transit. More recently, he attended a racial equity conference in Portland, Oregon. The conference addressed equity and how to work different groups can and should work together. Supervisor Armenta commented that we need to share the things we have in common and keep the conversations going. He has information from the conferences including PowerPoints available in his office.

Supervisor Salinas thanked Sheriff Miller, Elliott Robinson and Probation for their assistance with the Four Cities for Peace retreat in Gonzales last week. The goal was to develop strategies to reduce violence and find ways to increase activities and get youth involved.

Supervisor Parker read encouraging news in the Salinas Californian this morning regarding Sam Farr and Congress have passed a fix to the MediCare reimbursement rate which would be of assistance to Monterey County. She encouraged the County to send a letter to the President to sign this bill when it arrives. She congratulated Congressman Farr.

Supervisor Parker noted the resolution adopted today designating April 6 through 12 as National Crime Victim's week. She thanked all of the victims for their courage for coming forward to share their stories and helping others understand from a very human standpoint some of the issues that are happening in our community. The Victims Rights event is on April 10th in the Board Chamber at noon. She encouraged everyone to attend and thanked all those serving on the Community Restorative Justice Commission.

9. CAO Comments and Referrals

There were no CAO comments and referrals.

10. General Public Comment

Phillip J. Lange; Hans Jongens.

10:30 A.M. Scheduled Matters

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.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to Adopt Ordinance 5234 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. 4-0 (Supervisor Salinas Absent)

12.

Consider:

- a. Accepting the Annual Progress Report for the 2010 General Plan implementation pursuant to Government Code Section 65400;
- b. Accepting the Annual Progress Report for the 2009-2014 Housing Element implementation to comply with State Department of Housing and Community Development requirements; and
- c. Authorizing the Resource Management Agency - Director of Planning to submit the progress reports to the State Office of Planning and Research and State Department of Housing and Community Development.

(REF140012/Annual Progress Report for the 2010 General Plan Implementation)

Public comment: Amy White.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to: Accept the Annual Progress Report for the 2010 General Plan implementation pursuant to Government Code Section 65400; b. Accept the Annual Progress Report for the 2009 2014 Housing Element implementation to comply with State Department of Housing and Community Development requirements; and c. Authorize the Resource Management Agency Director of Planning to submit the progress reports to the State Office of Planning and Research and State Department of Housing and Community Development.

(REF140012/Annual Progress Report for the 2010 General Plan Implementation)

- d. Direct staff to return in May with possible amendments to the Annual Progress Report for 2009-2014. 4-1 (Supervisor Parker Dissented)

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

1:30 P.M. - Scheduled Matters

13.

Public hearing to consider:

Adoption of an ordinance amending Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to establish notification and hearing procedures to address inactive land use discretionary permit applications in the non-coastal unincorporated area of Monterey County, upon finding that the ordinance is not a project under CEQA.

(Inactive Discretionary Application Ordinance - REF100058, County-wide, Non-coastal areas; Exempt from CEQA.)

Conducted a Public hearing.

Public comment: Margaret Robbins; Mibs McCarthy; Eric Colburn; Dale Agron; Dick Stott.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to Adopt Ordinance 5235 amending Title 19 (non coastal subdivision ordinance) and Title 21 (non coastal zoning ordinance) of the Monterey County Code (with modified language) to establish notification and hearing procedures to address inactive land use discretionary permit applications in the non coastal unincorporated area of Monterey County, upon finding that the ordinance is not a project under CEQA.(Inactive Discretionary Application Ordinance REF100058, County wide, Non coastal areas; Exempt from CEQA.)

ALL AYES

14.

Approve the draft Urban County Annual Action Plan Fiscal Year 2014-2015, including recommendations for projects and programs to be funded, for issuance for a 30 day period of public review.

Public comment: Kelly Morgantini.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter to approve the draft Urban County Annual Action Plan Fiscal Year 2014-2015, including recommendations for projects and programs to be funded, for issuance for a 30 day period of public review. ALL AYES

14.1

Public hearing continued from March 18, 2014 to consider adopting a resolution to:

- a. Deny the appeal by Sima Barnyard LLC from the Planning Commission's decision approving a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, denying a Variance for added signage for the Barnyard Shopping Center and denying a Design Review Application for the construction of a new 32 square foot monument sign and a new signage plan for the Shopping Center;
- b. Find the project exempt per CEQA Guidelines Sections 15301;
- c. Approve a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center
- d. Approve a Variance and Design Approval for the following:
 1. Water tower sign
 2. Barnyard Shopping and Dining Sign facing Highway 1 on the rear of the buildings advertising the Barnyard.
 3. No additional new signage on buildings facing Highway 1.

4. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet. This will limit the overall amount of signage allowed on the buildings.

(General Development Plan; Variance; and Design Approval - PLN120442/Sima Barnyard LLC, Highway One at Carmel Valley Road, Greater Monterey Peninsula Area Plan/Carmel Valley Master Plan)

Held a Public hearing continued from March 18, 2014.

Anthony Lombardo addressed the Board on behalf of the Applicant.

Public comment: Margaret Robbins; Eric Colburn; Dick Stott; Dale Edgrum; Mibs McCarthy.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-092:

- a. Denying the appeal by Sima Barnyard LLC from the Planning Commission's decision approving a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, denying a Variance for added signage for the Barnyard Shopping Center and denying a Design Review Application for the construction of a new 32 square foot monument sign and a new signage plan for the Shopping Center;
- b. Finding the project exempt per CEQA Guidelines Section 15301;
- c. Approving a General Development Plan, Variance and Design Approval for the following:

1. Add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center
2. Water tower sign -- 48.5 square foot sign advertising the Barnyard painted on the water tower.
3. Barnyard Shopping and Dining Sign -- 39.5 square foot sign placed on the rear of the buildings advertising the Barnyard.
4. No new signage on backside of buildings facing Highway 1.
5. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet, to limit the overall amount of signage allowed on the buildings.

[PLN120442, Sima Barnyard, LLC., Southeastern corner of the Carmel Valley Road/Highway One intersection (APN: Portion of 015-011-005-000 & 015-012-061-000)], Greater Monterey Peninsula Area Plan/Carmel Valley Master Plan. ALL AYES

15.

Public hearing continued from March 18, 2014 to consider adoption of a resolution to:

- a. Deny the appeal by Save Aguajito Forever, et al. from the Planning Commission's approval of a Lot Line Adjustment application by Gordon and Sandra Steuck;
- b. Adopt a Negative Declaration for Lot Line Adjustment; and
- c. Approve a Lot Line Adjustment (Steuck) between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103-061-015-000 - "Northerly Parcel") and 4.3 acres (portion of Assessor's Parcel Number 103-061-015-000 - "Southerly Parcel"), resulting in two (2) reconfigured lots of 4.6 acres (westerly parcel, to be identified as Parcel A) and 4.3 acres (easterly parcel, to be identified as Parcel B).

(Lot Line Adjustment - PLN130209/Steuck, 570 Aguajito Road, Carmel, Greater Monterey Peninsula Area Plan)

Supervisor Calcagno recused himself because he is in property negotiations with one of the owners. He turned the gavel over to Vice Chair Salinas.

David Balch addressed the Board on behalf of the Applicant.
Anthony Lombardo addressed the Board on behalf of the Appellant.
Public hearing continued from March 18, 2014 held.
Public comment: Michael Stamp; Ed Gavern; David Hugh; Teresa Del Piero; Susan Morris; Luke Connolly.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-090 to:

a. Deny the appeal by Save Aguajito Forever, et al. from the Planning Commission's approval of a Lot Line Adjustment application by Gordon and Sandra Steuck; b. Adopt a Negative Declaration for Lot Line Adjustment; and c. Approve a Lot Line Adjustment (Steuck) between two (2) legal lots of record of approximately 4.6 acres (portion of Assessor's Parcel Number 103 061 015 000 "Northerly Parcel") and 4.3 acres (portion of Assessor's Parcel Number 103 061 015 000 "Southerly Parcel"), resulting in two (2) reconfigured lots of 4.6 acres (westerly parcel, to be identified as Parcel A) and 4.3 acres (easterly parcel, to be identified as Parcel B). (Lot Line Adjustment PLN130209/Steuck, 570 Aguajito Road, Carmel, Greater Monterey Peninsula Area Plan) 3-0 (Supervisor Parker Dissented; Supervisor Calcagno recused because is in property negotiations with one of the owners)

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**Natividad Medical Center**

16. a. Approve and direct the Purchasing Manager for Natividad Medical Center (NMC) to execute the Second Amendment to Professional Services Agreement (A-12615) with Jackson & Coker Locum Tenens to provide referrals of locum tenens physicians at NMC, extending the term of the Agreement from April 1, 2014 to June 30, 2015 and adding \$200,000 for a revised amount not to exceed \$400,000 in the aggregate (for the period April 1, 2012 to June 30, 2015); and
b. Authorize the Purchasing Manager for NMC to execute up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12615

General Government

17. Authorize the Registrar of Voters to consolidate and render specified election services to certain districts relating to the conduct of the June 3, 2014 Statewide Primary Election.

Approved

17.1 Receive and approve draft letter addressed to the Mayor of the City of Salinas in response to the letter received dated February 24, 2014, regarding the Juvenile Hall Site Selection; Relocation of Monterey County Youth Center, and authorize the Chair to sign on behalf of the Monterey County Board of Supervisors.

Approved

RMA - General

18. Adopt a Resolution to:
a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to create, re-title, amend salary ranges, and abolish classifications to effectuate the changes due to the reorganization in the Resource Management Agency as indicated in the attached Resolution;
b. Amend the Resource Management Agency's, Budget Unit 8170 Building Services; Budget Unit 8172 Planning; and Budget Unit 8222 Administration to approve reallocations and reclassifications as indicated by position numbers in the attached Resolution;
c. Authorize a one-time waiver of new probationary period requirement for

incumbents who are reclassified to positions represented in Units J and F.
d. Authorize the Auditor Controller to incorporate the approved changes in the FY 2013-14 Adopted Budget and direct the County Administrative Office to incorporate the approved position changes in the FY 2013-14 Adopted Budget and the Human Resources Department to implement the changes in the Advantage HRM system. (REMOVED VIA SUPPLEMENTAL)

REMOVED VIA SUPPLEMENTAL

19.

Adopt a Resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to reactivate the classification of Fleet Manager with the salary range as indicated in the attached Resolution;
- b. Amend the Resource Management Agency Budget 3000, Unit 8185, to reallocate one (1) General Services Manager II to one (1) Fleet Manager as indicated in Attachment A;
- c. Direct the County Administrative Office to incorporate the approved position changes into the FY 2013-14 Resources Management Agency Budget and the Human Resources Department to take the necessary action to program the Advantage HRM system to implement these actions.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-091 to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to reactivate the classification of Fleet Manager with the salary range as indicated in the attached Resolution;
- b. Amend the Resource Management Agency Budget 3000, Unit 8185, to reallocate one (1) General Services Manager II to one (1) Fleet Manager as indicated in Attachment A;
- c. Direct the County Administrative Office to incorporate the approved position changes into the FY 2013-14 Resources Management Agency Budget and the Human Resources Department to take the necessary action to program the Advantage HRM system to implement these actions. **ALL AYES**

RMA - Planning

20.

Consider:

- a. Authorizing the State Coastal Conservancy to accept an Irrevocable Offer to Dedicate Public Access Easements, Recorded Instrument No. 21465, at Reel 2630 Pages 1143-1163, recorded on April 17, 1991 and extended for two years on April 13, 2012 in Document Number 2012022140;
- b. Authorizing the Chair of the Board of Supervisors to sign the Certificate of Acceptance; and
- c. Directing the Clerk of the Board to submit the signed Certificate of Acceptance to the County Recorder for filing/recording.

(Acceptance of Offer to Dedicate - REF140011/Post Ranch LP and Onesimo LLC, 47100 Highway 1, Big Sur, Big Sur Coast Land Use Plan area)

Approved

21. a. Approve Professional Services Agreement with Benchmark Land Use Group, Inc. dba Benchmark Resources for State of California Surface Mining and Reclamation Act (SMARA) annual inspection services (RFP #10443) for a total amount not to exceed \$389,720 for a term of April 1, 2014 to December 31, 2017 with the option to extend the term for one (1) optional one-year period; and
b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments to the Agreement where the amendment does not significantly alter the scope of work or change the approved agreement amount.
(REF130078/State of California Surface Mining and Reclamation Act (SMARA) annual inspections (Request for Proposals No. 10443)

Approved - Agreement No. A-12261

RMA - Public Works

22. a. Approve Amendment No. 1 to Agreement No. A-12434 with The Gordian Group, Inc. to include Job Order Contracting (JOC) Complete Solution *Plus*TM, construction estimating services, and project budgeting and planning on a project-by-project basis with no change to the current contract amount not to exceed \$2,250,000 over a five year term, with a maximum amount of \$450,000 per fiscal year, for the existing term through April 1, 2016, with the option to extend the Agreement for two (2) additional one (1) year periods; and
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to Agreement No. A-12434, and up to three (3) future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-12434