



Monterey County

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

Action Minutes - Draft Board of Supervisors

Chair Louis R. Calcagno - District 2
Vice Chair Simón Salinas - District 3
Supervisor Armenta - District 1
Supervisor Jane Parker - District 4
Supervisor Dave Potter - District 5

Tuesday, January 14, 2014

9:00 AM

9:00 A.M. Call to Order

The meeting was called to order by Chair Calcagno.

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 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(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) John Josef Costandi v. Pacific Grove, et al. (Monterey County Superior Court case no. M122845)
 - (2) Jesse Hernandez, et al. v. County of Monterey, et al. (United States District Court CAND case no. CV 13 2354 PSG)
 - b. 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) Francisco and Elia Perez
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette Neal
Employee Organization: Unit S

CLOSED SESSION REPORT: The Boad took no reportable actions on items 1.a. through c.

County Counsel Charles McKee notified the public and media of his request to the District Attorney for an independent investigation of Brown Act violation allegations regarding performance evaluations for positions reporting directly to the Board of Supervisors. He stated given the allegations, he feels it's in the best interest of the County to have an independent formal investigation.

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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 to the agenda.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to approve the Consent Calendar (See Supplemental Sheet)
ALL AYES**

Ceremonial Resolutions

3. Adopt Resolution recognizing ~~North Monterey County~~ Firefighter Jess Mendoza, North Monterey County Fire Protection District as the Monterey County Fire Chiefs Association -Firefighter of the Year. (Supervisor Calcagno) (TITLE REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-003 recognizing Firefighter Jess Mendoza, North Monterey County Fire Protection District as the Monterey County Fire Chiefs Association -Firefighter of the Year. (Supervisor Calcagno) (TITLE REVISED VIA SUPPLEMENTAL) ALL AYES

- 3.1 Adopt Resolution recognizing Jane Smiley as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Lifetime Achievement Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-005 recognizing Jane Smiley as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 -

Lifetime Achievement Award. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

- 3.2 Adopt Resolution recognizing Will Bullas as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Luminary Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-006 recognizing Will Bullas as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Luminary Award. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

- 3.3 Adopt Resolution recognizing Jayson Fann as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 -Professional Artist Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-007 recognizing Jayson Fann as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 -Professional Artist Award. (Full Board) (ADDED VIA ADDENDUM). ALL AYES

- 3.4 Adopt Resolution recognizing Carol Lenters as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Educator Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-008 recognizing Carol Lenters as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Educator Award. (Full Board) (ADDED VIA ADDENDUM)ALL AYES

- 3.5 Adopt Resolution recognizing Youth Orchestra of Salinas as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Nonprofit Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Adopt Resolution No. 14-009 recognizing Youth Orchestra of Salinas as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Nonprofit Award. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

- 3.6 Adopt Resolution recognizing Armando Sarabia as the recipient of The Arts Council for Monterey County Champions of The Arts 2014 - Volunteer Leader Award. (Full Board) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 14-010 recognizing Armando Sarabia as the recipient of The Arts Council for Monterey County Champions of The Arts 2014 - Volunteer Leader Award. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

- 3.7 Adopt Resolution recognizing Kim Solano as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Philanthropist Award. (Full Board) (ADDED VIA ADDENDUM)

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

Jane Parker to adopt Resolution No. 14-011 recognizing Kim Solano as the recipient of The Arts Council for Monterey County Champions of the Arts 2014 - Philanthropist Award. (Full Board) (ADDED VIA ADDENDUM) ALL AYES

Appointments

4. Reappoint Karen Araujo to the Monterey County Housing Advisory Committee, term ending January 24, 2016. (Supervisor Parker)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Reappoint Karen Araujo to the Monterey County Housing Advisory Committee, term ending January 24, 2016. (Supervisor Parker) ALL AYES
5. Reappoint Theresa M. Scattini and Raul C. Rodriguez to the Greenfield Cemetery District, terms ending December 31, 2017. (Supervisor Salinas)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Reappoint Theresa M. Scattini and Raul C. Rodriguez to the Greenfield Cemetery District, terms ending December 31, 2017. (Supervisor Salinas) ALL AYES
6. Reappoint Steve Matarazzo to the Commission on Disabilities, term ending December 31, 2016. (Full Board)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Reappoint Steve Matarazzo to the Commission on Disabilities, term ending December 31, 2016. (Full Board) ALL AYES
7. Reappoint Ryan Flagg and Maria Kovell to the Area Agency on Aging Advisory Council, terms ending January 1, 2017. (Full Board)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to Reappoint Ryan Flagg and Maria Kovel to the Area Agency on Aging Advisory Council, terms ending January 1, 2017. (Full Board) ALL AYES

Other Board Matters

8. Board Comments
Supervisor Parker announced that the Monterey Peninsula Unified School District is looking for a new Superintendent of Schools and is asking the community for input on the desired characteristics of the person to fill the position. There will be two meetings, one on Wednesday, January 15th from 6-7 pm at King Elementary School and on Thursday, January 16th from 6-7 pm at the Monterey High School cafeteria. More details can be found on the MPUSD website.
9. CAO Comments and Referrals
**County Administrative Officer Dr. Lew Bauman advised of the following Board Referral from Supervisor Calcagno:
Commence and complete the Salinas Valley Zone 2C Groundwater Basin Study, as required by County General Plan Policy P.S. 3.1. This referral is directed to the Water Resources Agency and Planning Department, to return to**

the Board no later than August 1, 2014. The County Administrative Office will also support this effort.

10. General Public Comment

Pam Silkwood (Public Records Act Request submitted); Ron Chesshire; Nancy Isakson; Norm Groub; Margie Kay; Ed Mitchell; Alex Holnicky; Hans Jongens.

10:30 A.M. - Scheduled Matters

11. a. Conduct a public hearing under the requirements of Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended; and,
b. Adopt a resolution approving the issuance of up to \$11,000,000 in Private Activity Bonds by the California Municipal Finance Authority (CMFA) for the benefit of a limited partnership or a limited liability company established by South County Housing Corporation, or an affiliate thereof to provide for the financing of the Project.

Public comment: Hans Jongens.

Conducted a public hearing under the requirements of Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended;

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to: Adopt Resolution No. 14-012 approving the issuance of up to \$11,000,000 in Private Activity Bonds by the California Municipal Finance Authority (CMFA) for the benefit of a limited partnership or a limited liability company established by South County Housing Corporation, or an affiliate thereof to provide for the financing of the Project.

ALL AYES

12. Public hearing to consider:
Adoption of an ordinance amending Title 21 (Monterey County Zoning Ordinance, non-coastal) in order to establish procedures for amendments to previously approved land use permits, including procedures for administrative approval of minor amendments.

Held public hearing;

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas to adopt Ordinance No. 5232 amending Title 21 (Monterey County Zoning Ordinance, non-coastal) in order to establish procedures for amendments to previously approved land use permits, including procedures for administrative approval of minor amendments. ALL AYES

13. Public hearing to consider:
Adopting a resolution finding that a public convenience would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control to Peninsula Petroleum, LLC at 7 Carmel Center Place, Carmel for the sale of beer and wine for off-site consumption, pursuant to Section 23958.4 of the California Business and Professions Code. (Public Convenience and Necessity - PLN120569/Peninsula Petroleum, LLC,

7 Carmel Center Place, Carmel, Carmel Valley Master Plan)

Held Public hearing;

Applicant M.J. Costello presentation. Appellant Chuck Winge presentation. Public comment: Barbara Grace; Kathy Knight; Eric Coburn; Margaret Robbins for Dick Stott; Lonnie Toyowski; Mibs McCarthy; Margaret Robbins for Max Chaplin; Sandra Schochter; Linda Cope for Dale Agram); Sandy James; Margaret Robbins; Abra Tockerman; Jody Hansen.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-013 finding that a public convenience or necessity would be served by the issuance of a Type 20 (Off-Sale Beer and Wine) license by the Department of Alcoholic Beverage Control to Peninsula Petroleum, LLC, at 7 Carmel Center Place, Carmel for the sale of beer and wine for off-site consumption, pursuant to Section 23958.4 of the California Business and Professions Code. (PLN120569/Peninsula Petroleum, LLC) 4-1 (Supervisor Parker Dissented)

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

Closed Session Report (See Item 1)

14. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (A-12264) with First Alarm for Alarm and Closed Circuit Television Maintenance, Testing and Monitoring Services at NMC, extending the Agreement to June 30, 2014 and adding \$90,000 for a revised total Agreement amount not to exceed \$320,000 in the aggregate.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (A-12264) with First Alarm for Alarm and Closed Circuit Television Maintenance, Testing and Monitoring Services at NMC, extending the Agreement to June 30, 2014 and adding \$90,000 for a revised total Agreement amount not to exceed \$320,000 in the aggregate. ALL AYES**
15. Approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (MYA808) with Up-To-Date Inc. for On-Site Web Based Subscription Services at NMC, extending the Agreement to November 30, 2016 and adding

\$142,265 for a revised total Agreement amount not to exceed \$205,714 in the aggregate.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to approve and authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 3 to the Agreement (MYA808) (A-12636) with Up-To-Date Inc. for On-Site Web Based Subscription Services at NMC, extending the Agreement to November 30, 2016 and adding \$142,265 for a revised total Agreement amount not to exceed \$205,714 in the aggregate. ALL AYES

16.

- a. Consider receipt and approval of the December 2013 New Juvenile Hall Project Site Selection Analysis report prepared by RBF Consulting; and
- b. Consider adopting a resolution to approve the existing Juvenile Hall site located at 1420 Natividad Road, Salinas CA as the proposed site for a new Juvenile Hall facility to comply with site assurance requirements pursuant to Senate Bill 81(SB 81) - Local Youthful Offender Rehabilitative Facility Construction Financing Program.

Public comment: Tony Barrera; Raul Damien Tapia; Joel Hernandez; Juan Gomez; Al Espindola; Jose Najera; Grace Carrillo; Alex Gonzales; Megan Raschig; Adam; Rene Casas; Terry Green; Gabriella Williams; Taina Vargas; Ryan Mabe; Carla Mabe; Ronald Alia; Gloria Najera; Frank Pierce.

A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas to adopt Resolution No. 14-014 approving the December 2013, New Juvenile Hall Project Site Selection Analysis report prepared by RBF Consulting; and approving the existing Juvenile Hall site located at 1420 Natividad Road, Salinas CA as the proposed site for a new Juvenile Hall facility to comply with site assurance requirements pursuant to Senate Bill 81 - Local Youthful Offender Rehabilitative Facility Construction Financing Program. ALL AYES

Adjournment

In Memory of George Zarounian & Darby W. Fuerst

APPROVED:

**LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

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

Supplemental Sheet, Consent Calendar

Health Department

17. a. Reallocate 1.0 FTE Environmental Health Specialist II to 1.0 FTE Environmental Health Technician, Environmental Health Budget 4000-8272; and
b. Authorize the County Administrative Office to incorporate the approved position change in the FY 2013-14 Adopted Budget.

Approved

18. Approve and authorize the Director of Health to sign Amendment No. 2 to Mental Health Services Agreement A-11976 with Davis Guest Home, Inc. to increase the existing Agreement amount by \$34,563 for Fiscal Year 2013-14 for a new total contract amount not to exceed \$2,301,213.

Approved - Agreement No. A-11976

19. a. Approve and authorize the Director of Health to sign a one-year Memorandum of Understanding (MOU) (July 1, 2013 through June 30, 2014) with the Monterey County Office of Education for the Monterey County Head Start Program to receive funds in the amount of \$45,000; and
b. Authorize the Director of Health 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. A12640

General Government

20. Adopt a Resolution extending for an additional thirty days, in accordance with California Government Code Section 8630, the Administrative Proclamation of Local Emergency in the aftermath of the conditions of a Wildfire causing conditions of extreme peril to the safety of persons and property in the Pfeiffer Ridge Community in Big Sur approved by the Board of Supervisors on December 17, 2013. (4/5ths vote required).

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to Adopt Resolution No. 14-015 extending for an additional thirty days, in accordance with California Government Code Section 8630, the Administrative Proclamation of Local Emergency in the aftermath of the conditions of a Wildfire causing conditions of extreme peril to the safety of persons and property in the Pfeiffer Ridge Community in Big Sur approved by the Board of Supervisors on December 17, 2013. (4/5ths vote required). ALL AYES

21. a. Adopt Resolution authorizing submittal of an application to the California Department of Housing and Community Development (HCD) for grant funding in the amount of \$584,150 under the Housing Related Parks Program (HRP Program) for projects at the A. R. Wilson Community Park and Chualar; and
- b. Authorize the Director of Economic Development to sign the grant application and HRP Program grant documents as required by HCD.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to: a. adopt Resolution No. 14-016 authorizing submittal of an application to the California Department of Housing and Community Development (HCD) for grant funding in the amount of \$584,150 under the Housing Related Parks Program (HRP Program) for projects at the A. R. Wilson Community Park and Chualar; and b. Authorized the Director of Economic Development to sign the grant application and HRP Program grant documents as required by HCD. ALL AYES

22. Approve and authorize the Contracts/Purchasing Officer to execute Renewal and Amendment No. 4 of Agreement #11606 with The Lipman Company (TLC) for benefits administration services, extending the term of the Agreement to June 30, 2014 on a month to month basis and increasing the total amount of the contract by \$25,000 to a total of \$175,000.

Approved - Agreement No. A-11606

23. Approve the final election of the methodology by which the County of Monterey will receive realignment funds under AB 85.

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No.14-017 approving the final election of the methodology by which the County of Monterey will receive realignment funds under AB 85. ALL AYES

24. a. Approve a one-time Concession Agreement for Special Events between Viral Events and the County of Monterey to produce the Run or Dye event at the Laguna Seca Recreation Area on March 8th, 2014; and
- b. Authorize the Chair of the Board to sign the Agreement.

Approved

25. ~~a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements between the County of Monterey and American Lock & Key for the provision of Locksmith Services to the County of Monterey for the term of the date signing through and including June 30, 2015, including the option to extend the Agreement for three (3) additional one (1) year periods, in an amount not to exceed \$10,000 per project, with an annual aggregate amount not to exceed \$50,000 for all Agreements issued under Request for Proposal (RFP) #10423 in accordance with the terms and conditions set within each Agreement; and~~
- ~~b. Approve and authorize the Contracts/Purchasing Officer to sign additional Master Agreements for Locksmith Services with qualified contractors who~~

~~meet the minimum requirements of the RFP. (ITEM REMOVED VIA SUPPLEMENTAL)~~

- 26. a. Approve and authorize the County of Monterey participation in an Agreement and Request for Proposal (RFP) to evaluate and analyze a Monterey County Integrated Waste Management System; and
b. Authorize the County Administrative Officer to sign the Agreement.

Approved

- 27. a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements between the County of Monterey and Val's Plumbing and Heating, Inc. for the provision of Plumbing Services to the County of Monterey for the term of the date signing through and including November 1, 2016, including the option to extend the Agreement for two (2) additional one (1) year periods, in an amount not to exceed \$10,000 per project, with an annual aggregate amount not to exceed \$50,000 for all Agreements issued under Request for Proposal (RFP) #10427 in accordance with the terms and conditions set within each Agreement; and
b. Approve and authorize the Contracts/Purchasing Officer to sign additional Master Agreements for Plumbing Services with qualified contractors who meet the minimum requirements of the RFP.

Approved - Agreement No. A-12634

- 28. Approve the Action Minutes of the Board of Supervisors meeting of Tuesday, March 19, 2013.

Approved