



# Monterey County

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

## Action Minutes

### Board of Supervisors

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

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Tuesday, May 1, 2012

9:00 AM

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**Please see separate agendas for the Monterey County Water Resources Agency and  
Successor Agency to the Redevelopment Agency of the County of Monterey**

#### ROLL CALL

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

#### **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) Jennifer Arcoleo v. County of Monterey, et al. (Monterey County Superior Court case no. M112009)
    - (2) Todd Arcoleo v. County of Monterey, et al. (Monterey County Superior Court case no. M110909)
    - (3) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
    - (4) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
    - (5) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
    - (6) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)
  - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

c. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

**Report of Closed Session**

CLOSED SESSION REPORT: There were no reportable actions on items 1.a.(1) through (6)

CLOSED SESSION REPORT: There was no reportable action on item 1.b.

CLOSED SESSION REPORT:Item 1.c. was not discussed.

CLOSED SESSION REPORT, ITEM 1.d.: The Board conducted the evaluation of the Natividad Medical Center CEO.

**10:30 AM Reconvene**

**Pledge of Allegiance**

**ROLL CALL**

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

**Successor Agency to the Redevelopment Agency for Monterey County**

**Public Comment**

There were no public comments.

SA  
RDA 1.

As Successor Agency to the Redevelopment Agency of the County of Monterey, approve the Draft Recognized Obligation Payment Schedule (ROPS) for July 1, 2012 to December 31, 2012 as required by ABx1 26 and forward it to the Oversight Board for approval.

Upon the motion of Supervisor Parker, seconded by Supervisor Armenta, the Board continued this item to Tuesday, May 8, 2012.

**Adjournment**

**Reconvened as the Monterey County Board of Supervisors**

**ROLL CALL - MONTEREY COUNTY BOARD OF SUPERVISORS**

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

### **Additions and Corrections**

There were no additions or corrections.

### **Consent Calendar- (See Supplemental Sheet)**

*Brian Clark requested item 31 be continued. The Board did not act upon this request.*

**A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas, to approve the Consent Calendar - (See Supplemental Sheet).**

**ALL AYES**

### **Ceremonial Resolutions**

2. Adopt Resolution proclaiming the week of May 20, 2012 through May 26, 2012 as **National Public Works Week**. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-101 be adopted. The motion carried by unanimous vote.**

3. Adopt Resolution proclaiming May 7, 2012 through May 13, 2012 as **Bike Week in Monterey County**. (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-102 be adopted. The motion carried by unanimous vote.**

4. Adopt Resolution commending **Carla Diane Wright** upon her Selection as the National Steinbeck Center's 2012 Valley of the World Hall of Fame honoree (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-107 be adopted. The motion carried by unanimous vote.**

5. Adopt Resolution commending **David M. Williams** upon his selection as the National Steinbeck Center's 2012 Valley of the World Hall of Fame honoree (Supervisor Parker)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-106 be adopted. The motion carried by unanimous vote.**

6. Adopt Resolution honoring *Bob Martin* upon his selection as the National Steinbeck Center's 2012 Valley of the World Ag Leader. (Supervisor Salinas)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor**

**Fernando Armenta, that this Resolution No. 12-105 be adopted. The motion carried by unanimous vote.**

7. Adopt Resolution honoring Daryl Griffith as 2012 Meals on Wheels of the Monterey Peninsula Woman of the Year (Supervisor Potter)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-103 be adopted. The motion carried by unanimous vote.**

8. Adopt Resolution commending Joseph Pezzini upon his selection as the National Steinbeck Center's 2012 Valley of the World Ag Leader Award.  
(Supervisor Calcagno)

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Resolution No. 12-104 be adopted. The motion carried by unanimous vote.**

### **Appointments**

9. Appoint Helene Brodrick to the Area Agency on Aging to fill an unexpired term ending January 1, 2013. (Full Board)

**Approved**

10. Reappoint Elizabeth (Liz) Williams to the Monterey County Housing Authority with a term ending May 1, 2015. (Supervisor Salinas)

**Approved**

### **Other Board Matters**

11. Board Comments

**Supervisor Parker mentioned Monterey County Weekly article on childbirth options in the County and the Natividad Medical Center showed well in the article as it is only local hospital that provides V-Back births. She recounted the positive experience of her Staff Aide's birthing experience at Natividad.**

**The thanked those that worked to fund and support the on-call Doula program as it is very valuable to first time mothers and more experienced mothers.**

**She announced her \$250 scholarships for three high school seniors for residents of the cities of Marina, Salinas, Seaside and the scholarship can be used for any aspect of college expenses. Please contact her office for more information.**

12. CAO Comments and Referrals

**The County Administrative Officer advised of one Board Referral from Supervisors Parker and Salinas' offices:**

**1) Existing County resources dedicated to early childhood development and**

opportunities to maximize impact. Referred to Health Services Department.

13. Public Comment (Limited to 3 minutes per speaker at the discretion of the Chair)

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.

**Frank Cabrera; Stephen Ball; Hans Jongens; Joe Vierra.**

## ADJOURNMENT

### Supplemental Sheet, Consent Calendar

#### Health and Social Services

14. Authorize the Director of Health or his designee, on behalf of Monterey County, to execute and submit all necessary applications, contracts, payment requests, agreements, documents and amendments thereto for the purposes of securing Local Enforcement Agency Grant funds for Fiscal Year (FY) 2012-13, FY 2013-14, FY 2014-15, FY 2015-16, and FY 2016-17 in amounts not to exceed \$50,000 annually, and to implement and carry out the requirements of AB 939.

**Approved**

15. Adopt Resolution amending Article I.e. of the Monterey County Master Fee Resolution effective July 1, 2012, to add and adjust certain fee categories relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule.

**Adopted Resolution No. 12-109 amending Article I.e. of the Monterey County Master Fee Resolution effective July 1, 2012, to add and adjust certain fee categories relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule.**

16. a. Authorize the Director of Health to initiate the national public health accreditation application process for the Health Department; and  
b. Authorize the Director of Health to submit payment for Year 1 and for four subsequent years upon approval for continuation of accreditation process.

**Approved**

**Criminal Justice**

17. Approve and Authorize the District Attorney to sign and submit eleven applications, including any extensions or amendments thereof, for continued funding for Fiscal Year (FY) 2012-13 from Federal and State agencies for the District Attorney's Office Victim Assistance Unit and Prosecution Programs.

**Approved**

18. a. Accept the donation of a 2010 Polaris Four Wheel Drive vehicle ("Polaris") from Miller's Towing, located in King City; and  
b. Authorize the Sheriff's Office to use the vehicle for the County's Marijuana Eradication Program.

**Approved**

**General Government**

19. Adopt Resolution to:  
a. Enter into an Agreement with the City and County of San Francisco for the distribution of Fiscal Year (FY) 2010 Regional Catastrophic Preparedness Grant Program Funds (RCPG) Grant Funds in an amount not to exceed \$1677.00; and  
b. Designate and authorize as Monterey County representative, the Emergency Services Manager to execute the Agreement.

**Adopted Resolution No. 12-110 to:**

**a. Enter into an Agreement with the City and County of San Francisco for the distribution of Fiscal Year (FY) 2010 Regional Catastrophic Preparedness Grant Program Funds (RCPG) Grant Funds in an amount not to exceed \$1677.00; and  
b. Designate and authorize as Monterey County representative, the Emergency Services Manager to execute the Agreement. ALL AYES**

20. Receive the 2010/11 Annual Report of the Equal Opportunity Advisory Commission.

**Approved**

21. a. Authorize the transfer of \$4,410,000 from Capital Projects Fund 402 Appropriation Unit RMA014 to the NGEN Project Fund 405 Appropriation Unit EME002 in order to purchase end user radio equipment for County general fund departments; and  
b. Authorize the Auditor / Controller to increase revenue and appropriations in NGEN Project Fund 405 Appropriation Unit EME002 by \$4,608,973.

**Approved**

22. Receive and Accept the Treasurer's Report of Investments for the quarter ending March 31, 2012.

**Approved**

23. a. Consider recommendations from the Legislative Committee to support AB 1858 (Alejo) and SB 1240 (Cannella) School finance: emergency loans: South Monterey County Joint Union High School District; and  
b. Receive the action minutes from the January 23, 2012 meeting of the Legislative Committee.

**Considered recommendations from the Legislative Committee and received the action minutes from the January 23, 2012 meeting of the Legislative Committee.**

24. Authorize the Auditor-Controller to amend the FY 2011-12 Office of Emergency Services CAO005 Budget to increase estimated revenue and appropriation in the amount of \$195,158 (4/5th vote required).

**Approved**

25. Authorize the Auditor-Controller to increase revenue by \$904,000 and appropriations by \$567,000 in the Department of Emergency Communications (EME001) for the purchase of E9-1-1 Customer Premise Equipment (CPE) using state 911 telecommunications funds (4/5th vote required).

**Approved**

26. a. Authorize the Auditor-Controller or designee to sign a Professional Services Agreement (PSA) in the amount of \$31,500 with American Appraisal Associates, Inc. to inventory and reconcile the County's capital assets data and records  
b. Approve a waiver of specific provisions of the County's standard PSA related to indemnity.

**Approved - Agreement No. A-12207**

27. Adopt Resolution to approve the Conflict of Interest Code of the Economic Development Department of the County of Monterey

**A motion was made by Supervisor Fernando Armenta, seconded by Supervisor Simón Salinas, adopting Resolution No. 12-111 approving the Conflict of Interest Code for the Economic Development Department. ALL AYES**

28. a. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Shift Differential;  
b. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit H regarding Educational Leave; and  
c. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Floating Holiday.

**Approved**

29. a. Accept the recommendation of the Monterey County Fish and Game Commission to award four (4) funding grants; and  
b. Approve the distribution of Fish and Game grant funds in the amount of \$11,738 for specified grant projects for Fiscal Year 2011-2012.

**Approved**

30. a. Authorize acceptance of the work for the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda;  
b. Authorize the Director of Economic Development to execute and record the Notice of Completion; and  
c. Authorize the release of retention 35 days following the filing of the Notice of Completion and upon approval of the Director of Economic Development.

**Approved - Const 2011-002**

### **RMA- Planning**

31. Adopt Resolution to: deny an appeal by Mr. Brian Clark on the behalf of Carmel Rio Road LLC, from the Planning Commission's decision denying Carmel Rio's application for a Combined Development Permit; and deny Carmel Rio's application for a Combined Development Permit consisting of: 1) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and 2) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts.

(Appeal of denial of a Combined Development Permit - GPZ090004/Carmel Rio Road, LLC, 15 and 26500 Val Verde Drive, Carmel Valley Master Plan)

*Public Comment: Brian Clark*

**Upon the motion of Supervisor Armenta, seconded by Supervisor Calcagno, the Board adopted Resolution 12-112 to: deny an appeal by Mr. Brian Clard on the behalf of Carmel Rio Road LLC, from the Planning Commission's decision denying Carmel Rio's application for a combined Development Permit consisting of: 1) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and 2) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts.**

**(Appeal of denial of a Combined Development Permit - GPZ090004/Carmel Rio Road, LLC, 15 and 26500 Val Verde Drive, Carmel Valley Master Plan)**

**ALL AYES**

### **RMA- Public Works**

32. a. Award a Contract to Granite Rock Company dba Pavex Construction Division, the lowest responsible bidder, for the construction of the San Juan Road Safety & Overlay Improvements, Federal Aid Project No. HRRRL-5944(092), Contract



No. 12-142165, in the amount of \$3,492,725;

- b. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company dba Pavex Construction Division;
- c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and
- d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

**Approved - Agreement No. A-12208; Construction No. 2012-002**

- 33.**
- a. Amend the Mileage of Maintained County Roads; and
  - b. Authorize the Director of Public Works to forward the corrected maps and tabulations to the California Department of Transportation.

**Approved**

- 34.**
- a. Award a contract to Tombleson, Inc., the lowest responsible and responsive bidder, for the Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, in the total amount of \$61,875;
  - b. Approve the Performance and Payment Bonds executed and provided by Tombleson, Inc.;
  - c. Authorize a contingency (not to exceed 10 percent of the contract amount) to provide funding for approved contract change orders; and
  - d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve contract change orders where total change orders do not exceed 10 percent of the original contract amount, and do not significantly alter the scope of the work.

**Approved - Agreement No. A-12209; Construction No. 2012-002**

- 35.**
- a. Approve Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Contract No. 13-551327; and
  - b. Authorize the Department of Public Works to advertise the "Notice to Bidders" in *The Californian* for ten consecutive times, commencing May 4, 2012.

**Approved - Construction No. 2012-001**

- 36.** Introduce, waive the reading, and set May 15, 2012, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending section 12.28.010 of the Monterey County Code to establish no parking at any time on both sides of Harper Canyon Road from its terminus at Toro County Park (M.P. 0.82) northwesterly for a distance of 500 feet, Toro area.

**Approved**