

# MONTEREY COUNTY

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## BOARD OF SUPERVISORS

Fernando Armenta  
Louis R. Calcagno  
Simón Salinas  
Jane Parker  
Dave Potter

1st District  
2nd District  
3rd District  
4th District (Chair)  
5th District (Vice-Chair)

Lew C. Bauman  
County Administrative Officer  
  
Charles J. McKee  
County Counsel

Gail T. Borkowski  
Clerk of the Board  
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### **ACTION MINUTES** **MONTEREY COUNTY BOARD OF SUPERVISORS** **MONTEREY COUNTY WATER RESOURCES AGENCY**

**TUESDAY, MAY 17, 2011**  
**9:00 A.M.**

**9:00 A.M.**

#### **ROLL CALL**

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

1. Additions and Corrections for Closed Session: None.
2. 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) Omni Resources, LLC v. Monterey County, et al. (USDC CAND case no. C06-05420 HRL)

**CLOSED SESSION REPORT:** The Board heard an update on this matter.

- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

**CLOSED SESSION REPORT:** The Board heard an update on this matter and took no further action.

- c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
      - (1) Designated representatives: Keith Honda and Dianne Dinsmore
      - Employee organizations: All Units

**CLOSED SESSION REPORT:** The Board provided direction to the labor negotiators how to proceed in negotiations.

- d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.

Property: APN 177-131-002-000

County negotiator: Lew Bauman, County Administrative Officer

Negotiating parties: County of Monterey and George Helmers et al. by Warren Wayland

Under negotiation: Price and terms

**CLOSED SESSION REPORT:** The Board provided direction to Mr. Bauman how to proceed in negotiations.

### **CLOSED SESSION FOR SPECIAL MEETING OF MAY 13, 2011**

- 1. Closed Session under Government Code section 54950, relating to the following items:

- a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the General Manager of the Water Resources Agency.

**CLOSED SESSION REPORT:** The Board conducted the performance evaluation of the General Manager of the Water Resources Agency.

- b. Pursuant to Government Code section 54956.9(a), the Board will confer regarding existing litigation:

- (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)

- (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)

**CLOSED SESSION REPORT:** The Board heard from counsel and no final action taken.

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

**CLOSED SESSION REPORT:** The Board heard from counsel and no final action taken.

### **ROLL CALL**

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

Interpreter: Jersahid Lopez

- 3. The Pledge of Allegiance was led by Supervisor Calcagno.
- 4. Additions and Corrections: The Clerk of the Board announced agenda corrections and proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.

**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:**

°Adjourn in memory of William Edward Kearney

5. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet)**  
**Motion by Supervisor Potter, seconded by Supervisor Salinas to approve the Consent Calendar – Regular, with the exception of item 26. (See Supplemental Sheet). ALL AYES**

Ray Bullick pulled item 26 and advised of corrections to fees on page 13, as read into the record.

**Motion by Supervisor Salinas, seconded by Supervisor Armenta to approve item 26 as corrected. ALL AYES**

**Recessed**

**Convened as the Board of Directors of the Monterey County Redevelopment Agency**

**MONTEREY COUNTY REDEVELOPMENT AGENCY**

**ROLL CALL**

Present: Directors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

6. **CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet) Adjournment**  
**Motion by Director Potter, seconded by Director Armenta. ALL AYES**

**Adjournment**

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

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**CEREMONIAL RESOLUTIONS** 7 through 10 heard consecutively

7. **Adopted Resolution No. 11-139** recognizing the important work of In-Home Supportive Services Providers. (Full Board-Chair Parker)  
**Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES**
8. **Adopted Resolution No. 11-140** commending Commander Tracy Brown of the Monterey County Sheriff's Office upon his retirement after 27 years of public service. (Full Board-Chair Parker)  
**Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES**

9. Adopted **Resolution No. 11-141** recognizing Marilyn Dorman upon her retirement from the Monterey County Housing Resource Center after 27 years of public service in Monterey County. (Full Board-Chair Parker)  
**Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES**
10. Adopted **Resolution No. 11-142** recognizing the Silver Star Gang Prevention and Intervention Program. (Full Board-Chair Parker)  
**Motion by Supervisor Salinas, seconded by Supervisor Armenta. ALL AYES**

**APPOINTMENTS** 11 through 17 heard consecutively

11. Appointed Yolanda Harris and Laura Harris (to fill an unexpired term) to the In-Home Supportive Services Advisory Committee, terms ending June 30, 2013. (Full Board)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
12. Appointed Donna Alonzo-Vaughan to the Community Restorative Justice Commission, term ending May 17, 2011. (Full Board)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
13. Appointed Sharon Waller and Warren Poitras, Jr. to the Monterey County Regional Fire District, terms ending March 1, 2012. (Supervisor Potter)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
14. Appointed Gaudenz Panholzer to the Monterey County Regional Fire District, term ending March 1, 2013. (Supervisor Potter)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
15. Appointed Donn Trenner and George Haines to the Monterey County Regional Fire District, terms ending March 1, 2013. (Supervisor Potter)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
16. Appointed Jim Slaten and Rick Hughes to the Monterey County Regional Fire District, terms ending March 1, 2014. (Supervisor Salinas)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**
17. Appointed Mike Scattini to the Monterey County Water Resources Agency, to fill an unexpired term ending December 31, 2011. (Full Board)  
**Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES**

**OTHER BOARD MATTERS**

18. Board Comments
  - ° Supervisor Calcagno announced that with the help of many agencies, the new Union Pacific crossing on Blackie Road will only be a two day closure this Saturday and Sunday instead of a four day closure. The longer closure would

have put 3000 people out of work and created major economic problems for industries in the Castroville Industrial Park. There will be a community meeting this Thursday at Ocean Mist to outline progress and details of construction to the community to allow them to make proper arrangements. Lew Bauman is taking lead on this and Supervisor Calcagno thanked everyone involved.

- ° Supervisor Salinas attend the Camphora celebration of the acquisition of the park by South County Housing. Forty-six housing units will be replaced. He thanked Supervisor Armenta for attending and the Board for their support. The community was thankful and appreciative of the support.

19. CAO Comments and Referrals: None.
20. Public Comment:  
Lucia Ruiz; Sylvia Huerta with interpreter; Male (no name given); Jamie Mannick; Nina Alvarez regarding item #26; Ed Mitchell.
- 20.1 Received an oral presentation from the Transportation Agency of Monterey County (TAMC) regarding the status of major highway projects in Monterey County.  
**Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**

#### **SCHEDULED MATTERS**

- S-1 Public hearing held and adopted **Interim Ordinance 5176** to extend Interim Urgency Ordinance No. 5160, as modified and extended by Interim Ordinance No. 5163, for one additional year, until and through May 24, 2012, temporarily prohibiting the acceptance and processing of water well applications and issuance of water well permits, with limited exceptions, on parcels of less than 2.5 acres within a portion of the California American Water Company - Monterey District Main System service area, pending the County's consideration of additional well regulations. (4/5ths vote required)  
**Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**

#### **12:00 P.M. RECESS TO LUNCH**

#### **1:30 P.M. RECONVENED**

#### **ROLL CALL**

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.  
Interpreter: Jersahid Lopez

#### **SCHEDULED MATTERS**

- S-2 a. Conducted a public hearing and adopted **Resolution No. 11-144** that authorizes the submittal of an application to the California Department of

Housing and Community Development for a CDBG PTA Grant in the amount of \$140,000 to fund the preparation of (i) a County-wide economic development strategy, (ii) a feasibility study for a motor sport industrial park, and (iii) a feasibility study for a renovation of Genesis House;

- b. Approved a local match for the PTA grant application of \$2,100;
- c. Authorized the Director of the Redevelopment and Housing Office to make minor modifications to the PTA grant application as necessary to comply with State requirements, sign the grant application submittal documents as well as any contracts, amendments and other documents related to the application and grant funds; and
- d. Endorsed a modification to the preliminary funding program for the Camphora Farm Labor Camp related to future CDBG funding.

**Public comment:** Mike Weaver; Robin McRae; Ronald Vandergrift; Hans Jongens.

**Motion by Supervisor Salinas, seconded by Supervisor Potter. ALL AYES**

S-3 Public hearing held (continued from April 26, 2011) to consider: **Resolution Nos. 11-145; 11-166**

- a. An Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration (Resolution No. 11-145);
- b. An appeal by Carmel Valley Association from the March 9, 2011 decision of the Monterey County Planning Commission approving an amendment to an approved Combined Development Permit (PLN060102/Keehn, PLN000357/Gamboa) for a 64-suite, 78-bed, assisted care living facility known as Cottages of Carmel. The amendment includes replacing the requirement to preserve a 26-inch Monterey pine, amending the project description to delete graywater and cistern systems, removing and/or amending conditions requiring underground graywater and cistern systems, revising water use monitoring requirements, and amending landscaping conditions; and
- c. A request by Carmel Valley Association to waive the appeal fee. (Resolution No. 11-166)  
(County of Monterey/Carmel Cottages - PLN110146, Carmel Valley Master Plan)

Mike Novo advised a memo was submitted today and read the changes regarding Conditions 61 and 54 into the record.

Speaker for the Applicant: Jason Retterer; Speaker for the Appellant: Richard Rosenthal

**Public comment** on findings and changes to conditions: Margaret Robbins Tim Sanders; Ed Mitchell.

**Motion by Supervisor Potter, seconded by Supervisor Armenta to adopt Resolution No. 11-145 approving staff recommendations, including amendments by Margaret Robbins (to be done administratively); 30 day period to monitor water use; add sentence "County's approval in writing"; and owner to submit annual water usage reports and owner is required to submit photos or other documents, annually, to show compliance with**

**landscaping mitigation; adopted Resolution No. 11-166 denying the request to waive the appeal fee. ALL AYES**

**S-4 Public hearing opened and continued to July 12, 2011**

a. Public hearing to consider an appeal by Omni Resources, Inc. from the January 26, 2011 decision by the Monterey County Planning Commission resulting in no action on a Combined Development Permit for a 126,523 square foot commercial development and Omni Resources request to remove the "B-8" Overlay zoning designation and rezone the property from "LC-B-8-D" to "LC-D;" and

b. Receive a status report regarding potential design changes to the project.  
(Appeal, Discretionary Decision - PLN110077 (an appeal of PLN020344)  
Omni Resources, Inc. LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan)  
Speaker for Applicant: Brian Finnegan.

**Public comment:** Joan Wood; Terry Shaddick; Dee Meyers; Hans Jongens; Jay Cook; Mike Weaver; George McGinnis; Peter Haas; Ed Mitchell; Steve Bean reads letter from Dwight Stump; Vicky Phillips; Beverly Bean; Ron Vandergrift; Barbara Van Tress (sp); Miley (Miles) Sirius (sp); Jan Mitchell; Carrie Thomas; Ron Chesshire; Margo Daniels; Amy White; Molly Erickson; Bill Vaughn; Brian Finnegan closing

**Motion No. 1: by Supervisor Potter, seconded by Supervisor Parker. 2 - 3 (Supervisors Calcagno, Armenta, and Salinas dissented) MOTION FAILED.**

**Motion No. 2: by Supervisor Calcagno, seconded by Supervisor Salinas to continue the Public hearing to July 12, 2011 to allow applicant to propose a revised and modified project and to work with County staff to bring and acceptable project to the Board, otherwise it will come back for further proceedings at that time. 3 - 2 (Supervisors Parker and Potter dissented)**

**CLOSED SESSION REPORT: (See 2 a-d)**

**ADJOURNMENT  
In Memory of William Edward Kearney**

APPROVED:



JANE B. PARKER, CHAIR  
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI  
Clerk of the Board

BY: 

(Supplemental Sheet)

## CONSENT CALENDAR

### HEALTH AND SOCIAL SERVICES

21. Accepted the Fiscal Year (FY) 2009-10 First 5 Monterey County Annual Report to the Community and the First 5 Monterey County Connecting the Dots Evaluation Report.
22. Approved and authorized the Director of Health to provide consent to the change in ownership of American Medical Response -West's (AMR) parent company.
23. **Agreement No. A-11985**
  - a. Approved and authorized the Director of Health to sign a three fiscal year term Mental Health Services Agreement (July 1, 2011 to June 30, 2014) with Psynergy Programs, Inc. for provision of mental health services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$272,757.44 for Fiscal Year (FY) 2011-12, \$272,757.44 for FY 2012-13, and \$272,757.44 for FY 2013-14 for a total Agreement amount of \$818,272.32; to replace Agreement A-11379 which expires June 30, 2011; and
  - b. Authorized the Director of Health to sign up to three future amendments to this Agreement where the amendments do not exceed 10% of the annual amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.
24. Approved and authorized the Emergency Medical Services Agency Director to submit the revised annual Monterey County EMS Plans for 2009 and 2010 to the California State Emergency Medical Services Authority.
25. Approved the Bylaws of the Area Agency on Aging Advisory Council.
26. Adopted **Resolution No. 11-146** amending Article I.b. of the Monterey County Master Fee Resolution effective July 1, 2011, to adjust the Sexual Assault Response Team examination fee pursuant to the Fee Schedule.  
**Motion by Supervisor Salinas, seconded by Supervisor Armenta to approve item 26 as corrected. ALL AYES**
27.
  - a. Authorized the Director of Health to sign the Memorandum of Understanding (MOU) for the distribution of County Service Area (CSA) 74 funds for first responder Emergency Medical Services (EMS) equipment and training;
  - b. Approved the distribution of available CSA 74 funds to participating Agencies per the formula approved by the Emergency Medical Care Committee (EMCC); and
  - c. Authorized the Auditor Controller to transfer \$166,325 from Designations to Unreserved Fund Balance. (4/5ths vote required)



**GENERAL GOVERNMENT**

28. **Agreement No. A-11986**
  - a. Approved and authorized on behalf of the Information Technology Department, the Monterey County Contracts/Purchasing Officer to sign the Qualys, Inc. Guard Tool Software Application End User Agreement, for security vulnerability identification and remediation, in an amount not to exceed \$97,574 for the period of July 1, 2011 through June 30, 2012; and
  - b. Accepted Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Information Technology.
29. Approved the use of County Park facilities on July 10, 2011 for one function by Korean Catholic Church of the Monterey Peninsula in compliance with Monterey County Code 14.12.130.
30. **Agreement No. A-11987** Authorized the Registrar of Voters to execute Agreement No. 10G26103 with the Secretary of State's office to receive federal grant funds in the amount of \$245,004 for Voting Access for Individuals with Disabilities (VOTE).
31.
  - a. Accepted the recommendation of the Monterey County Fish and Game Commission to award six (6) funding grants; and
  - b. Approved the distribution of Fish and Game grant funds in the amount of \$21,475 for specified grant projects for Fiscal Year 2010-2011.
32. **Adopted Resolution No. 11-143; Agreement No. A-11988**
  - a. Approved and authorized a Participating Agreement, in the amount of \$450,000, between the Monterey County Treasurer-Tax Collector and Gila Corporation, dba Municipal Services Bureau (MSB), which specifies collection services to be performed under the terms of the Judicial Council of California and the Administrative Office of the Court (AOC) negotiated Master Agreement No. MA-200906 for Fiscal Year (FY) 2011-12;
  - b. Authorized the Contracts/Purchasing Officer to sign the Participating Agreement; and
  - c. Authorized the Contracts/Purchasing Officer to extend the Agreement for up to two one year contract extensions with MSB where the Amendments do not exceed ten percent of the Agreement amount or significantly change the scope of work.
33. Approved Amendment No. 1 to **Agreement No. A-11606** with The Lipman Company, for third-party administration of the Optional Benefits Program, extending the expiration date from December 6, 2010 to December 6, 2011.

**RMA - PLANNING DEPARTMENT**

34.     a. Accepted the Conservation and Scenic Easement Deed for the Enea property;  
       b. Authorized the Chair of the Board of Supervisors to execute the Conservation and Scenic Easement Deed; and  
       c. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed and Subordination Agreement to the County Recorder for filing and recordation.  
(Conservation and Scenic Easement Deed-PLN070333, 1440 Oleada Road, Pebble Beach, Del Monte Forest Land Use Plan, Coastal Zone)

**RMA - PUBLIC WORKS**

35.     **Construction No. 2011-008**  
       a. Approved the Plans and Special Provisions for 855 E. Laurel Bldg. A-Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290; and  
       b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in *The Californian* on May 23 and May 30, 2011.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY**

36.     Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:  
       a. Adopted **Resolution No. 11-147** accepting a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as APN 031-131-006 (COE Parcel L3.2, York School) from the Fort Ord Reuse Authority to the Redevelopment Agency of the County of Monterey, and authorize the Chair of the Board of Directors to sign the acceptance;  
       b. Directed the Clerk of the Board to record the executed Quitclaim Deed with the County Recorder;  
       c. Adopted **Resolution 11-148** and Quitclaim Deed transferring ownership of the above-described property from the Redevelopment Agency to York School, and authorize the Chair of the Board of Directors to sign the Quitclaim Deed after recordation of the Restrictive Covenants; and  
       d. Directed the Clerk of the Board to record the executed Quitclaim Deed with the County Recorder upon receipt of recording fees from York School.

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