

# Monterey County

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



## Action Minutes - Final

**Tuesday, April 21, 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. - Convene**

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 for 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) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434)
    - (2) The Open Monterey Project v. Monterey County Board of Supervisors, et al. (Monterey County Superior Court case no. M109441)
    - (3) County of Monterey v. Laz Paz Partners, et al. (Monterey County Superior Court case no. M124457)
    - (4) Jesse Hernandez, et al. v. County of Monterey, et al. (United States District Court case no. CV-13-2354 PSG)
  - b. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
    - (1) Property: 559 E. Alisal Street, SalinasAgency Negotiators: Ray Bullick, Director of Health  
Party: Ramiro Alcala  
Under negotiation: Price and terms
  - c. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

**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 Phillips.

**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 correction:

Remove from Consent Calendar - Health

18. Adopt Resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98 394, Section A.4.1 Eligibility for Step Advancements for Broadband classifications; and
- b. Authorize the Human Resources Department to implement these changes.

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

**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 honoring Julie Ann Lozano as 2015 Woman of the Year by the Meals on Wheels of the Monterey Peninsula. (Supervisor Potter)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-080 honoring Julie Ann Lozano as 2015 Woman of the Year by the Meals on Wheels of the Monterey Peninsula. (Supervisor Potter). ALL AYES

4. Adopt Resolution in appreciation of 41 years of Public Service to the North County Fire Protection District of Monterey County upon the retirement of Marvin Lenz. (Supervisor Phillips)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-092 in appreciation of 41 years of Public Service to the North County Fire Protection District of Monterey County upon the retirement of Marvin Lenz. (Supervisor Phillips) ALL AYES

5. Adopt Resolution proclaiming the week of May 2 through May 10, 2015 as National Travel Tourism Week. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-096 proclaiming the week of May 2 through May 10, 2015 as National Travel Tourism Week. (Full Board) ALL AYES**
- 5.1 Adopt Resolution proclaiming the month of May 2015 as Building Safety Month in Monterey County. (Full Board) (ADDED VIA ADDENDUM)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-095 proclaiming the month of May 2015 as Building Safety Month in Monterey County. (Full Board) (ADDED VIA ADDENDUM) ALL AYES**

### Appointments

6. Appoint Britt Rios-Ellis and Mitchel L. Winick to the Natividad Medical Center Board of Trustees, with terms ending May 1, 2017. (Full Board)
- A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to Appoint Britt Rios-Ellis and Mitchel L. Winick to the Natividad Medical Center Board of Trustees, with terms ending May 1, 2017. (Full Board) ALL AYES**

### Other Board Matters

7. Board Comments
- Supervisor Parker thanked the Budget Staff for conducting the Budget Workshop for Board members and the public on April 20th.**
8. CAO Comments and Referrals
- There were no CAO comments or referrals.**
9. General Public Comment
- Steve Ecklund.**

### 10:30 A.M. - Scheduled Matters

10. a. Consider approval of the Manzanita County Park Sport Complex Concession Agreement between the County of Monterey and the North County Youth Recreation Association retroactively beginning on August 1, 2011 and for a period of ten (10) years from the date of execution of the agreement by the County; and
- b. Authorize the Chair of the Board of Supervisors to sign the agreement.
- Public comment: Kelly Vasquez; Patti Garcia; Jay Donato; Steve Tansy.**

A motion was made by Supervisor John M. Phillips, seconded by Supervisor Dave Potter to: a. Consider and approve the Manzanita County Park Sport Complex Concession Agreement between the County of Monterey and the North County Youth Recreation Association retroactively beginning on August 1, 2011 and for a period of ten (10) years from the date of execution of the agreement by the County; and  
b. Authorize the Chair of the Board of Supervisors to sign the agreement; additionally, directed staff to return at the last meeting in July or August with a status report on ADA compliance issues. 4-1 (Supervisor Parker Dissented)

11.

- a. Conduct a public hearing under the requirements of the Tax Equity and Financial Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended; and
- b. Adopt a resolution approving the issuance by the Monterey Regional Waste Management Authority of Revenue Bonds for the benefit of the Monterey Regional Waste Management District in an aggregate amount not to exceed \$34,000,000 for the purpose of financing the design, acquisition, and construction of an expansion of and improvement to the district's solid waste disposal and recycling system and related facilities. A portion of such bond proceeds is intended to finance the construction of a parking and maintenance facility to park and service franchise hauler collection trucks (the "Project") located at the Marina Landfill, 14201 Del Monte Boulevard, Marina, California 93933 in the County of Monterey, to be initially leased to and operated by GreenWaste Recovery, Inc., and other matters relating thereto

**This item was heard first after the 1:30 pm reconvene.**

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

**Public comment: William Merry.**

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Dave Potter to: Adopt Resolution No. 15-098 approving the issuance by the Monterey Regional Waste Management Authority of Revenue Bonds for the benefit of the Monterey Regional Waste Management District in an aggregate amount not to exceed \$34,000,000 for the purpose of financing the design, acquisition, and construction of an expansion of and improvement to the district's solid waste disposal and recycling system and related facilities. A portion of such bond proceeds is intended to finance the construction of a parking and maintenance facility to park and service franchise hauler collection trucks (the "Project") located at the Marina Landfill, 14201 Del Monte Boulevard, Marina, California 93933 in the County of Monterey, to be initially leased to and operated by GreenWaste Recovery, Inc., and other matters relating thereto. ALL AYES**

12.

Adopt a Resolution Consenting to the Inclusion of Properties within the County's Jurisdiction in the CSCDA Open PACE; Authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings, and levy contractual assessments within the territory of Monterey County, and Authorizing other related actions.

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

**M. Phillips to adopt Resolution No. 15-099 Consenting to the Inclusion of Properties within the County's Jurisdiction in the CSCDA Open PACE; Authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings, and levy contractual assessments within the territory of Monterey County, and Authorizing other related actions. ALL AYES**

13. Consider continuing the public hearing for sixty days to a date certain on June 23, 2015 regarding the renaming of Garrapata Ridge Road, a private road located in the Big Sur area, to Weston Ridge Road.

**A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to continue the public hearing for sixty days to a date certain on June 23, 2015 regarding the renaming of Garrapata Ridge Road, a private road located in the Big Sur area, to Weston Ridge Road. ALL AYES**

### **12:00 P.M. - Recess to Lunch - Continued Closed Session**

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

14. Public Hearing, continued from April 14, 2015, to consider:
- Finding the ordinance described below categorically exempt under the California Environmental Quality Act; and
  - Adopting an ordinance amending Section 21.66.050 (Archaeological Resources Standards) of Title 21 (non-coastal zoning) of the Monterey County Code to establish new policies and procedures for the protection of archaeological and tribal cultural resources, and amending Title 2 of the Monterey County Code to add Chapter 2.95 establishing a Native American Advisory Panel consistent with 2010 Monterey County General Plan Goals OS-6 and OS-8.  
(REF110065/Archaeological and Tribal Cultural Resources Ordinance)

#### **PROJECT INFORMATION:**

**Planning File Number:** REF110065

**Owner:** N/A

**Project Location:** Inland Areas

**APN:** multiple

**Agent:** N/A

**Plan Area:** Inland Areas

**Flagged and Staked:** N/A

**CEQA Action:** Categorically Exempt per CEQA Guidelines Section 15308

Supervisor Armenta returned to the dais prior to the vote on this item.

Public Hearing, continued from April 14, 2015, held.

Public comment: Chrstianne Najera.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to: a. Find the ordinance described below categorically exempt under the California Environmental Quality Act; and  
b. Directed staff to return, on the Consent agenda with a final ordinance amending Section 21.66.050 (Archaeological Resources Standards) of Title 21 (non-coastal zoning) of the Monterey County Code to establish new policies and procedures for the protection of archaeological and tribal cultural resources, and amending Title 2 of the Monterey County Code to add Chapter 2.95 establishing a Native American and Archaeological Resources Technical Advisory Panel consistent with 2010 Monterey County General Plan Goals OS-6 and OS-8. (REF110065/Archaeological and Tribal Cultural Resources Ordinance). ALL AYES

**Adjournment**

**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** 05-19-2015

**Supplemental Sheet, Consent Calendar****Natividad Medical Center**

15. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute Amendment No. 5 to the Agreement (MYA438) with Maintenance Connection Inc. for computerized facility maintenance system services at NMC, extending the Agreement an additional 6 month period for a revised term of June 1, 2010 through December 31, 2015 and adding \$31,307.68 for a revised total aggregate amount not to exceed \$131,307.68.

**Approved - A-12685**

**Health Department**

16. Approve and authorize the Director of Health to sign Amendment No. 6 to the Mental Health Services Agreement A-12268 with Door To Hope for the provision of mental health rehabilitation services. Amendment No. 6 revises the Scope of Services, Payment and Billing Provisions and Budget and Expenditure Reports, and increases Fiscal Year (FY) 2014-15 annual amount by \$432,904 for a revised total Agreement amount not to exceed \$9,450,225 for FY 2012-13 through FY 2014-15.

**Approved - A-12268**

17. a. Approve delegation of authority to the Director of Health to sign a three-year term Mental Health Services Agreement (July 1, 2015 to June 30, 2018) with Benjamin Macasaet dba New Horizon I Adult Residential Facility for the provision of services to adults with severe psychiatric disabilities in the amount of \$150,563.00 for Fiscal Year (FY) 2015-16, \$150,563.00 for FY 2016-17, and \$150,563.00 for FY 2017-18, for a total Agreement in the amount of \$451,689.00; and
- b. Approve delegation of authority to the Director of Health to execute up to three future amendments to this Agreement that do not significantly alter the scope of work or where the total amendments do not exceed 10% of the original contract amount.

**Approved - A-12682**

18. Adopt Resolution to:
- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394, Section A.4.1 Eligibility for Step Advancements for Broadband classifications; and
- b. Authorize the Human Resources Department to implement these changes.

**REMOVED VIA CORRECTIONS**

19. Approve delegation of authority to the Director of Health to execute the Acknowledgement and Consent to the Assignment and Assumption Agreement between Emmanuel Inneh dba Monterey Bay Guest Home and Monterey Bay Guest Home Inc. effective July 10, 2014, to allow the new business name and newly assigned Federal Employer Identification Number to assume the original agreement.

**Approved - A-12683**

### **General Government**

20. a. Approve and authorize the Agricultural Commissioner to sign a Memorandum of Understanding (MOU) with Monterey County Agricultural Education, Inc. to provide support of agricultural education efforts in Monterey County, and;  
b. Authorize the Auditor-Controller to make payments in accordance with the terms of the MOU.

**Approved - A-12684**

21. a. Modify the County budget for fiscal year 2014-15 to reflect the Board of Supervisors' prior September 30, 2014 authorization for the Economic Development Department to expend grant funds on various projects, thereby increasing this Department's estimated revenues and appropriations in the amount of \$478,165; and  
b. Authorize the Auditor-Controller to amend the fiscal year 2014-15 Economic Development Department's adopted budget for Community Development, Fund 013, and Appropriation Unit DEO003, Unit 8200 to increase estimated revenues and appropriations by \$478,165. (4/5ths vote required)

**Approved**

22. Adopt a Resolution approving a Zero Property Tax Transfer for the proposed sphere of influence amendment and annexation of five Alco Water systems to the Pajaro/Sunny Mesa Community Service District.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-097 approving a Zero Property Tax Transfer for the proposed sphere of influence amendment and annexation of five Alco Water systems to the Pajaro/Sunny Mesa Community Service District. ALL AYES**

23. Adopt a Resolution to:  
a. Authorize the Treasurer-Tax Collector to Sell 45 Specified Tax Defaulted Properties as set forth in the attached Exhibit A at public auction via the Internet in accordance with Revenue and Taxation Code section 3691 et. seq. or as a sealed bid sale pursuant to Chapter 7, Part 6, Division 1 of the Revenue and Taxation Code for at least the Minimum Bid.

b. Authorize the Treasurer-Tax Collector to Re-offer any Unsold Properties at a Reduced Minimum Bid at the Conclusion of the Sale or within a 90-day period.

**A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta to adopt Resolution No. 15-098 approving a Zero Property Tax Transfer for the proposed sphere of influence amendment and annexation of five Alco Water systems to the Pajaro/Sunny Mesa Community Service District. ALL AYES**

**24.**

Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Tuesday, September 9, 2014, Tuesday, November 4, 2014, Tuesday, December 2, 2014, Thursday, December 4, 2014, Tuesday, December 9, 2014 and Tuesday, January 13, 2015.

**Approved**