



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 7, 2014

9:00 AM

See separate agendas for Monterey County Water Resources Agency, Boronda County Sanitation District, Successor Agency to the Redevelopment Agency of the County of Monterey, Moss Landing County Sanitation District & East Garrison Public Financing Authority

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

0.1 Closed Session under Government Code section 54950, relating to the following items:

a. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.

b. 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 (ADDED VIA ADDENDUM)

CLOSED SESSION REPORT: The Board took no reportable actions on items 0.1.a. and b.

10:30 AM 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 Chair Armenta.

1. Nominate and elect members of the Monterey County Board of Supervisors to serve as:
 1. 2014 Chair; and
 2. 2014 Vice Chair

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker to elect Supervisor Louis Calcagno as Chair and Supervisor Simon Salinas as Vice Chair of the Monterey County Board of Supervisors for the 2014 Calendar Year. ALL AYES

2. Presentation of plaque to outgoing Chair Fernando Armenta;
 1. Comments by outgoing Chair;
 2. Comments by in-coming Chair; and
 3. Comments by Supervisors

Chair Calcagno presented a plaque to outgoing Chair Armenta for his service as the Chair of the Board of Supervisors for 2013. He commented on Supervisor Armenta's service to Monterey County.

Supervisors Potter, Salinas and Parker commented and thanked Supervisor Armenta for his service as Chair in 2013.

Chair Calcagno announced he will not be running for re-election and commented on various issues facing Monterey County. He made a Board Referral for an intensified study regarding long range water problems in the county, including language in the General Plan to determine long term needs for water, looking at the entire valley; the proposal should be completed and brought before the Board in the next two weeks.

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:

Correction Under Appointments

**7. Correction to Law Library Board of Trustees appointing Berkley Brannon
Consider and approve appointments of Board of Supervisor members to various boards, committees and commissions for Calendar Year 2014.**

(RECOMMENDATIONS REVISED VIA SUPPLEMENTAL & CORRECTIONS)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve the correction to item 7. ALL AYES

Consent Calendar- (See Supplemental Sheet)

3. Approval of Consent Calendar (See Supplemental Sheet)

Supervisor Potter pulled items 18.1 and 21.2 for comments and questions.

Re Item 21.1: Mike Novo responded and advised the recommended changes can be accommodated in the resolution.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-002 to approve the Pfeiffer Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed by the Fire Incident. (Fire Recovery Guidelines/Big Sur Coast Land Use Plan /REF130116) ALL AYES

Re Item 18.1: Supervisor Potter addressed the possible use of \$1,000,000 of emergency disaster funds received some years ago that has not be utilized yet. Dewayne Woods responded.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve staff recommendations, which now read: Adopt Resolution No. 14-001:

a. Authorizing the Chair of the Board to execute one or more Cooperative Agreements with the Natural Resource Conservation Service for the Emergency Watershed Protection Program treatments relating to the 2013 Pfeiffer Fire; b. Approving the form of and authorizing the Resource Management Agency Director to execute agreements (A-12265) with property owners for the implementation of the Emergency Watershed Protection treatments; c. Authorizing and Directing the County Administrative Officer, Resource Management Agency Director, Public Works Director, Planning Director, Chief Building Official, and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, to implement the Emergency Watershed Protection treatments, including the modification of the form contracts based upon particular circumstances, the execution of emergency professional services or construction contracts; and the identification of grant or other funding sources to supplement the Emergency Watershed Protection Program funding; d. Transferring \$1 million from the General Fund Disaster Assistance Program Assignment Account 3125 to to County Surveyor Fund 001-3000-8196-RMA010 (4/5th vote required); e. Approving a \$1 million increase in appropriations and estimated revenues in the County Surveyor Fund 001-3000-8196-RMA010 (4/5th vote required); and f. Authorizing and Requesting the County Auditor/Controller to modify the FY 2013-14 adopted budgets to reflect these actions. (2013 Pfeiffer Fire, Big Sur) (ADDED VIA ADDENDUM) ALL AYES

A motion was made by Supervisor Dave Potter, seconded by Supervisors Simon Salinas to approve the Consent Calendar, with the exception of items 18.1 and 21.2. ALL AYES

Appointments

4. Reappoint Amy Roberts to the Monterey County Planning Commission, term ending January 23, 2018. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Reappoint Amy Roberts to the Monterey County Planning Commission, term ending January 23, 2018. (Supervisor Parker) ALL AYES

5. Appoint Mark DeHart to the Monterey County Fish and Game Commission, term ending February 1, 2015. (Supervisor Salinas)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint Mark DeHart to the Monterey County Fish and Game Commission, term ending February 1, 2015. (Supervisor Salinas) ALL AYES

6. Appoint David Kimball to the Oversight Board - City of Del Rey Oaks for a term ending at the pleasure of the Board. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint David Kimball to the Oversight Board - City of Del Rey Oaks for a term ending at the pleasure of the Board. (Supervisor Parker) ALL AYES

- 6.1 Appoint Elliott Robinson and Joe Watson to the Equal Opportunity Advisory Commission, terms ending December 31, 2016. (Full Board)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to Appoint Elliott Robinson to the Equal Opportunity Advisory Commission, term ending December 31, 2016. (Full Board) ALL AYES

7. Consider and approve appointments of Board of Supervisor members to various boards, committees and commissions for Calendar Year 2014. (RECOMMENDATIONS REVISED VIA SUPPLEMENTAL)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to approve appointments of Board of Supervisor members to various boards, committees and commissions for Calendar Year 2014. (Recommendations revised via Supplemental & Corrections) ALL AYES

Other Board Matters

8. Board Comments

There were no Board comments.

9. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman thanked Supervisor Armenta for his service as Chair for 2013. He welcomed Supervisor Calcagno as Chair for 2014.

Dr. Bauman advised of the following Board Referral from Supervisor Potter: Develop a Monterey County Policy Manual as a repository for non-codified policies of the Board of Supervisors. Referred to the CAO's office.

Dr. Bauman introduced District Attorney Dean Flippo who introduced Odie the DA's Comfort Canine and her trainer Ryan McGuirk. Mr. McGuirk explained the special training that Odie has received in order to provide comfort to victims.

Odie is two and half years and knows 50 commands.

The Board welcomed Odie and commended Odie, her trainer and the DA's office for providing this service to victims.

10. General Public Comment

Hans Jongens.

10:30 A.M. - Scheduled Matters

11. Public hearing to consider adoption of an ordinance:
- a. Making express findings regarding amendments to the 2013 California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code;
 - b. Amending Chapter 1.22 relating to code enforcement and repealing Chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.16, 18.17, and 18.52 and adding chapters 18.00, 18.01, 18.02, 18.02.5, 18.03, 18.04, 18.05, 18.06, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13 and 18.16 of the Monterey County Code relating to adoption of the 2013 edition of the California Building Standards Code with local amendments with related administrative and enforcement provisions; and
 - c. Establishing the Building Standards Appeals Board, to be appointed by the Board of Supervisors, to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County's Building Codes.

Public hearing held;

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Ordinance 5230:

- a. Making express findings regarding amendments to the 2013 California Building Standards Code that are reasonably necessary due to local climatic, geological or topographic conditions pursuant to Sections 17958.7 and 18941.5 of the Health And Safety Code; b. Amending Chapter 1.22 relating to code enforcement and repealing Chapters 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13, 18.16, 18.17, and 18.52 and adding chapters 18.00, 18.01, 18.02, 18.02.5, 18.03, 18.04, 18.05, 18.06, 18.08, 18.09, 18.10, 18.11, 18.12, 18.13 and 18.16 of the Monterey County Code relating to adoption of the 2013 edition of the California Building Standards Code with local amendments with related administrative and enforcement provisions; and
- c. Establishing the Building Standards Appeals Board, to be appointed by the Board of Supervisors, to hear matters and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the County's Building Codes. **ALL AYES**

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

12. a. Receive an oral report from Monterey County Health Department on the 2013 Monterey County Health Assessment Report.
b. Authorize the distribution of final report to County departments, the public, and community partner organizations.

Public comments: Hans Jongens.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas to: a. Receive an oral report from Monterey County Health Department on the 2013 Monterey County Health Assessment Report and directed staff to review and incorporate the recommended changes and comments provided by Supervisor Parker into the final report, noting that if there are inconsistencies, that they should be brought to the Board for consideration; and b. Authorized the distribution of final report to County departments, the public, and community partner organizations. ALL AYES

13. Consider adoption of an ordinance renewing the County of Monterey's grant of a nonexclusive franchise pursuant to Ordinance No. 1278 to the California-American Water Company for a period of twenty-five (25) years on the terms specified, including the right to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public for any and all purposes in so many and such parts of the public highways, roads, streets, and ways within the unincorporated territory of Monterey County, and adding pipelines for the collection of wastewater to the franchise.

Public comment: Hans Jongens; Eric Sabowski.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Ordinance 5231 renewing the County of Monterey's grant of a nonexclusive franchise to the California-American Water Company for a period of twenty-five (25) years on the terms specified, continuing the franchise granted pursuant to Ordinance No. 1278 that authorized California-American Water Company to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public for any and all purposes in so many and such parts of the public highways, roads, streets, and ways within the unincorporated territory of Monterey County, and adding pipelines for the collection of wastewater. ALL AYES

Adjournment

APPROVED:

**LOUIS CALCAGNO, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

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

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

14. a. Approve implementation of the Mobile Radiology project to be accepted into the FY 2013-14 Capital Budget.
b. Approve the Plans and Specifications for the Natividad Medical Center, Project Mobile Radiology.

Approved - Construction No. 2014-001

15. Approve the Plans and Specifications for the Natividad Medical Center, Project ER RME Remodel.

Approved - Construction No. 2014-002

Health Department

16. Approve and authorize the Director of Health to sign Amendment No. 1 to Agreement No. A-12414 with FamiliesFirst Inc. Residential Treatment Program to increase the existing Agreement amount by \$430,666 (increasing FY 13-14 by \$184,572, and FY 14-15 by \$246,094), for a new total amount not to exceed \$765,386.

Approved - Agreement No. A-12414

17. a. Amend Fiscal Year (FY) 2013-14 Health Department Budget 4000, HEA012-8410 to add 1.0 FTE Behavioral Health Unit Supervisor, 6.00 FTE Psychiatric Social Worker II, 1.0 FTE Medical Assistant, 1.0 FTE Senior Psychiatric Social Worker, 1.00 FTE Social Worker III, 1.00 FTE Department Information System Specialist, 1.00 FTE Supervising Patient Account Representative, 1.00 FTE Accountant II; and
b. Amend Fiscal Year (FY) 2013-14 Health Department Budget 4000, HEA012-8410 to reallocate 1.0 FTE Psychiatric Social Worker II to 1.0 FTE Senior Psychiatric Social Worker, 2.0 FTE Behavioral Health Aide to 2.0 FTE Psychiatric Social Worker, 1.0 FTE Behavioral Health Group Counselor to 1.0 FTE Psychiatric Social Worker II; and
c. Authorize the County Administrative Office to incorporate positions changes in the FY 2013-14 Budget.

Approved

Department of Social Services

18. a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with Goodwill Industries of Santa Cruz, Monterey and San Luis Obispo Counties, dba Shoreline Workforce

Development Services, for \$513,000 to provide Expanded Subsidized Employment (ESE) training, supervision, intensive case management and job performance evaluations for CalWORKs Welfare-to-Work customers, for the period January 1, 2014 through June 30, 2015; and

b. Authorize the Director of the Department of Social Services, or his designee, to sign 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-12628

General Government

18.1

Adopt a resolution:

- a. Authorizing the Chair of the Board to execute one or more Cooperative Agreements with the Natural Resource Conservation Service for the Emergency Watershed Protection Program treatments relating to the 2013 Pfeiffer Fire;
- b. Approving the form of and authorizing the Resource Management Agency Director to execute agreements with property owners for the implementation of the Emergency Watershed Protection treatments;
- c. Authorizing and Directing the County Administrative Officer, Resource Management Agency Director, Public Works Director, Planning Director, Chief Building Official, and County Counsel to take such other and further actions necessary or appropriate, consistent with this action, to implement the Emergency Watershed Protection treatments, including the modification of the form contracts based upon particular circumstances, the execution of emergency professional services or construction contracts; and the identification of grant or other funding sources to supplement the Emergency Watershed Protection Program funding;
- d. Transferring \$1 million in appropriations from General Fund Contingencies Fund 001-1050-8034-CA0020 to County Surveyor Fund 001-3000-8196-RMA010 (4/5th vote required); and
- e. Authorizing and Requesting the County Auditor/Controller to modify the FY 2013-14 adopted budgets to reflect these actions.
(2013 Pfeiffer Fire, Big Sur) (ADDED VIA ADDENDUM)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to approve staff recommendations, which now read: Adopt Resolution No. 14-001:

a. Authorizing the Chair of the Board to execute one or more Cooperative Agreements with the Natural Resource Conservation Service for the Emergency Watershed Protection Program treatments relating to the 2013 Pfeiffer Fire; b. Approving the form of and authorizing the Resource Management Agency Director to execute agreements (A-12265) with property owners for the implementation of the Emergency Watershed Protection treatments; c. Authorizing and Directing the County Administrative Officer, Resource Management Agency Director, Public Works Director, Planning Director, Chief Building Official, and County Counsel to take such other and

further actions necessary or appropriate, consistent with this action, to implement the Emergency Watershed Protection treatments, including the modification of the form contracts based upon particular circumstances, the execution of emergency professional services or construction contracts; and the identification of grant or other funding sources to supplement the Emergency Watershed Protection Program funding; d. Transferring \$1 million from the General Fund Disaster Assistance Program Assignment Account 3125 to to County Surveyor Fund 001-3000-8196-RMA010 (4/5th vote required); e. Approving a \$1 million increase in appropriations and estimated revenues in the County Surveyor Fund 001-3000-8196-RMA010 (4/5th vote required); and f. Authorizing and Requesting the County Auditor/Controller to modify the FY 2013-14 adopted budgets to reflect these actions. (2013 Pfeiffer Fire, Big Sur) (ADDED VIA ADDENDUM) ALL AYES

19. Approve the distribution of excess proceeds to resolve the associated claim of the State Department of Health Services which is resultant of the Tax Collector's public internet delinquent tax sale of the real property identified as APN 261-092-011.

Approved

20. a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements between K & D Landscaping, Inc., New Image Landscape Company, and Town & Country Gardening and Landscaping for the provision of Landscape Services to the County of Monterey for the term of the signing date through and including June 30, 2015, including the option to extend the Agreements for three (3) additional one (1) year periods, in an amount not to exceed \$10,000 or less per project, with an annual aggregate amount not to exceed \$150,000 for all Agreements issued under RFP #10425 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 Landscape Services with qualified contractors who meet the minimum requirements of the County of Monterey.

Approved - Agreement No. A-12629

21. Approve the Monterey County Board of Supervisors Action Minutes for the meetings of Tuesday, July 30, 2013 and Tuesday, August 27, 2013.

Approved

- 21.1 a. Approve the Agreement with the California Department of Corrections and Rehabilitation for the Monterey County Institutional Transition Program and authorize the Director of the Economic Development Department to execute the Agreement and future amendments to the Agreement which do not include significant changes to the scope of work.
b. Reallocate a vacant Management Analyst II (14C30) to 1.0 FTE WIB Representative III (60G33) and a vacant WIB Representative II (60G21) to a FTE WIB Representative III (60G33) within the Economic Development Department's Office for Employment Training Unit 8396.

c. Direct the County Administrative Office to incorporate the approved reallocations into the FY 2013-14 Economic Development Adopted Budget.

Approved - Agreement No. A-12632

RMA - Planning

21.2 Adopt Resolution to:
Approve the Pfeiffer Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed or damaged by the December 2013 Pfeiffer Fire Incident.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Fernando Armenta to adopt Resolution No. 14-002 to approve the Pfeiffer Fire Recovery Guidelines to support the processing of permits for the rebuilding of structures destroyed by the Fire Incident. (Fire Recovery Guidelines/Big Sur Coast Land Use Plan /REF130116) ALL AYES

RMA - Public Works

22. Authorize the release of \$150,000 in retention of the contract amount with Goodfellow Top Grade Construction LLC., for the State Route 68 at San Benancio Road Intersection Improvements, State Project No. EA 05-0H8220, Contract No. 10-111065.

Approved - Agreement No. A-11956

23. Ratify the approval of Change Order No. 01a to Construction Agreement #A-12560 with Pacific States Environmental Contractors, Inc., for the 312 E. Alisal Site Remediation, Project 8780.

Approved - Agreement No. A-12560; Construction No. 2013-011