

Monterey County

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



Action Minutes - Final

Tuesday, February 5, 2013

9:00 AM

**See separate agendas for Successor Agency to the Monterey
County Redevelopment Agency and Monterey County Water
Resources Agency**

Board of Supervisors

9:00 A.M. Call to Order

The meeting was called to order by Chair Armenta.

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(a), the Board will confer with legal counsel regarding existing litigation.

(1) County of Monterey v. Nova Partners, Inc., et al. (Santa Clara County Superior Court case no. 1-10-CV-178283)

b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee positions:

(1) Natividad Medical Center CEO

(2) County Counsel (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: Charlie McKee, 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 Chair Armenta.

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 Consent Calendar – General Government

20. Revised Attachment Submitted

Approve amendments to Monterey County Workforce Investment Board Bylaws to align with statewide initiatives, primarily the new state strategic plan to incorporate a Business Services Committee as a standing committee of the Workforce Investment Board.

A motion was made by Supervisor Simón Salinas, seconded by Jane Parker to approve Additions and Corrections. ALL AYES

Consent Calendar- (See Supplemental Sheet)

1. Approval of the Consent Calendar - Regular (See Supplemental Sheet)

**Supervisor Parker pulled items 13 and 27.
Hans Jongens pulled item 23 and commented on the item.
Michael Weaver pulled item 27 and commented on the item. Robert Murdoch responded to comments on item 27.
A motion was made by Dave Potter, seconded by Supervisor Simón Salinas, to approve the Consent Calendar - Regular. ALL AYES**

Appointments

2. Appoint Mary Jo Zenk to the Housing Authority, term ending April 1, 2015. (Supervisor Parker)

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES
3. Reappoint Richard Medley to the Fish & Game Commission, term ending February 1, 2016. (Supervisor Calcagno)

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES

- 4. Appoint Scott Dick to the Military & Veterans Affairs Advisory Commission to fill an unscheduled vacancy term ending January 1, 2014. (Supervisor Potter)

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Appointment be approved. ALL AYES

- 5. Reappoint Mark Holbrook to the CSA #50 Citizens Advisory Committee, term ending January 1, 2015. (Supervisor Potter)

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, that this Reappointment be approved. ALL AYES

Other Board Matters

- 6. Board Comments

Supervisor Parker requested a brief update on what is happening with ViaCare, the low income health plan for Monterey County. She expressed her concern that there be no delay in the start-date because of the ongoing negotiations between the State and the County.

Supervisor Calcagno commented on the great SuperBowl last Sunday and the Paul Harvey commercial tribute to the farming industry. This commercial was selected as the top commercial of the Superbowl.

- 7. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman announced the appointment of Michael Ferry as the new Director of Parks. He is a sworn peace officer with over 26 years of experience and served State Parks up and down the coast. He will be a great asset to our Department Head Team.

Tom Griffin and Wes Morrill advised the Board of the soon-to-be available Military and Veterans local identification cards. They provided sample copies of the card to the Board members.

Ray Bullick announced that the flu has struck Monterey County with a vengeance and is having significant impacts to the local hospital emergency departments. The Health Officer issued a notice and request to local physicians to open up capacity to see walk-in patients. Clinics have expanded the number of walk-in spots. It's still not too late to get the flu vaccine and the vaccine is a close match to the flu strain out there this year.

Ray Bullick reported that a modified Maintenance of Effort has been submitted to the State. If that can be resolved in the next few days, he does not anticipate any significant delays in implementation.

8. General Public Comment

Hans Jongens; Eric Peterson; Joe Vierra.

10:30 A.M. - Scheduled Matters

9. Receive and accept a report on the Governor’s 2013-14 Proposed Budget.

Public comment: Joe Vierra.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to receive and accept a report on the Governor's 2013-14 Proposed Budget . ALL AYES

10. Reconsider “Guiding Principles in Implementing Policy Options Following the Base Reuse Plan (BRP) Reassessment.”

Public comment: Jane Haines; Eric Peterson; Amy White.

A motion was made by Dave Potter, seconded by Jane Parker, to rescind the Guiding Principles in Implementing Policy Options Following the Base Reuse Plan (BRP) Reassessment in its entirety. ALL AYES

11. Receive an oral report from Matthew Cate, Executive Director, California State Association of Counties (CSAC) regarding issues pertaining to the 2013-14 State Legislative Session.

By consensus, the Board received the oral report from Matthew Cate, Executive Director, California State Association of Counties (CSAC) regarding issues pertaining to the 2013-14 State Legislative Session.

12:00 PM Recess to Lunch and:

Continued Workshop with Monterey County Board of Supervisors and Department Heads regarding issues pertaining to the 2013-2014 State Legislative Session

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. Public hearing (continued from December 4, 2012 and January 15, 2013) to consider:
- a. Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area;
 - b. Finding the project Categorically Exempt from CEQA per CEQA Guidelines Section 15307; and
 - c. Approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area. (Appeal of a Coastal Development Permit and Restoration Plan - PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area)

Held Public hearing (continued from December 4, 2012 and January 15, 2013.

Public comment: David Aramasco; John Bridges; Anthony Lombardo.

A motion was made by Dave Potter, seconded by Supervisor Simón Salinas, to adopt Resolution No. 13-021:

- a. **Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area;**
 - b. **Finding the project Categorically Exempt from CEQA per CEQA Guidelines Section 15307; and**
 - c. **Approving an after the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area, with the understanding that staff will review the arborist's report to locate the tree as close as possible to the existing stump. (Appeal of a Coastal Development Permit and Restoration Plan PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area).**
- ALL AYES**

Adjournment

In Memory of John Bernardi

APPROVED:

/s/ Louis R. Calcagno

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

ATTEST:

BY: /s/ Gail T. Borkowski

**GAIL T. BORKOWSKI
CLERK OF THE BOARD**

APPROVED: January 28, 2014

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

13. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with the American College of Surgeons (ACS) for participation in the ACS National Surgical Quality Improvement Program (ACS NSQIP) in an amount not to exceed \$30,500 for the period January 1, 2013 through December 31, 2013; and
- b. Accept the modification of non-standard Insurance, Warranty, Indemnification language, Governing Law and Payment Provisions per the ACS NSQIP Agreement and as recommended by the NMC CEO.

Approved - Agreement No. A-12391

Health and Social Services

14. Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements, and any amendments thereto, for continued Waste Discharge Permit Fund and Beaches Environmental Assessment and Coastal Health Act Grant Program funding administered by the California State Water Resources Control Board.

A motion was made by Jane Parker, seconded by Supervisor Simón Salinas, to adopt Resolution No. 13-026 to: Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements (A-12269), and any amendments thereto, for continued Waste Discharge Permit Fund and Beaches Environmental Assessment and Coastal Health Act Grant Program funding administered by the California State Water Resources Control Board. ALL AYES

15. Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements, and any amendments thereto, for the Certified Unified Program Agency (CUPA) Electronic Reporting Grant agreement between the California Environmental Protection Agency (Cal/EPA) and the Monterey County Health Department and ratify said approval and authorization to relate back to the April 6, 2011 application submittal date.

Approved

16. Approve the proposed amended bylaws of the Monterey County In-Home Supportive Services Advisory Committee (IHSSAC).

Approved

17. a. Approve and authorize the Director of Child Support Services to sign the Interagency Agreement for Enhanced Early Intervention with the Contra Costa

County Department of Child Support Services not to exceed the sum of \$31,143.80 for the period of February 1st 2013 through June 30th, 2013; and

- b. Accept non-standard County liability and indemnification provisions as recommended by the Director of Child Support Services; and
- c. Authorize the Director of Child Support Services or designee to approve up to two full one-year extensions to this Agreement and/or amend this Agreement up to ten percent (10%) of the annual amounts.

Approved - Agreement No. A-12393

18.
 - a. Approve and authorize the Director of Child Support Services to sign the shared services Plan of Cooperation with Ventura County Child Support Services regarding the handling of its non-emergency customer calls received at the statewide toll-free telephone number with no exchange of funds commencing February 27, 2013; and
 - b. Accept non-standard County liability and mutual indemnification provisions as recommended by the Director of Child Support Services.

Approved - Agreement No. A-12394

Criminal Justice

19.
 - a. Authorize the Auditor-Controller to increase revenue in the amount of \$77,887, an offset of \$63,261 from the FY 2011-12 fund balance, and increase appropriations of \$141,148 for the Public Defender Budget PUB001, Dept 2270, Unit 8169, Program AB 109 for Fiscal Year 2012-13 in support of AB 109, criminal justice realignment (4/5ths vote required) and;
 - b. Authorize the County Administrative Office to add 1.0 FTE Legal Secretary, 80B22, in the Public Defender's Budget PUB001, Dept 2270, Unit 8169.

Approved

General Government

20. Approve amendments to Monterey County Workforce Investment Board Bylaws to align with statewide initiatives, primarily the new state strategic plan to incorporate a Business Services Committee as a standing committee of the Workforce Investment Board.

Approved

21.
 - a. Approve and authorize the Contracts/Purchasing Officer to execute the extension and Amendment No. 1 of Master Services Agreement between the County of Monterey and CGI Technologies and Solutions, Inc. to April 7, 2017; and
 - b. Approve and authorize the Contracts/Purchasing Officer to execute the

extension and Amendment No. 1 to Master Proprietary Software Maintenance Agreement-Standard Support and Maintenance Services between the County of Monterey and CGI Technologies and Solutions, Inc. to April 7, 2017, which includes a five percent annual increase over five years.

Approved - Agreement No. A-11135

- 22.** a. Authorize the Registrar of Voters to execute Memorandum of Understanding (MOU) Agreement 632-M1211 with the County of El Dorado as the lead County of a consortium of 13 California counties, which will participate in a Federal Voting Assistance Program (FVAP) grant in the amount of \$157,189; and
- b. Authorize the Registrar of Voters to take any other action necessary to implement the Memorandum of Understanding and the FVAP grant.

Approved - Agreement No. A-12395

- 23.** Approve recommendation from the Legislative Committee to support AB 60 (Alejo) The Safe and Responsible Driver Act.

Approved

- 24.** Approve Monterey County Board of Supervisor Action Minutes from Tuesday, September 25, 2012; Friday, October 26, 2012; Tuesday, November 6, 2012 and Friday, December 7, 2012.

Approved

RMA - Public Works

- 25.** Introduce, waive the reading, and set February 26, 2013, at 10:30 a.m., to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.28.010 to revise and extend the distance of the current no parking at any time on the west side of Boronda Road from a point 285 feet north of the centerline of Madison Lane, northerly for a distance of 220 feet, in place of the current 100 feet, in the unincorporated area of the County of Monterey.

Approved

- 26.** Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc.; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc.

A motion was made by Dave Potter, seconded by Supervisor Simón Salinas, to adopt Resolution No. 13-022:

- a. **Accepting the Certificate of Completion for construction of the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc.; and**
- b. **Authorizing the Director of Public Works to execute and record the Notice of Completion for the 1412 Natividad Rd, B-Wing Window Replacement, Project No. 8531, Bid Package No. 10331, performed by Legg, Inc. ALL AYES**

27. Adopt a Resolution extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014.

A motion was made by Dave Potter, seconded by Supervisor Simón Salinas, to adopt Resolution No. 13-023 extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014. ALL AYES

28. a. Accept construction of road improvements to Livingston Road, Yanks Way, and the “Access Road” as completed; and
- b. Accept Livingston Road, Yanks Way, and the “Access Road” into the County Maintained Road System.

Approved

RMA - Building Services

29. Adopt a Resolution for Implementation of a Records Retention Schedule for Resource Management Agency (RMA) Building Services for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies.

A motion was made by Dave Potter, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-024 for Implementation of a Records Retention Schedule for Resource Management Agency (RMA) Building Services for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies. ALL AYES