

Monterey County

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



Action Minutes - Final

Tuesday, December 4, 2012

9:00 AM

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

Board of Supervisors

Call to Order

The meeting was called to order by Chair Potter.

Roll Call

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

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) Save Our Peninsula Committee v. County of Monterey (Monterey County Superior Court case no. M110694)
 - (2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
 - (3) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
 - (4) Carmel Valley Association v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M109442)
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding three matters of significant exposure to litigation.

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) Save Our Peninsula Committee v. County of Monterey (Monterey County Superior Court case no. M110694)
CLOSED SESSION REPORT: The Board took no reportable actions on this item.
 - (2) County of Monterey v. California-American Water Company (San Francisco

Superior Court case no. CGC-12-521875

(3) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019

CLOSED SESSION REPORT: The Board conferred with counsel and entered into a settlement agreement with California American Water company on behalf of the County and the Water Resources Agency that involves listed in items 1.a.(1), (3) & (4), including various matters of litigation and the application for the Monterey Peninsula Water Supply Project and the regional desalination project that is before the Public Utilities Commission. More information can be obtained regarding the settlement agreement through the office of County Counsel.

(4) Carmel Valley Association v. Board of Supervisors of the County of Monterey, et al. (Monterey County Superior Court case no. M109442)

CLOSED SESSION REPORT: The Board took no reportable actions.

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

CLOSED SESSION REPORT: The Board took no reportable actions on two of these matters. The Board approved a settlement agreement in one matter and the agreement will be available through the office of County Counsel when it has been fully executed.

10:30 AM Reconvene

Roll Call

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor 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 additions and corrections:

Added to Consent - General Government

43.2 Adopt Resolution proclaiming a Local Emergency due to Conditions existing at Salinas River Lagoon (4/5ths vote required)

A motion was made by Supervisor Salinas, seconded by Supervisor Armenta to add this item to the agenda. ALL AYES

A motion was made by Supervisor Simon Salinas, seconded by Supervisor Armenta to adopt Resolution No. 12-386.

Correction to Appointments

14. Reappoint Kellie D. Morgantini to the Historic Resources Review Board, term expiring December 31, 2015. (Supervisor Salinas) Correct term expiration date to December 31, 2015.

15. Appoint Jose Vazquez to the Area Agency on Aging, term beginning January 2, 2013 through January 1, 2016. (Supervisor Salinas)
The Appointment for Jose Vazquez is correct on the Agenda; however the attached Notification to Clerk is incorrect. Corrected version provided today. (States the Historic Resources Review Board).

Consent Calendar- (See Supplemental Sheet)

2. Approve Consent Calendar - Regular (See Supplemental Sheet).

Supervisor Parker pulled items 31, 34 and 44. Michael Weaver pulled item 47 for public comment.

Supervisor Parker commented on items 31, 34 and 44. Lisa Hernandez responded to questions regarding item 31. Carl Holm presented the staff report on item 44.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to approve the Consent Calendar-Regular with the exception of items 43.1 (removed via Additions and Corrections) and 44. ALL AYES

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Potter to approve item 44. 4-1 (Supervisor Parker dissented)

Ceremonial Resolutions

3. Adopt Resolution honoring Marcela Elena Hilzinger Broe upon her retirement from the Monterey County Health Department after more than 36 years of dedicated service in the fields of Public Health and Preventative Medicine. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-345. ALL AYES

4. Adopt Resolution honoring Jan Klinefelter on the occasion of her retirement from Interim Inc. after 34 years of dedicated service improving the lives of adults with mental illness. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-346. ALL AYES

5. Adopt Resolution proclaiming 2012 as the 25th anniversary year of the Monterey County Film Commission. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-347. ALL AYES

6. Adopt Resolution honoring First Night Monterey on their 20th Community Celebration of the Arts to be celebrated on December 31, 2012. (Supervisor

Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-348. ALL AYES

7. Adopt Resolution honoring Jane Parker as a recipient of the 33rd Baha'i Human Rights Award. (Supervisor Potter)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-349. ALL AYES

8. Adopt Resolution commending Harvey Kuffner for his service on the Monterey County Children's Council. (Supervisor Parker)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to adopt Resolution No. 12-350. ALL AYES

Appointments

9. Reappoint Ralph Sirtak to the Fort Ord Veterans Cemetery Advisory Committee, term ending December 31, 2015. (Supervisor Parker)

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

10. Reappoint Barbara Rainer to the Historic Resources Review Board, term ending December 31, 2015. (Supervisor Potter)

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

11. Reappoint Roy Schindelheim, MD to the Santa Cruz - Monterey - Merced Managed Medical Care Commission, term ending December 31, 2017. (Full Board)

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

12. Appoint Stan Chau to fill an unscheduled vacancy of the Solid Waste Hearing Panel, term ending November 30, 2014. (Full Board)

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

13. Reappoint Alberto Mora Camacho as an alternate to the Domestic Violence Coordinating Council, term of January 3, 2013 through January 2, 2017. (Supervisor Salinas)

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

14. Reappoint Kellie D. Morgantini to the Historic Resources Review Board, term beginning January 1, 2013 through December 31, 2019. (Supervisor

Salinas)

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

15. Appoint Jose Vazquez to the Area Agency on Aging, term beginning January 2, 2013 through January 1, 2016. (Supervisor Salinas)

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

16. Appoint Glen Alder to the Assessment Appeals Board, term ending June 1, 2015. (Supervisor Salinas)

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

Other Board Matters

17. Board Comments

Supervisor Armenta announced that Congressman Farr honored Tom Griffin of Military and Veterans Affairs for his exceptional service and exemplary commitment to his country and community. He is a graduate of West Point and served two tours in Vietnam. He noted the various commendations and medals Mr. Griffin has received for his service.

Supervisor Parker announced the final Hot Topics meeting for this year will be at Me & Ed's Pizza next Monday from 5:30 - 6:30 p.m. Next years dates are available on her website and she will continue the rotation between Seaside, Marina and Salinas. She announced she is recruiting to serve as District 4 representatives on the In Home Supportive Services Advisory Committee and the Housing Authority of Monterey County. Details are posted on her website or contact her office.

Supervisor Salinas attended the reopening of the Cesar Chavez Library. About 2000 people waited in the rain to get into the facility. He thanked the Salinas community for showing their long term commitment to the library.

18. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman announced that the Board of Supervisors was recognized by the Monterey County Business Council at their last conference for participation in fostering a public/private partnership for the Yanks Museum and recreational center in the City of Greenfield. The award was presented to the Board of Supervisors Economic Development Subcommittee. There are a number of resolutions from the State office, the Senate, Assembly, local offices and Congress as well.

Dr. Bauman announced Ron Holly, Monterey County Debt Manager, has been appointed as an Alternative Commissioner to the California Statewide Community Development Authority and that Authority provides a variety of services to our fellow counties, public agency programs, energy finance programs, as well as private activities programs. He congratulated Ron on his

appointment.

Supervisor Armenta and County Counsel Charles McKee congratulated Clerk of the Board Gail Borkowski on her appointment as the President of the California Clerks of the Board of Supervisors Association, a statewide organization supporting and serving Clerk's of the Board throughout the state.

19. General Public Comment

Art McGlaughlin; Louise J. Miranda-Ramirez; Hans Jongens.

10:30 A.M. - Scheduled Matters

20. Public hearing (Continued from October 9, 2012) to:
a. Consider alternatives for the provision of safe potable water to the approved 9-lot Oaks subdivision due to the high arsenic level in the subdivision well water;
b. Provide direction to staff as to the preferred alternative to enable staff to conduct appropriate environmental review; and
c. Direct staff to return to the Board for further action following environmental review.

(PC947170 & PLN030107 (Ferrini Oaks): fronting on east side of San Benancio Road adjacent to San Benancio school, Toro Area Plan)

Public comment: Bill Pyburn; Richard Rosenthal; Amy White, Mike Weaver, Boo Reeger; Karen Reeger; Lauren King, Tim Miller.

Public hearing held; a motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas, to adopt Resolution No. 12-361 and:

a. Considered alternatives for the provision of safe potable water to the approved 9-lot Oaks subdivision due to the high arsenic level in the subdivision well water;
b. Provided direction to staff as to the preferred alternative to enable staff to conduct appropriate environmental review; and
c. Directed staff to return to the Board for further action following environmental review.

(PC947170 & PLN030107 (Ferrini Oaks): fronting on east side of San Benancio Road adjacent to San Benancio school, Toro Area Plan)

20.1 Receive an oral report from the Director of Social and Employment Services on the results of the 2012-13 Employee Giving Campaign. (ADDED VIA ADDENDUM)

This item was heard before item 20.

By consensus, the Board received the oral report on the 2012-13 Employee Giving Campaign.

12:00 PM Recess to Lunch

1:30 PM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

1:30 P.M. - Scheduled Matters

21. Public hearing to:
Consider Amendments to the 2010 Monterey County General Plan (Carmel Valley Master Plan) Implementing a Litigation Settlement with the Carmel Valley Association.
See Page 8 for attachments
A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas, to continue this item to January 2013. ALL AYES
22. Continued from November 6, 2012.
a. Approve a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserves per Land Conservation Contract No. 73-032.A.2, owned by Harkins Road Building Limited Partnership;
b. Authorize the Chair to execute new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
c. Direct the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.
(Lot Line Adjustment - PLN090248 / Harkins Road Building Limited Partnership, 32501 & 33155 Gloria Road, Gonzales, Central Salinas Valley Area Plan)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-362 to:
a. Approve a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural

Preserves per Land Conservation Contract No. 73-032.A.2, owned by Harkins Road Building Limited Partnership; and

b. Authorize the Chair to execute new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

c. Direct the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN090248 / Harkins Road Building Limited Partnership, 32501 & 33155 Gloria Road, Gonzales, Central Salinas Valley Area Plan) ALL AYES

23.

a. Approve three (3) Applications to create Farmland Security Zones (FSZ) and establish FSZ Contracts (FSZ Application Nos. 2013-003 [Minhoto Family Partnership], 2013-004 [Dolan Trust et al] and, 2013-005 [Hambey Properties LP]) pending execution of the corresponding FSZ Contracts by the property owners; and, rescind Agricultural Preserve and Land Conservation Contract No. 97-13 between the County and Glenn E. Dolan and Josephine S. Dolan and simultaneously place the entire property in a new Farmland Security Zone and Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new Farmland Security Zone Contract No. 2013-004 between the County and the Dolan Trust et al;

b. Continue one (1) application for an Agricultural Preserve (AgP) and Land Conservation Contract (AgP Application No. 2013-002 [M. Rodoni and Company]) to the 2014 application review period;

c. Deny two (2) applications which have been continued from 2012 (AgP Application No. 2012-009 [John H. Hinrichs, Jr., Trustee] and FSZ Application No. 2011-007 [Ryan Land Co. & Ryan Ranch]); and, deny four (4) applications from 2012 which were approved pending execution of the corresponding FSZ Contracts by the property owners (FSZ Application Nos. 2012-21, 2012-22, 2012-23 [L&W Land Company, Inc.] and 2012-24 [Sakata Ranches, Inc.]) which were never executed nor returned by the property owners;

d. Authorize the Chair to execute Farmland Security Zone Contract Nos. 2013-003, 2013-004, and 2013-005; and

e. Direct the Clerk of the Board to record Farmland Security Zone Contract Nos. 2013-003, 2013-004 and 2013-005, pending execution of the corresponding FSZ Contracts by the property owners of record, and timely receipt of said FSZ Contracts by the County, prior to the January 1, 2013 property tax lien date.

(PLN120585/Williamson Act Contract Applications - 2013, County-wide)

Supervisor Calcagno recused himself on a. and b. of this item because he has adjoining property and a business arrangement with one of the applicant. He left the dais.

Public comment: Jack Ritchie from M. Rodoni, Applicant.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, adopting Resolution 12-363 to:

- a. Approve one (1) Application to create an Agricultural Preserve and Land Conservation Contract (AgP Contract No. 2013-002 [M. Rodoni and Company]) and three (3) Applications to create Farmland Security Zones and establish FSZ Contracts (FSZ Application Nos. 2013-003 [Minhoto Family Partnership], 2013-004 [Dolan Trust et al] and, 2013-005 [Hamby Properties LP]) pending execution of the corresponding FSZ Contracts by the property owners; and, rescind Agricultural Preserve and Land Conservation Contract No. 97-1313 between the County and Glenn E. Dolan and Josephine S. Dolan and simultaneously place the entire property in a new Farmland Security Zone and Contract as applicable to the real property described in Exhibit A "Legal Description" to proposed new Farmland Security Zone Contract No. 2013-004.
 - b. Authorize Chair to execute Land Conservation Contract No. 2013-002 and Farmland Security Zone Contract Nos. 2013-003, 2013-004 and 2013-005.
- 4-0 (Supervisor Calcagno Absent)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution 12-363 to:

- c. Direct the Clerk of the Board to record Land Conservation Contract No. 2012-002 and Farmland Security Zone Contract Nos. 2013-003, 2013-004 and 2013-005, pending execution of the corresponding Contracts by the property owners of record, and timely receipt of said AgP and FSZ Contracts by the County, prior to the January 1, 2013 property tax lien date. 4-0 (Supervisor Calcagno Absent)

Addition and approval of item 43.2 - Resolution proclaiming a Local Emergency due to Conditions existing at Salinas River Lagoon - see item 43.1.

24.

Public hearing to consider:

- a. Denying the 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 Categorical 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)

Public comment: John Bridges, for Applicant; Tony Lombardo for Appellant; Massey Mehdipour; David Armanasco; Liz Huerta for Sam Reeves; Jeff Beckham; Tony Ritter; Karen Leszny; Mark Stillwell.

Public hearing held to consider:

- a. Denying the 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)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas, to uphold the appeal and directed staff to return with revised Findings & Conditions on January 15, 2013. 4-0 (Supervisor Calcagno Absent)

25.

- a. Adopt an ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law regarding the recognition of transfer of ownership rights in realty; and**
- b. Direct the Clerk of the Board to publish the summary within 15 days of adoption in The Salinas Californian.**

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to:

- a. Adopt Ordinance 5211 of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law regarding the recognition of transfer of ownership rights in realty; and**
- b. Direct the Clerk of the Board to publish the summary within 15 days of adoption in The Salinas Californian.**

4-0 (Supervisor Calcagno Absent)

26.

Public hearing to consider:

- a. Granting in part and denying in part an appeal by Jameson Halpern from the Planning Commission's approval of Combined Development Permit (PLN100516) (Huckleberry Hill site) consisting of: 1) a Coastal Development Permit to allow the development of a public safety, non-commercial wireless telecommunications facility including a 100-foot monopole with ten (10) Omni-directional antennas, two 4-foot diameter microwave dishes and three panel antennas; a 276 square foot (11.5 x 24.0) equipment shelter; two GPS antennas mounted to the roof of the shelter; demolition of an abandoned**

50,000 gallon water tank and grading (less than 100 cubic yards cut and fill);
2) a Coastal Development Permit to allow ridgeline development; and 3)
Design Approval.

b. Vacating the adoption of the Mitigated Negative Declaration as applicable to the Combined Development Permit for the Huckleberry Hill site (PLN 100516) and vacating the approval of the Combined Development Permit for the Huckleberry Hill site; and

c. Directing staff to prepare an Environmental Impact Report on the proposed Combined Development Permit for the Huckleberry Hill site.

[PLN100516/ (County of Monterey Next Generation Emergency Telecommunications Network (NGEN)/California American Water Company, 4041 Sunset Lane, Pebble Beach (APN: 008-111-017) Del Monte Forest Land Use Plan]

Public comment: Jameson Halpern; Nina Beety; Michael Asply.

Public hearing held and adopted Resolution 12-364:

a. Granting in part and denying in part an appeal by Jameson Halpern from the Planning Commission's approval of Combined Development Permit (PLN100516) (Huckleberry Hill site) consisting of: 1) a Coastal Development Permit to allow the development of a public safety, non commercial wireless telecommunications facility including a 100 foot monopole with ten (10) Omni directional antennas, two 4 foot diameter microwave dishes and three panel antennas; a 276 square foot (11.5 x 24.0) equipment shelter; two GPS antennas mounted to the roof of the shelter; demolition of an abandoned 50,000 gallon water tank and grading (less than 100 cubic yards cut and fill); 2) a Coastal Development Permit to allow ridgeline development; and 3) Design Approval.

b. Vacating the adoption of the Mitigated Negative Declaration as applicable to the Combined Development Permit for the Huckleberry Hill site (PLN 100516) and vacating the approval of the Combined Development Permit for the Huckleberry Hill site; and

c. Directing staff to prepare an Environmental Impact Report on the proposed Combined Development Permit for the Huckleberry Hill site.

[PLN100516/ (County of Monterey Next Generation Emergency Telecommunications Network

(NGEN)/California American Water Company, 4041 Sunset Lane, Pebble Beach (APN:

008 111 017) Del Monte Forest Land Use Plan]

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas. 4-0 (Supervisor Calcagno Absent)

Adjournment

In Memory of Marilyn Martin Ferrar

APPROVED:

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

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

Supplemental Sheet, Consent Calendar

Natividad Medical Center

27. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal to and Amendment No. 3 to the Agreement (A-11997) with Quinn Power Systems for Maintenance for Caterpillar Diesel Electric Sets and Emergency 6 Power Generator Services at NMC, extending the Agreement to June 30, 2013 for a revised total Agreement amount not to exceed \$180,000 in the aggregate.

Approved - Agreement No. A-11997

28. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal & Amendment No. 4 to the Agreement (A-11010) with Credit Consulting Services Inc. for Bad Debt Collection Services at NMC, extending the Agreement to June 30, 2013 for a total Agreement amount not to exceed \$3,100,000 (no increase to previously approved amount) in the aggregate.

Approved - Agreement No. A-11010

Health and Social Services

29. a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 3 to the Professional Services Agreement No. A-11518 with the University Corporation at Monterey Bay ("UCMB") to pay for some of the costs associated with the operation of the Master of Social Work ("MSW") program at California State University Monterey Bay ("CSUMB") and to increase scholarship funding for MSW students at CSUMB. Amendment No. 3 extends the term by two fiscal years to June 30, 2015 and adds \$120,000 (\$135,212 for FY 2009-10, \$234,827 for FY 2010-11, \$59,161 for FY 2011-12, \$40,800 for FY 2012-13, \$40,000 for FY 2013-14, and \$40,000 for FY 2014-15) for a revised total Agreement amount not to exceed \$550,000; and
- b. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 and Renewal of Consulting Agreement No. A-12221 with the California Institute for Mental Health ("CIMH") to extend the term by three fiscal years to June 30, 2015 and add \$360,000 for a total Agreement amount not to exceed \$480,000. Amendment No. 1 and Renewal of Consulting Agreement No. A-12221 with CIMH provides \$120,000 in additional funding for the Professional Services Agreement No. A-11518 with UCMB (\$40,000 for FY 2011-12, \$40,000 for FY 2012-13, \$40,000 for FY 2013-14, and \$40,000 for FY 2014-15) for a revised subtotal Agreement amount not to exceed \$160,000. Amendment No. 1 and Renewal also adds \$240,000 in additional funding for educational and training activities for the

Southern Bay Area Regional Partnership (\$80,000 for FY 2011-12, \$80,000 for FY 2012-13, \$80,000 for FY 2013-14, and \$80,000 for FY 2014-15) for a revised subtotal Agreement amount not to exceed \$320,000.

Approved - Agreement No. A-11518 (UCMB); A-12221 (CIMH)

30. a. Approve and authorize the Director of Health to sign a three fiscal year term (FY 2012-13, 2013-14 and 2014-15) Mental Health Services Agreement with Victor Treatment Centers, Inc. in the amount of \$327,302 for FY 2012-13, \$280,096 for FY 2013-14 and \$280,096 for FY 2014-15, for a total amount of \$887,494; and
- b. Authorize the Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) of the annual amount, which does not significantly alter the scope of work or result in an increase to General Fund Contribution.

Approved - Agreement No. A-12362

31. Approve and authorize the Director of Health to accept an award from the Children's Miracle Network in the amount of \$20,000 to support the School-Based Influenza Clinic Program.

Approved

32. a. Amend the FY 2012-13 Health - Clinic Services Budget 4000, HEA007, Unit 8105 to reallocate two (2.0) FTE Patient Services Representative II's to two (2.0) FTE Medical Assistant's; and
- b. Authorize the County Administrative Office to incorporate approved changes in the FY 2012-13 Budget.

Approved

33. a. Approve and ratify the contract award for Monterey County RFP #10370 to Learning Time, Inc. to provide learning disability assessments for CalWORKs customers; and
- b. Approve and ratify the execution of the agreement with Learning Time, Inc. by the Purchasing Manager on August 22, 2012 for the period July 1, 2012 - June 30, 2013.

Approved - Agreement No. A-12363

Criminal Justice

34. Accept the Inmate Welfare Trust Fund Annual Report for the Fiscal Year 2011-12.

Approved

35. Authorize the Auditor Controller to transfer Budget Unit 8162-Alternative

Programs from Section Code 2551 to Section Code 2552 of the Probation Department's budget during FY 2013-14.

Approved

36. Ratify authorization for the Chief Probation Officer to sign the Memorandum of Understanding between the South Bay Information Sharing System (SBISS) South Bay Region Node and the County of Monterey Probation Department effective November 20, 2012.

Approved - Agreement No. A-12364

General Government

37. Adopt Resolution to:
Approve the Amendment of Article XIII, Section 3 of the Master Fee Resolution related to the County Recorder to set and authorize the collection of an additional three dollars (\$3.00) in the base recording fee pursuant to Government Code Section 27361(a), resulting in a base recording fee of eight dollars (\$8), effective January 1, 2013

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-365 to:
Approve the Amendment of Article XIII, Section 3 of the Master Fee Resolution related to the County Recorder to set and authorize the collection of an additional three dollars (\$3.00) in the base recording fee pursuant to Government Code Section 27361(a), resulting in a base recording fee of eight dollars (\$8), effective January 1, 2013. ALL AYES**

38. Adopt Resolution to:
Approve the amendments to the Conflict of Interest Code of the County Treasurer-Tax Collector's Office of the County of Monterey.
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-367 to approve the amendments to the Conflict of Interest Code of the County Treasurer-Tax Collector's Office of the County of Monterey.**

39. Approve the Memorandum of Understanding (MOU) for Deputy District Attorney Association Unit E for July 1, 2012 through June 30, 2014.

Approved - Agreement No. A-12365

40. Approve the application from Greg and Sally Garrett to add the Wm. T. Beatty House to the County's Local Official Register of Historic Resources, as recommended by the County's Historic Resources Review Board.

Approved

41. Approve a request from the Soledad-Mission Recreation District for dry period loan of \$39,000.00 for the Fiscal Year ending June 30, 2013.

Approved

42. Authorize the Auditor-Controller to modify the Unit code for the NGEN Project Fund currently Fund 405 Budget Unit 1520 Unit 8065 Appropriation Unit EME002.

Approved

43. a. Approve the distribution of excess proceeds with unresolved claims on five properties which is resultant from the sale of property at Tax Collector's public internet auction;
b. Approve the interpleader of excess proceeds with unresolved disputed claims on one property which is resultant from the sale of property at Tax Collector's public internet auction.

Approved

- 43.1 Adopt Resolution to:
a. Accept the Certificate of Completion for Seismic Upgrade Project for Natividad Medical Center (NMC), located at 1441 Constitution Blvd., Salinas, CA 93906, Project No. 9600-27, Bid Package No. NMC-1001; and
b. Authorize the NMC Assistant Administrator of Operations & Support Services to execute and record the Notice of Completion.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to add this item to the agenda. ALL AYES.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-386 proclaiming a Local Emergency due to Conditions existing at Salinas River Lagoon (4/5ths vote required). ALL AYES

RMA - General

- 43.2 Adopt Resolution Proclamation of Local Emergency due to Conditions existing at Salinas River Lagoon. (4/5th vote required) (Urgency Add via Additions and Corrections)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-386, a Proclamation of Local Emergency due to Conditions existing at Salinas River Lagoon (4/5th vote required). ALL AYES

44. a. Approve "Guiding Principles in Implementing Policy Options Following the Base Reuse Plan (BRP) Reassessment"; and
b. Authorize staff to submit these principles to the FORA Board in coordination with the Cities of Del Rey Oaks, Marina, Monterey and Seaside.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Dave Potter, and a. Considered "Guiding Principles in Implementing Policy Options Following the base Reuse Plan (BRP) Reassessment; and

b. Authorized staff to submit these principles to the FORA Board in coordination with the Cities of Del Rey Oaks, Marina, Monterey and Seaside. 4-1 (Supervisor Parker dissented)

RMA - Planning

45. a. Approve a Lot Line Adjustment between two existing legal lots of record under Williamson Act Contract (AGP 73-34A) consisting of the removal of 47.8 acres from an existing 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and the addition of 47.8 acres to an existing 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The lot line adjustment would result in two (2) parcels of 141.2 acres (Parcel C) and 275 acres (Parcel D);
- b. Authorize the Chair to execute a new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests, and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
- c. Direct the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.
- (Lot Line Adjustment - PLN110335/ Floyd Lester Patterson III and Dawn Patterson, Successor Trustees of the 1991 Patterson Irrevocable Trust dated October 13, 2006, Janelle J. Kelly, Barbara E. Koester, Pamela R. Davis, Floyd Lester Patterson III and Floyd Lester Patterson, located at 69461 Bradley-Lockwood Road, Lockwood [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and 423-071-006-000], South County Area Plan)

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-368 to: a. Approve a Lot Line Adjustment between two existing legal lots of record under Williamson Act Contract (AGP 73-34A) consisting of the removal of 47.8 acres from an existing 322.8 acre parcel [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and portion of 423-071-006-000 (Parcel D)] and the addition of 47.8 acres to an existing 93.4 acre parcel [Assessor's Parcel Number: 423-071-006-000 (Parcel C)]. The lot line adjustment would result in two (2) parcels of 141.2 acres (Parcel C) and 275 acres (Parcel D);

b. Authorize the Chair to execute a new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute a new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal descriptions, current ownership interests, and to incorporate any

legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

c. Direct the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN110335/ Floyd Lester Patterson III and Dawn Patterson, Successor Trustees of the 1991 Patterson Irrevocable Trust dated October 13, 2006, Janelle J. Kelly, Barbara E. Koester, Pamela R. Davis, Floyd Lester Patterson III and Floyd Lester Patterson, located at 69461 Bradley-Lockwood Road, Lockwood [Assessor's Parcel Numbers: 423-061-035-000, 423-061-036-000, 423-061-038-000, and 423-071-006-000], South County Area Plan). **ALL AYES**

46. a. Accept the Conservation and Scenic Easement Deed and authorize the Chair to execute the Conservation and Scenic Easement Deed;
b. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for recording.
(Conservation and Scenic Easement Deed - PLN060770/Donna Buchholz, 26 Mira Monte Road, Carmel Valley Master Plan)

Approved

47. a. Approve Amendment No. 15 to Professional Services Agreement No. A-10267 with Pacific Municipal Consultants (PMC) where the Base Budget is increased by \$33,500.00 to \$206,189.00 with a Contingency increase of \$5,025.00 to \$25,215.15, for a total amount not to exceed \$231,404.15 to provide additional tasks associated with the Environmental Impact Report (EIR) for the Harper Canyon Subdivision (PLN000696), north of San Benancio Road in Salinas, and extend the term through March 31, 2013;
b. Approve Amendment No. 15 to Reimbursement Agreement and Funding Agreement No. A-10269 with Harper Canyon Realty, LLC where the Base Budget is increased by \$33,500.00 to \$206,189.00 and the County Surcharge is increased by \$2,400.00 to \$62,841.35 with a Contingency increase of \$5,025.00 to \$25,215.15, for a total amount not to exceed \$294,245.50, to allow reimbursement and funding to Monterey County for costs incurred by PMC and County departments to provide additional tasks associated with the EIR for the Harper Canyon Subdivision (PLN000696), north of San Benancio Road in Salinas, and extend the term through March 31, 2013; and
c. Authorize the Director of Planning to execute Amendment No. 15 to Professional Services Agreement No. A-10267, Amendment No. 15 to Reimbursement Agreement and Funding Agreement No. A-10269 and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
(PD060591/Pacific Municipal Consultants and PLN000696/Environmental Impact Report for the Harper Canyon Subdivision north of San Benancio Road in Salinas)

Approved - Agreement Nos. A-10267 (PMC); A-10269 (Harper Canyon Realty)

RMA - Public Works

48.

Adopt a Resolution:

- a. Accepting the Certificate of Completion for construction of the Design and Installation of Solar Photovoltaic System for the Laurel Yard Buildings A - H, located at 855 East Laurel Drive, Salinas, California, Project No. 8550, performed by Santa Cruz Westside Electric, Inc. dba Sandbar; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Design and Installation of Solar Photovoltaic System for the Laurel Yard Buildings A - H, located at 855 East Laurel Drive, Salinas, California, Project No. 8550, performed by Santa Cruz Westside Electric, Inc. dba Sandbar.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-369:

- a. Accepting the Certificate of Completion for construction of the Design and Installation of Solar Photovoltaic System for the Laurel Yard Buildings A - H, located at 855 East Laurel Drive, Salinas, California, Project No. 8550, performed by Santa Cruz Westside Electric, Inc. dba Sandbar; and**
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Design and Installation of Solar Photovoltaic System for the Laurel Yard Buildings A - H, located at 855 East Laurel Drive, Salinas, California, Project No. 8550, performed by Santa Cruz Westside Electric, Inc. dba Sandbar. (Construction No. 2010-016) ALL AYES**