ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, JUNE 3, 2008
9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, and Potter

S-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 the following existing litigation:
      1. Steven Autstin (WC)
      2. Clinton McCoy (WC)
      3. Loretta Melville (WC)
      4. Norman Speirs (WC)
      5. Monica Florez (WC)

   RESULTS OF CLOSED SESSION: The Board approved tentative settlements in Items 1, 4, and 5.

   b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee position:
      1. Natividad Medical Center CEO

   RESULTS OF CLOSED SESSION: The Board provided a performance evaluation, heard about goals and reorganization proposals.
c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators (Unit D, E, F, G, H, J, K, and R); Keith Honda and Patricia Covert for the County of Monterey.

RESULTS OF CLOSED SESSION: The Board conferred with labor negotiators and provided direction on how to proceed in those negotiations.

ROLL CALL:
Present: Supervisors Armenta (Chair), Calcagno, Salinas, Mettee-McCutcheon, and Potter

2. Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today’s agenda, the Board is asked to make the following additions and corrections.

A/C-1 Pulled 36. c.
36. a. Authorized the placement of Mr. Leslie Girard at Step four (4) of the Assistant County Counsel salary range in accordance with Personnel Policies and Practices Resolution #98-394;
b. Authorized the County Administrative Officer to approve reasonable moving expenses, not to exceed $5,000, per the Personnel Policies and Practices Resolution Section A.49.3; and
e. Authorized the County Administrative Officer to approve payment under the Employee Bonus Program, per the Personnel Policies and Practices Resolution Section A.49.1

Motion by Supervisor Potter, seconded by Supervisor Calcagno. All Ayes

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Potter reused himself from Consent Agenda Item 40.
Supervisor Calcagno pulled Consent Agenda Item 47 for discussion.

Consent Items 13-51, except Consent Item 40 and 47:
Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas.
All Ayes

Consent Item 40
Motion by Supervisor Mettee-McCutcheon, seconded by Supervisor Salinas.
Vote 4 Ayes; 1-Recuse – Supervisor Potter

Consent Item 47 pulled for discussion
Motion by Supervisor Salinas with return in six to eight weeks with compressive strategy for the Facility Master Plan, seconded by Supervisor Potter. 4 Ayes; 1 No - Supervisor Calcagno
4. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   Motion by Supervisor Salinas, seconded by Supervisor Armenta. All Ayes

OTHER BOARD MATTERS:

6. Received Board Comments, Referrals, and Updates

7. CAO Comments
   · Lew Bauman, County Administrative Officer, conveyed his appreciation for the many contributions made by Interim Clerk of the Board, Denise Pennell.
   · Denise Pennell, Interim Clerk of the Board, gave presentation on Granicus innovations and how to view Board of Supervisors’ meetings live.
   · Lew Bauman, County Administrative Officer, announced that the FY08-09 Budget Hearings were scheduled to begin at 1:00 PM June 9, 2008.

8. Public Comment (Limited to 3 minutes per speaker)
   · George Riley spoke regarding voting integrity.
   · Jim March spoke regarding election observation - submitted handout.
   · Hanz Jongens spoke regarding the proposed County parking structure; global warming; and the U.S. economy.

9. Adopted Resolution No. 08-169 recognizing Celeste Settrini of Ag Against Hunger’s Ag Woman of the Year Award. (Supervisor Calcagno)
   Motion by Supervisor Calcagno, seconded by Supervisor Salinas. All Ayes

APPOINTMENTS:

10. Appointed Bertha Alfaro to the Community Action Commission for a term expiring July 2, 2011. (Supervisor Armenta)
    Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

11. Appointed Monica Williams to the Castroville/Pajaro Redevelopment Project Area Citizens Advisory Committee term ending at the pleasure of the Board. (Supervisor Calcagno)
    Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

12. Appointed Mike Parrish to fill the vacancy of Bob Whitlock to the County Service Area No. 14 Advisory Committee for a term ending January 1, 2011. (Supervisor Potter)
    Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes
SCHEDULED MATTERS

S-2 Received the 2007 Monterey County Crop Report from the Agricultural Commissioner

PUBLIC COMMENT:
· Hanz Jongens requested information regarding the Apple Moth eradication.

Motion by Supervisor Potter, seconded by Supervisor Calcagno. All Ayes

S-3 Conducted a public hearing and considered taking the following actions:

a. Resolution No. 08-171 Considered the certified Environmental Impact Report for the 2005 Monterey County Regional Transportation Plan and Addendum for the Regional Development Impact Fee Program and adopt Resolution adopting Findings, Statement of Overriding Considerations, and Mitigation Monitoring Program for the Regional Development Impact Fee Program pursuant to the California Environmental Quality Act;

b. Resolution No. 08-172 Adopted Resolution to approve a Joint Powers Agreement among the County and at least eight cities in Monterey County to create the Monterey County Regional Development Impact Fee Agency to administer Regional Development Impact Fees;

c. Ordinance No. 5110 Adopted Ordinance adding Chapter 12.90 to the Monterey County Code to establish a Regional Development Impact Fee Program for mitigation of traffic impacts of new development; and

d. Resolution No. 08-173 Adopted Resolution setting the base amount of the Regional Development Impact Fees.

PUBLIC COMMENT:
· Mike Weaver spoke in opposition to the Regional Impact Fees; and provided a handout to the Board.
· Gale Manner spoke in opposition of the Regional Impact Fees.

Motion by Supervisor Potter, seconded by Supervisor Salinas. All Ayes

ORDER FOR ADJOURNMENT

JERRY SANDOVAL
IN MEMORY OF
JOHN ROBOTTI
KEN TUTT

APPROVED:

/s/ Supervisor Armenta
CHAIR, BOARD OF SUPERVISORS

ATTEST:
ANNETTE D’ADAMO
Interim Clerk of the Board

BY: Denise Hancock
DEPUTY
CONSENT CALENDAR

Consent Items 13-51, except Consent Item 40 and 47:
Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas.
All Ayes

Consent Item 40
Motion by Supervisor Mettee-McCutchon, seconded by Supervisor Salinas.
Vote 4 Ayes; 1-Recuse – Supervisor Potter

Consent Item 47 pulled for discussion
Motion by Supervisor Salinas with return in six to eight weeks with compressive strategy for the Facility Master Plan, seconded by Supervisor Potter. 4 Ayes; 1 No - Supervisor Calcagno

HEALTH AND SOCIAL SERVICES:

13. Accepted and Approved the FY 2006-07 First 5 Monterey County Annual Report to the Community.

14. a. Agreement No. A-11171; Board Budget No. 07/08-193 Approved and authorized the Director of the Department of Social and Employment Services, or his designee, to sign Amendment No. 1 to the contract with Salinas Union High School District, adding $23,436 and increasing the contract to $120,936 to provide Interactive Parent Education for the period July 1, 2007 through June 30, 2008; and
b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

15. Approved and signed the letter of support for the United Way of Monterey County’s application to the California Public Utilities Commission to serve as the lead applicant for the implementation of 2-1-1 in Monterey County.

16. a. Board Budget No. 07/08-194 Approved and amended the Department of Social and Employment Services Budget Unit 501 to reallocate one (1.0) FTE Office Assistant II and one (1.0) FTE Senior Account Clerk to two (2.0) FTE Principal Office Assistant positions; and
b. Directed the County Administrative Officer and the Auditor-Controller to amend the FY 2007-08 budget and incorporate approved changes in the FY 2008-09 Adopted Budget.
17. Agreement No. A-11172 Approved and authorized the Director of Health to execute on behalf of the County of Monterey standard agreements, and any amendments thereto, for continued funding from local, State, and Federal agencies for designated programs.

18. a. Board Budget No. 07/08-195 Approved reallocation of a vacant one (1.0) FTE Chronic Disease Prevention Coordinator position to one (1.0) FTE Public Health Nutritionist II position within the Health Department; and
   b. Directed the County Administrative Office and the Auditor-Controller’s Office to amend the FY 2007-08 Health Department Budget Unit 411, and incorporate approved changes in the FY 2008-09 Adopted Budget to reflect the change in position count as outlined in the Board Order.

19. a. Board Budget No. 07/08-196 Approved and amended the Health Department Budget Unit 415 to increase appropriations and estimated revenues in the amount of $3,239,098 (FY 2007-08 $1,008,641 and FY 2008-09 $2,230,457) for the Mental Health Services Act (MHSA) Workforce Education and Training (WET) component (4/5ths vote required); and
   b. Directed the County Administrative Office and the Auditor-Controller’s Office to amend the FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

20. a. Board Budget No. 07/08-197 Authorized the fixed asset purchase of an ICS-2000 Ion Chromatography System, analytical balance, incubator and ovens, supplies and installation for the Health Department Budget Unit 414, Environmental Health Laboratory in the amount of $52,000, and
   b. Directed the Auditor-Controller to increase FY 2007-08 estimated revenues and appropriations in the amount of $52,000 as outlined in the Board Order. (4/5ths vote required)

21. a. Agreement Nos. A-10658; A-10594; A-10659; A-10660; Board Budget No. 07/08-198 Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign contract amendments with various community agencies for the provision of services to seniors funded by the Older Americans Act in the amount of $57,013 for Fiscal Year 2007-2008;
   b. Authorized the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements, where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scope of work; and
   c. Directed the County Administrative Office and the Auditor-Controller to amend the FY 2007-2008 Budget by increasing appropriations and estimated revenues in the amount of $4,566. (4/5ths vote required)
22. Approved and authorized the Sheriff, District Attorney, and Chief Probation Officer to sign a grant application in the amount of $208,802 with the Governor’s Office of Emergency Services (OES), to continue partial funding for the Narcotics Enforcement Unit County of Monterey (NEUCOM) Program, for the period of July 1, 2008 to June 30, 2009.

23. Approved and authorized the Sheriff to submit an application to the Governor’s Office of Emergency Services for a $270,000 grant, to fund the Monterey County Agricultural Crime Task Force, with a Joint Powers Agreement between the Sheriff and the District Attorney, for the period of July 1, 2008 to June 30, 2009.

24. Agreement No. A-11173 Approved and authorized the Chief Probation Officer to sign a Professional Services Agreement with First 5 Monterey County for the Child Advocate Program in the amount of $109,862, for the period July 1, 2008 through June 30, 2009.

25. a. Resolution No. 08-174; Board Budget No. 07/08-199 Amended Personnel Policies and Practices Resolution No. 98-394 to add the classification of Alternate Public Defender;
   b. Approved and amended Public Defender Budget Unit 227 to allocate one (1.0) Allocation to Be Determined position to one (1.0) Alternate Public Defender; and
   c. Directed the County Administrative Office and the Auditor-Controller’s Office to amend the FY 2007-08 Budget and incorporate approved changes in the FY 2008-09 Adopted Budget.

GENERAL GOVERNMENT:

26. Resolution No. 08-175 Approved the distribution of excess proceeds on nine properties, resulting from the sale of property at tax collector’s public auction.

27. Agreement No. A-10469 Approved and authorized the Contracts/Purchasing Manager to sign Amendment No. 4 to Professional Services Agreement No. A-10469 with Renne Sloan Holtzman Sakai for general labor relations and employment advice and representation to the County, to extend the term of the Agreement to June 30, 2009.

28. Board Budget No. 07/08-200 Approved and Authorized the transfer of funds in the amount of $16,000 from Services and Supplies to Fixed Assets in the Agricultural Commissioner’s Budget Unit 281 for the purchase of a brush chipper.

29/50. Approved and authorized the Chair to sign a Loan Agreement from Community Development Program Income and Reuse Fund 016, Budget Unit 574 to Fort Ord Redevelopment Project Area Fund 403, Budget Unit 943 in the amount of $150,000.
30. a. Received draft action minutes from the May 20, 2008 meeting of the Legislative Committee;  
b. Adopted a support position on AB 844 (Berryhill) Junk dealers and recyclers: nonferrous materials; and  
c. Adopted a support position on AB 2724 (Benoit) Metal theft: local fines.

31. a. Agreement No. A-11175 Approved a Professional Services Agreement with Full Steam Marketing and Design to provide assistance with advertising for the Resource Management Agency’s personnel recruitment, in an amount not to exceed $20,000 for a term to May 31, 2009; and  
b. Authorized the Contracts/Purchasing Officer to execute the Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

32. Agreement No. A-10240 Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 3 to Professional Services Agreement No. A-10240 with Desktop PC and Laptop Hardware, Software and Services Contract with Gateway Companies, Inc., and the Information Technology Department, extending the existing term of the agreement for one (1) year through September 1, 2009.

33/51. a. Agreement No. A-11180 Approved and authorized the Director of Redevelopment & Housing to sign Amendment No. 6 to Professional Services Agreement No. 1202-3 between the Fort Ord Reuse Authority and its consultant, resulting in an increased cost to the County in the amount of $2,500.00, relative to the Memorandum of Agreement between the County and the Fort Ord Reuse Authority Regarding Payment for Records of Survey for Property Transfers (Service Work Order No. 6) for a total amount of $41,288.93;  
b. Approved and authorized the Director of Redevelopment & Housing to sign a Memorandum of Agreement between the County of Monterey and the Fort Ord Reuse Authority regarding Payment for Records of Survey for Property Transfers (Service Work Order No. 7) in the amount of $76,950.00;  
c. Approved reimbursement to the Fort Ord Reuse Authority in the amount of $1,737.50 for additional costs related to preparation of legal descriptions for three parcels of land; and  
d. Approved and authorized the Chair to sign a Funding Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey, for Reimbursement of Costs for Surveys and Legal Descriptions for the Transfer of Certain Property at the Former Fort Ord.

34. Approved the recommendation of the Overall Economic Development Commission (OEDC) to fund the 2008 Development Set-Aside spring regranting proposal submitted by the Arts Council for Monterey County (ACMC) in the amount of $35,000.
35. Approved the Action Minutes for the meetings of: Tuesday, January 8, 2008; Tuesday, January 15, 2008; Tuesday, January 29, 2008; Tuesday, February 5, 2008; Tuesday, February 12, 2008; Tuesday, February 26, 2008; Friday, February 22, 2008; and Monday, February 25, 2008 copies having been previously distributed to each Board member.

36. A/C-1 PULLED c.
   a. Board Budget No. 07/08-202 Authorized the placement of Mr. Leslie Girard at Step four (4) of the Assistant County Counsel salary range in accordance with Personnel Policies and Practices Resolution #98-394;
   b. Authorized the County Administrative Officer to approve reasonable moving expenses, not to exceed $5,000, per the Personnel Policies and Practices Resolution Section A.49.3; and
   c. Authorized the County Administrative Officer to approve payment under the Employee Bonus Program, per the Personnel Policies and Practices Resolution Section A.49.1.

37. Resolution No. 08-176 Adopted Resolution designating and engaging certain consultants to provide services in connection with the execution and delivery of Certificates of Participation to refund Natividad Medical Center Improvement Project, Series E and possible additional new project financing. This Resolution also authorizes the execution of necessary documents and related actions.

**RMA - PLANNING:**

38. a. Agreement No. A-10862 Approved Amendment No. 2 to Professional Services Agreement No. A-10862 with Rincon Consultants, Inc., in the amount of $120,000 to provide additional staff assistance to the Monterey County Planning Department, for a total amount not to exceed $278,000, for a term to January 1, 2010 (RFP #9992); and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 2 to Professional Services Agreement No. A-10862 and future amendments that do not significantly alter the scope of work or change the approved agreement amount. (Contract Amendment - PD060202/Rincon Consultants, Inc., County-wide)

39. a. Agreement No. A-10863 Approved Amendment No. 3 to Professional Services Agreement No. A-10863 with Pacific Municipal Consultants, in the amount of $120,000 to provide additional staff assistance to the Monterey County Planning Department, for a total amount not to exceed $388,000, for a term to January 1, 2010 (RFP #9992); and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 3 to Professional Services Agreement No. A-10863 and future amendments that do not significantly alter the scope of work or change the approved agreement amount. (Contract Amendment - PD060591/Pacific Municipal Consultants, County-wide)
40. a. Agreement No. A-10878 Approved Amendment No. 2 to Professional Services Agreement No. A-10878 with Denise Duffy & Associates, Inc., in the amount of $120,000 to provide additional staff assistance to the Monterey County Planning Department, for a total amount not to exceed $278,000, for a term to January 1, 2010 (RFP #9992); and
b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 2 to Professional Services Agreement No. A-10878 and future amendments that do not significantly alter the scope of work or change the approved agreement amount. (Contract Amendment - PD060228/Denise Duffy & Associates, County-wide)

41. S/A-4 PULLED
   a. Approve the Final Map for the second phase of the East Garrison Standard Subdivision, which creates 315 residential parcels, 9 open space/park parcels, 13 town home parcels, 2 apartment parcels and 2 remainder parcels to be developed in approved future phases; Subdivision Improvement Agreement; Faithful Performance and Labor and Material Security; the Tax Clearance Letter from the Tax Collector; and the Subdivision Title Guarantee;
   b. Authorize the Chair of the Board of Supervisors to execute the Subdivision Improvement Agreement; and
   c. Direct the Clerk of the Board to submit the Final Map and the Subdivision Improvement Agreement to the County Recorder for filing. (Final Map—PLN03204/East Garrison Partners, Greater Monterey Peninsula Area Plan)

RMA - PUBLIC WORKS:

42. Introduced, waived the reading, and set June 24, 2008 at 10:30 a.m. to consider adoption of an ordinance amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 55 m.p.h. speed limit on Abbott Street, Salinas area.

43. S/A-5 CORRECTED
   a. Agreement No. A-11092 Approved Amendment No. 2 to Professional Services Agreement No. A-11092 with Nolte Associates, Inc., to provide additional structural engineering services and construction support services for the Thorne Road Bridge (Co. No. 317) at Arroyo Seco River, Project No. 08-172165, Federal Aid Project No. BRLKO-5944 (073), in the amount of $172,700 for a total amount not to exceed $578,449 for a term to March 31, 2009; and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 2 to Professional Services Agreement No. A-11092 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

44. a. Resolution No. 08-177 Adopted Resolution finding that the closure of the North Wing of the Monterey County Courthouse continues to pose an emergency requiring immediate action; and
b. Adopted Resolution ratifying the execution of emergency contracts and emergency actions taken by the Public Works Director or his designee to respond to the emergency (4/5ths vote required).

45. a. Agreement No. A-11176 Approved a Professional Services Agreement with Beverly Prior Architects, to provide master planning and pre-architectural programming services for the new Juvenile Justice Complex located at 1420 Natividad Road, Salinas, in an amount not to exceed $287,716 for a term to November 7, 2009; and
   b. Authorized the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

46. a. Approved submittal to apply for a Moyer grant application with the Monterey Bay Air Pollution Control District for off-road equipment requiring diesel particulate trap filters to meet the state Diesel Reduction Plan for a total amount not to exceed $2 million; and
   b. Authorized the Public Works Director or his designee to act as agent for the County in processing and signing all documentation to secure these funds.

47. a. Board Budget No. 07/08-203 Approve an updated report on staff analysis and negotiations with Prime Construction Contractors regarding contractual change orders for completion of the North Wing Courthouse, Project No. 8772;
   b. Approved recommendations provided by staff to the Monterey County Budget Committee to fund additional costs incurred as a result of the asbestos abatement and subsequent redesign of the North Wing Courthouse, Project No. 8772, by transferring into this project $13,510,402 from the Government Center Parking Structure project;
   c. Approved change orders to construction contracts for completion of the North Wing Courthouse, Project No. 8772;
   d. Authorized the Public Works Director to execute the change orders and future change orders that do not significantly alter the scope of work or exceed the approved amount as shown in Exhibit 1;
   e. Directed staff to work with the local courts to obtain approval from the State Administrative Office of the Courts (AOC) for the use of excess revenues generated for the Courthouse Construction Funds, Comprehensive Criminal Collections Program, relief from County Facility Payment, relief from Coordinated Trial Courts Maintenance of Efforts, and possible application of any pending legislation such as SB 1407; and
   f. Referred this funding issue to the Board’s Legislative Committee for possible legislative action.

48. a. Resolution No. 08-177 Adopted Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an
emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
b. Adopted Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer or his designee to respond to the emergency (4/5ths vote required).

49. a. Agreement No. A-11177 Approved and authorized the Contracts/Purchasing Officer to execute a five-year Lease Agreement, effective on or around August 1, 2008, with Gonzales Shopping Center, LP, for approximately 5,100 square feet of rentable space located at 851-S. Fifth Street, Gonzales, California, for use by the Monterey County Free Libraries;
b. Directed the Auditor-Controller to make lease payments in the amount of $5,000 per month and in accordance with the terms of the agreement; and
c. Authorized the optional extension of the Lease Agreement for an additional ten years under the same terms and conditions if deemed by Contracts/Purchasing Officer to be in the best interest of the County.

RMA -REDEVELOPMENT AGENCY:

50/29. a. Agreement No. A-11178; Board Budget No. 07/08-204 Approved and authorized the Chair to sign a Loan Agreement from the Community Development Program Income and Reuse Fund 016, Budget Unit 574 to Fort Ord Redevelopment Project Area Fund 403, Budget Unit 943 in the amount of $150,000; and
b. Approved and directed the Auditor-Controller to increase estimated revenues and appropriations in Fort Ord Redevelopment Fund 403, Budget Unit 943 in the amount of $250,000 (4/5ths vote required).

51/33. a. Agreement No. A-11179 Approved and authorized the Chair to sign a Funding Agreement between the County of Monterey and the Redevelopment Agency of the County of Monterey, for Reimbursement of Costs for Surveys and Legal Descriptions for the Transfer of Property at the Former Fort Ord; and
b. Approved payment to the Fort Ord Reuse Authority of Invoice No. 07-36 (Revised) in the total amount of $81,187.50.

###