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

TUESDAY, FEBRUARY 2, 2010
9:00 A.M.

ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, Potter.

1. Additions and Corrections for Closed Session: There were no additions or corrections to Closed Session.

2. Closed Session under Government Code section 54950, relating to the following items:
   a. Pursuant to Government Code section 54956.8, the Board of Directors of the Redevelopment Agency will confer with real property negotiators.
      (1) Property: The "Parker Flats" area of the former Fort Ord, Negotiators: Jim Cook for the Agency; Monterey Downs LLC, for the developer
      Under negotiation: Price and terms

   CLOSED SESSION REPORT: The Board of Directors of the Redevelopment Agency provided direction to Mr. Cook. The Board of Directors appointed Supervisors Potter and Parker to an ad hoc committee to facilitate negotiations in this matter.
b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.

(1) V. L., et al. v. John Wagner, et al. (Ninth Circuit Court of Appeals # 09-17581)

CLOSED SESSION REPORT: The Board conferred with counsel and authorized County Counsel to join in this action as “amicus” friend of the Court with other counties (Los Angeles, San Francisco and Sonoma) regarding In Home Supportive Services.

(2) Codiga v. County of Monterey (United States District Court # C09-01621 HRL)

CLOSED SESSION REPORT: The Board conferred with counsel and authorized counsel to enter into a tentative settlement agreement, and if approved by both parties, the final agreement will be available through County Counsel’s office.

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

CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to counsel on how to proceed to avoid litigation.

d. ITEM DELETED.

e. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.

(1) Property: 312 East Alisal Street, Salinas
    County negotiator: Wayne Tanda, RMA Director
    Negotiating Parties: The County of Monterey and the City of Salinas
    Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board conferred with real property negotiators and provided direction to Mr. Tanda on how to proceed in negotiations.

(2) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard, Salinas (APNs 003-851-021, -024, and -027)
    County negotiator: Wayne Tanda, RMA Director
    Negotiating parties: County of Monterey and the Salinas Regional Sports Authority and City of Salinas
    Under negotiation: Price and Terms

CLOSED SESSION REPORT: The Board conferred with real property negotiators and provided direction to Mr. Tanda on how to proceed in negotiations.

ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, Potter.

3. The Pledge of Allegiance was led by Supervisor Parker.
4. Additions and Corrections: The Clerk of the Board announced agenda corrections which were acted on by the Board as provided in Sections 54954.2 of the California Government Code. Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, the Board was asked to make the following deletions.

REMOVED RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:
35. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve a grant agreement in the amount of $134,690 between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project.

36. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   Approve a lease agreement between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project located at the Pajaro Senior Center.

CORRECTION UNDER CONSENT RMA - PLANNING DEPARTMENT:
28. Richard E. Alderson Trust (PLN090325) Lot Line Adjustment
   Replace Exhibit A. The corrections made are to Table 1. Redistribution of Acreage.
   “Non-Williamson” columns: The project is entirely under Williamson Act Contract and will remain unchanged. The Williamson Act Contract will be amended to reflect the reconfigured parcels. (See condition No. 5)

ADJOURNMENT
Adjourn in Memory of Joseph Pusateri (Supervisor Salinas)

Motion by Supervisor Calcagno, seconded by Supervisor Parker to approve Additions and Corrections. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   · Supervisor Parker pulled Items 20 and 23; requested Item 20 be continued to February 9, 2010.

Public Comment on Item 20: Belinda Taluban; Christine Kemp.
   · Supervisor Calcagno pulled Items 24 and 31. Jim Cook and Yaz Emrani responded to the Supervisor’s questions.

Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the Consent Calendar with the exception of Item 20. ALL AYES
6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   Motion by Supervisor Calcagno, seconded by Supervisor Armenta. ALL AYES

7. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)
   Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS:

8. Board Comments
   · Supervisor Armenta stated he attended a press conference with the Monterey County Joint Gang Task Force. He provided handouts to Board members and advised copies are available to the public. Supervisor Armenta advised many members on the Board attended the Annual Monterey County Arts Council recognition event on January 23rd.
   · Supervisor Parker thanked the attendees of the community meeting on economic development and advised the results will be available on her web page.
   · Supervisor Calcagno commented on the poor condition of the U.S. flag and California flag on the Red Barn facility and requested they be replaced or taken down. He also commended the organizers of the Rancho Cielo culinary benefit at the Plaza Hotel.
   · Supervisor Salinas also commended the organizers of the Rancho Cielo fundraising event. He noted that the regional census office has opened in Salinas and encouraged the community to make sure everyone is counted.

9. CAO Comments and Referrals
   County Administrative Officer Lew Bauman advised of the following Board Referrals:
   1) Social services to provide a summary of C-IV Eligibility workers Implementation program; directed to Department of Social Services. (Armenta)
   2) Review Monterey County cell phone policy for impacts to County employees; advised this is in process and will be brought back next week for recommendations. (Armenta)

10. Public Comment
    · Gary Richard Arnold; Linda Ellie Black; Albert Gallegos; Guillermo Padilla; Hans Jongens

11. Presentation of Monterey County Adult Detention Facility Accreditation Certificate. (Supervisor Salinas)
RESOLUTIONS: 12 and 13 were heard concurrently.

12. Adopted Resolution No. 10-010 honoring Reverend Connie White for her commitment to Restorative Justice in Monterey County. (Supervisor Parker)
Motion by Supervisor Parker, seconded by Supervisor Potter. ALL AYES

13. Adopted Resolution No. 10-009 honoring Nancy Ausonio as one of the 2010 Italian American Cultural Center Foundation Honorees for her community involvement and for her contributions to her heritage. (Supervisor Calcagno)
Motion by Supervisor Parker, seconded by Supervisor Potter. ALL AYES

APPOINTMENTS: 14 through 17 heard concurrently.

14. Reappointed Charles Nelson to the Fish & Game Advisory Commission, term ending February 1, 2013. (Supervisor Armenta)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

15. Reappointed Jenny Donegan to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Armenta)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

16. Appointed Ruben Garcia to the Monterey County Workforce Investment Board, term ending June 17, 2011. (Full Board)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

17. Reappointed Aurelio Salazar to the Monterey County Planning Commission, term ending January 23, 2014. (Supervisor Armenta)
Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

SCHEDULED MATTERS:

S-1 Board Budget No. 09/10-097
a. Considered and accepted the "Mid-Year Budget Adjustments - Fiscal Year (FY) 2009-10" report summarizing the current economic outlook, potential impacts of the Governor’s FY 2010-11 Budget Proposal, recommended budget adjustments necessary to address FY 2009-10 State Impacts, various revenue declines, and the elimination of vacant positions;
b. Approved the recommended adjustments to appropriations and revenues in the FY 2009-10 Adopted Budget in the Department of Social & Employment Services, Health Department and Non-Program Revenue budgets (4/5th vote required);
c. Approved the changes in position count in the FY 2009-10 Adopted Budget to include the elimination of 24.75 FTE positions that have been deemed not mission critical or business essential at this time in various departments;

d. Directed the Auditor-Controller to make the adjustments to the appropriations and revenues in the Department of Social & Employment Services, Health Department and Non-Program Revenue budgets as outlined in the Board Order (4/5th vote required); and

e. Directed the Auditor-Controller to amend the FY 2009-10 Adopted Budget to reflect the change in position count as outlined in the Board Order.

Motion by Supervisor Potter, seconded by Supervisor Parker.  ALL AYES

Recessed to Lunch
1:30 P.M. Reconvened

ROLL CALL:
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, Potter.

S-2 Received a report on unsolicited print publications and consider providing direction to staff regarding preparation of an Ordinance regulating such publications (Board Referral No. 2008.06); directed staff to meet with interested members of the public to clarify the intent of the ordinance, address concerns that have been expressed to date, and ask that if there are others that wish to participate that they come forward; directed staff to return to the Board with a proposed ordinance that addresses both the concerns expressed by the Board and those by the public; contact information can be provided to Kathleen Lee, Chief of Staff for District 5 for notification of meetings.

Public comment: Dr. Bettye Saxon; Peter Boulais; Mark Carbonero; Marjorie Kay; Ann Marie Tresh; Richard Casey; John Tresh; Don Ask

Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

S-3 Agreement No. A-11631
a. Approved and authorized the Director of Health to execute a Unified Franchise Agreement for the Exclusive Collection of Solid Waste and Recyclables in the Unincorporated County between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, to commence for the entire Unified Franchise Area on November 1, 2010; and

b. Approved and authorized the Director of Health to execute "Amendment Number 6 to Northeastern Franchise Agreement" to the current franchise agreement entitled "Agreement between the County of Monterey and USA Waste of California, dba Carmel Marina Corporation for Collection of Refuse, Recyclables and Greenwaste from Residential and Commercial Customers in Unincorporated Northeastern Monterey County" (Northeastern Franchise Agreement), to commence on February 2, 2010, and to terminate the Northeastern Franchise Agreement on October 31, 2010.
· Mary Perry, Deputy County Counsel advised of a negotiated amendment to Exhibit 10, under Service Detail Limitation, changing 450 tons to 600 tons for San Antonio Lake North & South Shores.

Public comment: Filipe Melcher; Emily Hanson.

Motion by Supervisor Armenta, seconded by Supervisor Parker to approve staff recommendations, including the amendment to Exhibit 10 under Service Detail Limitation, changing 450 tons to 600 tons for San Antonio Lake North & South Shores. ALL AYES

S-4 Opened the public hearing and continued the hearing to Tuesday, February 23, 2010 to:

a. Consider approval of a resolution to:

1. Deny the appeals of Peter Fallon and Steve Dallas from the discretionary decision by the Planning Commission to approve a Coastal Administrative Permit to allow the conversion of an approved test well to a domestic production well; and

2. Approve the application (PLN080017/Chopin Enterprises LLP) for a Coastal Administrative Permit to allow the conversion of an approved test well (PLN060263) to a domestic production well at 24479 San Juan Road, Carmel Woods, based on the findings and evidence and subject to the conditions of approval. (Appeal, Discretionary Decision - PLN080017/Chopin Enterprises LLP, 24479 San Juan Rd, Carmel Woods, Carmel Area Land Use Plan)

Public comment: John Bridges for the applicant; Robert Schuyler.

Motion by Supervisor Potter, seconded by Supervisor Calcagno. ALL AYES

CLOSED SESSION REPORT: (See 2 a-e)

ORDER FOR ADJOURNMENT
In memory of Joseph Pusateri

APPROVED:

/s/ Simón Salinas
SIMÓN SALINAS, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

18. Board Budget No. 09/10-096
   Approved and directed the Auditor-Controller to increase appropriations and estimated revenues of $2,795,923 in the Department of Social Employment Services Fiscal Year 2009-10 Budget SOC005-001-5010-8262 and SOC009-007-5010-8261 for the Subsidized Employment program as detailed in the Board Order. (4/5th vote required)

GENERAL GOVERNMENT:

19. a. Authorized the Director of Parks to file an application with Preserve America for a grant in the amount of $25,000 for Fiscal Year 2010-11 to fund the preparation of an interpretive plan for San Lorenzo Park that will promote heritage tourism; and
   b. Authorized the Director of Parks or his authorized deputy as the agent to coordinate, process, and execute all contracts, agreements, amendments, and ancillary documents within the scope of the application to accept the grant.

20. Continued to Tuesday, February 9, 2010 at 1:30 p.m.
   Approve the application from Frances M. Ellingwood to add the Ellingwood Hay Barn ("Red Barn") to the County’s Local Official Register of Historic Resources, as recommended by the County’s Historic Resources Review Board.
   Motion by Supervisor Parker, seconded by Supervisor Calcagno. ALL AYES

21. Approved the application from Chris Bunn to add the Charles Bardin House to the County’s Local Official Register of Historic Resources, as recommended by the County’s Historic Resources Review Board.

22. Item Removed
   Adopted to approve and authorize a Pay and Leave Policy to support the Advantage Human Resources Management and Payroll system.

23. Approved Amendment No.1 A-11418 to a Subrecipient Agreement with the Housing Resource Center of Monterey County to:
   a. Commit an additional $274,000 for a contract total of $349,000; 
   b. Add a homebuyer education and counseling activity; 
   c. Add approved Program Guidelines for the homebuyer education and counseling program to the Subrecipient Agreement as Exhibit F; and
   d. Authorize the Director of Redevelopment and Housing to execute the Amendment and make minor revisions to the Amended Subrecipient Agreement provided the overall feasibility of the objectives of this Agreement.
is not in jeopardy, no additional funds are required from the County, and no material term of this Agreement is altered.

24. Agreement No. A-11628; Board Budget No. 09/10-095
   a. Accepted $2,140,714 in Neighborhood Stabilization Program (NSP1) grant funds;
   b. Approved California Department of Housing and Community Development (HCD) NSP1 Guidelines for Homebuyer Assistance, Housing Rehabilitation, and Program Income Reuse and authorize the County Administrative Officer to sign them;
   c. Approved a Memorandum of Understanding (MOU) with the National Community Stabilization Trust (Trust);
   d. Approved Purchase Contracts as to form from four different banks in conjunction with purchase of bank owned properties using NSP1 funds;
   e. Approved NSP Administrative Manual describing the procedures to be followed in implementing the County’s NSP program;
   f. Authorized the Director and Assistant Director of the Redevelopment and Housing Office to accept or reject offers to purchase foreclosed properties, make or accept offers to re-sell those properties, and take such other action as may be deemed necessary or convenient to implement the County’s NSP plan, provided such actions are consistent with the NSP Administrative Manual and such other NSP-related documents as are approved by the Board; and
   g. Directed the Auditor-Controller to amend the Fiscal Year 2009-10 budget to increase estimated revenues and appropriations in Fund 13, Unit Code 8200 (Community Development Grants) by $2,140,714 (4/5th vote required).

25. Agreement No. A-11630
   Approved an amendment of the Pass Through Agreement with the City of Marina for the Marina Redevelopment Project Area.

26. a. Approved submittal of FY 2011 federal appropriation requests to the offices of Senator Dianne Feinstein, Senator Barbara Boxer, and Congressman Sam Farr as follows:
   1. Monterey County Joint Gang Task Force - $3.1 million;
   2. Silver Star Gang Prevention and Intervention Program - $1.8 million;
   3. Pajaro River Flood Control Project - $5 million;
   4. U.S. 101/San Juan Road Interchange Project - $2 million (submitted by the Transportation Agency of Monterey County (TAMC));
   5. Natividad Medical Center Electronic Medical Record Development - $4.3 million;
   6. Monterey County Operational Area Emergency Communications System (aka: NGEN Radio) - $1 million;
   7. Quagga and Zebra Mussel Prevention, Vessel Inspection Program - $2.5 million;
   8. Carmel River Floodplain Restoration and Environmental Enhancement Project - $1.5 million;
9. Commuter Rail Extension to Monterey County Project - $5 million (submitted by TAMC);
10. State Route 156 Improvements - Phase 1 - $2 million (submitted by TAMC);
11. Scenic Road Erosion Repair Project - $1.5 million; and
b. Authorized staff to adjust appropriation request submittals as necessary based upon direction from receiving congressional offices.

27. Continued to Tuesday, February 9, 2010, consideration of adoption of an Ordinance of the County of Monterey amending Paragraph D of Section 2.32.030 of the Monterey County Code relating to the specific duties of the Purchasing Agent to lease, license and acquire any interest in real property, subject to the conditions set forth in the Paragraph.

RMA - PLANNING DEPARTMENT:

28. Resolution No. 10-013
   a. Approved a Lot Line Adjustment between two separate parcels under Land Conservation Contract No. 85-4 with no net decrease in acreage under Williamson Act Contract; as shown on the proposed Lot Line Adjustment on file in Planning File No. PLN090325, subject to the Findings and Evidence in Exhibit B, and Conditions of Approval in Exhibit B-1;
   b. Authorized the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of existing Land Conservation Contract No. 85-4 as applicable to the reconfigured, contracted parcels only, and simultaneously execute new or amended Land Conservation Contract No. 85-4A for the reconfigured, contracted parcels between the County and the Richard E. Alderson Trust dated 1987, reflecting new legal descriptions, any new ownership interests and, to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
   c. Directed the Clerk of the Board to record the new or amended Contracts. (Lot Line Adjustment - PLN090325/Richard E. Alderson Trust, Elm Avenue at Arroyo Seco River and Arroyo Seco Road, Greenfield, Central Salinas Valley Area Plan)

RMA - BUILDING DEPARTMENT:

29. Adopted Resolution No. 10-012 authorizing Sacramento County to submit a collaborative application on behalf of the County of Monterey to the California Energy Commission and if recommended for funding by the California Energy Commission, the County of Monterey authorizes Sacramento County to accept a grant award on its behalf and to enter into all necessary contracts and agreements, and amendments thereto, on its behalf to implement and carry out the program for financing the CaliforniaFIRST project.
RMA - PUBLIC WORKS:

30. Accepted the Annual Evaluation Report of traffic on Carmel Valley Road, and Carmel Rancho Boulevard, pursuant to Carmel Valley Master Plan, Policy 39.3.2.1(b), Carmel Valley Area.

31. a. Amended the Subdivision Improvement Agreement for The Commons at Rogge Road Subdivision to extend the construction completion date for a period of 18 months;
   b. Authorized the Chair of the Board to execute the Amendment of the Subdivision Improvement Agreement for The Commons at Rogge Road Subdivision; and
   c. Directed the Clerk of the Board to submit the certified copy of the Amendment to the County Recorder for recordation.

32. a. Accepted a portion of The Commons at Rogge Road Subdivision Improvements as completed; and
   b. Approved release of a portion of the Faithful Performance Bond No. CWS70967 issued by Western Insurance Company in the amount of $2,382,606 for completed off-site and on-site infrastructure improvements.

33. 2009CONST001; Board Budget No. 09/10-094
   a. Authorized an increase in the construction contingency in the amount of $358,000 to provide funding for additional approved contract change orders for construction services associated with the renovation of the Agricultural Commissioner’s office at 1428-1432 Abbott Street; and
   b. Authorized the Director of Public Works to approve amendments to the construction contract, subject to terms of the Public Contract Code and where each amendment does not exceed $96,200, where the total of all amendments do not exceed $609,100 and any amendment does not significantly change the scope of work.

34. Agreement No. A10408
   a. Approved Renewal to the Professional Services Agreement No. A-10408 with Denise Duffy & Associates, Inc. to provide additional environmental services related to ongoing maintenance, monitoring and reporting associated with the riparian restoration tasks for the Arroyo Seco Road Bridge (Co. No. 311) at Arroyo Seco River, Project No. 220665, Federal Aid Project No. BRLSZD-5944 (046) in the amount of $15,964 for a total amount not to exceed $119,085 and extend the term to December 31, 2010; and
   b. Authorized the Contracts/Purchasing Officer to execute renewal and future amendments to this Agreement that do not significantly alter the scope of work or change the approved Agreement amount.
34.1 Agreement No. A-10766
a. Approved Amendment No. 4 to Operations and Services Agreement No. A-10766 with Pajaro/Sunny Mesa Community Services District to continue to provide tasks associated with operational and maintenance services for the wastewater collection system in the Pajaro County Sanitation District, in the amount of $168,000 for a total amount not to exceed $736,000 for a term through January 9, 2011; and
b. Authorized the Chair to execute Amendment No. 4 to Operations and Services Agreement No. A-10766 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

35. Item Removed Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Approve a grant agreement in the amount of $134,690 between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project.

36. Item Removed Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Approve a lease agreement between the Redevelopment Agency and Clinica de Salud del Valle de Salinas for the Pajaro Medical/Dental Clinic Project located at the Pajaro Senior Center.

37. Agreement No. A-11629
Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Approved and authorized the Chair to sign an Agreement with the Castroville Coalition with regard to fund raising for the Castroville Child and Family Resources Center (Castro Plaza - 3 Circles Project).

RMA - MONTEREY COUNTY WATER RESOURCES AGENCY:

38. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
Approved an amendment of the Pass Through Agreement with the City of Marina for the Marina Redevelopment Project Area.

###