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

TUESDAY, SEPTEMBER 21, 2010
9:00 A.M.

ROLL CALL:
Present: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter

1. Additions and Corrections for Closed Session: County Counsel announced corrections and proposed additions, which were acted on by the Board as provided in Sections 54954.2 of the California Government Code

Under Closed Session
2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   Remove (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case no. M104908)
   Remove (2) Mark Tavares (WC 608-533705)
   Spelling Correction
   (3) Wendall Wendell Gutter v. David Henry. CSC Case no. M102632)

Motion by Supervisor Parker, seconded by Supervisor Potter. ALL AYES
CLOSED SESSION:

2. 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) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case no. M104908)
      CLOSED SESSION REPORT: This item was removed from the agenda.
      (2) Mark Tavares (WC 608-533705)
      CLOSED SESSION REPORT: This item was removed from the agenda.
      (3) Wendell Gutter v. David Hendry, et al. (MCSC Case no. M102632)
      CLOSED SESSION REPORT: The Board conferred with counsel and provided direction to counsel.
   b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding four items of significant exposure to litigation.
      CLOSED SESSION REPORT: The Board conferred with counsel on three items of significant exposure to litigation and provided direction to counsel on how to resolve these items short of proceeding to litigation.

10:30 A.M.

3. The Pledge of Allegiance was led by Supervisor Armenta.

4. Additions and Corrections: The Clerk of the Board announced proposed additions which were acted on by the Board as provided in Sections 54954.2 of the California Government Code.
   Added Adjournment in Memory of Lee Yarborough

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Supervisor Parker pulled item 14 for comment.
   Director of RMA- Building Services Tim McCormick requested item 16 be removed from the agenda.
   Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the Consent Calendar – Regular and remove item 16 from today’s agenda. ALL AYES

   Recessed as the Monterey County Board of Supervisors
Convened as the Board of Directors of the Monterey County Redevelopment Agency

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet, Item 23-25)

   Motion by Director Parker, seconded by Director Potter to approve the Consent Calendar – Monterey County Redevelopment Agency. ALL AYES

Adjournment as Board of Directors of the Monterey County Redevelopment Agency

Reconvened as the Monterey County Board of Supervisors

OTHER BOARD MATTERS: 7 & 9 heard concurrently

7. Adopted Resolution No. 10-263 honoring Gary Wrightman, Deputy Sheriff, upon his retirement from the Sheriff’s Office of the County of Monterey after 24 years of service. (Full Board)

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

8. Adopted Resolution No. 10-264 honoring Manuela Z. Maya, LULAC Council No. 2995 of District XII, for her tremendous contribution in supporting the creation of "El Comite Fiestas Patrias" an effort to help raise scholarship money for local high school students aspiring to attend college. (Supervisor Armenta)

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

OTHER BOARD MATTERS:

9. Board Comments
   · Supervisor Armenta thanked Department Heads, County employees and the community for their support of the three-day training with Gerry Tello beginning Friday, September 24th.
   · Supervisor Parker commented on the significance of the unveiling of Obama Way in Seaside and the power of individuals and community groups to make a difference locally and nationally.
   · Supervisor Parker announced this Saturday is Coastal Cleanup Day and she will host a group at the Marina Dunes Park. Her next special guests for Hot Drinks and Hot Topics will be Doug Smith, hydrologist on September 27th and Supervisor Lou Calcagno October 4th.

10. CAO Comments and Referrals
   CAO Lew Bauman advised of the formal referral from Armenta for a feasibility study for a Veterans Drop-In Center in Salinas.

11. Public Comment
   Margaret Robbins; Gary Richard Arnold; Margie Kay; Hans Jongens.

SCHEDULED MATTERS:
S-1 Conducted a public hearing and:
   a. Adopted Resolution No. 10-267 to approve the transfer of $83,000 in Community Development Block Grant (CDBG) Program Income allocated to the San Lucas Water System Feasibility Study into pre-development activities for the San Lucas Water System Improvement Project; and
   b. Adopted Resolution No. 10-266 to approve the transfer of $100,000 in Community Development Block Grant (CDBG) Program Income from the Small Business Revolving Loan Account into the San Lucas Water System Improvement Project.

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

S-2 a. Set a Public Hearing for October 26, 2010 to Consider County initiated Notice of Non-Renewal of six (6) Williamson Act and Farmland Security Zone Contracts due to not meeting the program requirements or according to Property Owner requests; and
   b. Directed Staff to return on October 26, 2010, with a Resolution for County initiated Notice of Non-Renewal for six (6) Williamson Act and Farmland Security Zone Contracts due to not meeting the program requirements or according to Property Owner requests. (Notice of Non-Renewal - PLN100300/Williamson Act and Farmland Security Zone Contracts 2011)

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

S-3 Continued public hearing (continued from September 14) on the draft 2010 Monterey County General Plan and its Environmental Impact Report. (General Plan Update - PLN070525/County of Monterey)

  - Joan Chu and Jersahid Lopez, Interpreters were present during the day.

   **Conservation Open Space Element**

   **Public Comment:**
   Janet Brennan; Amy White; Nancy Isakson; Christopher Bunn; Julie Engell; Jan Mitchell; Molly Erickson; Don Ask; Carolyn Anderson; Mari Kloeppe; Ed Mitchell; Margie Kay; Hans Jongens

   **Public Comment on additional optional language:** Nancy Isakson; Ed Mitchell; Amy White; Molly Erickson; Christopher Bunn; Julie Engell; Jan Mitchell; Margie Kay; David Fried; Mari Kloeppe.

   **Motion No. 1:** by Supervisor Potter, seconded by Supervisor Parker to prohibit cultivation on slopes greater than 25% (percent) 2 - 3 (Supervisors Armenta Calcagno, and Salinas dissented) – **MOTION FAILED**

   **Motion No. 2:** by Supervisor Armenta, seconded by Supervisor Calcagno to approve language in OS 3.5 from the Planning Commission, subject to a later specific amendment to the North County planning area. 3 - 2 (Supervisors Parker and Potter dissented)
Motion No. 3 by Supervisor Potter, seconded by Supervisor Parker to move this element forward, except as to OS 3.5 as previously approved, and directed the definition of "previously uncultivated" be deleted from the glossary. ALL AYES

Recessed to Lunch - Continue Closed Session

1:30 P.M. Reconvened

SCHEDULED MATTERS:

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

S-4 Workshop held for the Board of Supervisors to:
   a. Receive a presentation from the community working group and interested parties on a Monterey County Community Wildfire Protection Plan (MCCWPP); and
   b. Directed staff on how to proceed in processing the Community Wildfire Protection Plan. (PD090290/Community Wildfire Protection Plan, County-wide)
Presenters: Kelly O'Brien; Frank Penny; Rick Hutchison; Tom Lippy; Jody Frediani; Joe Rawitzer; Pam Silkwood; Tom Hopkins; Rich Fairbanks; Rich Hallisey
Public Comment: Mike Gilson; Mike Acurtis; Lisa Klietzner; Bob Taylor; Rod Mills; Sherrie Toon; Ed Mitchell; Leland Lewis; Don Ask; Michael Emmett; Scott Bogan; Dr. James Rosen; Richard Zeckemeir; Chris [unintelligible]; Seth Parker; Bill Lype; Eddie Bennett; Amy White; Marianne Matthews; Julie Engell; Rick Verbanec; Lynn Sumaria; Mike Kaplan.
Motion by Supervisor Potter, seconded by Supervisor Parker directing that representatives from the Resource Management Agency and County Counsel convene representatives of interests groups, that are willing to work collaboratively with others, to attempt to bring the document into compliance with environmental regulations and return on November 9, 2010 with a progress report. ALL AYES

4:30 P.M. Recessed

6:00 P.M. Reconvened

S-3 Continued public hearing (continued from September 14) on the draft 2010 Monterey County General Plan and its Environmental Impact Report. (General Plan Update - PLN070525/County of Monterey)
Public Comment on Carmel Valley Master Plan:
Christine Williams; Scott McClelland; Dale Agrom.
Public Services - Water Policy PS 3.2 and Definitions

Public Comment - Ed Mitchell; Julie Engell; Carolyn Anderson; Margie Kay; Amy White; Mari Kloeppe; Nancy Isakson; Christopher Bunn; Dirk Gianini; Ron Cheshire Molly Erickson; David Fried; Jan Mitchell; Jason Smith; Bill Lype; Kirk Galnick.

Motion by Supervisor Armenta, seconded by Supervisor Calcagno to staff to return taking into consideration language proposed by the refinement group in their September 21, 2010 letter with respect to the criteria and the definitions, but making an accommodation, coming up with different policies that would apply to North County or to other area plans, as appropriate, and that would be consistent with the Environmental Impact Report (EIR) analysis. 3-2 (Supervisors Parker and Potter dissented)

Motion by Supervisor Parker, seconded by Supervisor Potter to continue this hearing to September 28, 2010 at 1:30 p.m. ALL AYES

CLOSED SESSION REPORT: (See to a-b above)

ORDER FOR ADJOURNMENT
In Memory of Lee Yarborough

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:

12. Board Budget No. 10/11-035 Authorized the Auditor-Controller to approve increased appropriations and estimated revenues totaling $4,045,122 in Fiscal Year 2010-11. Adopted Budget in Appropriations Unit SOC005, Social Services and Appropriations Unit SOC009, Office for Employment Training for the Adult and Summer Youth Subsidized Employment Programs (4/5th vote required).

13. Board Budget No. 10/11-036 Authorized a loan from Fund 402 Capital Projects in the amount of $174,994 for Fund 008 Community Action Partnership in the amount of $169,369 and Fund 005 In-Home Support Services Public Authority in the amount of $5,625 for Fiscal Year 2009-10 (4/5th vote required).

CRIMINAL JUSTICE:

14. Accepted and approved the Fiscal Year 2008-09 Children’s Council of Monterey County Annual Report to the Board of Supervisors.

GENERAL GOVERNMENT:

15. Approved Board of Supervisors Action Minutes of Tuesday, July 13, 2010; Tuesday, July 27, 2010 and Tuesday, August 24, 2010.


17. Approved revisions to the form of the resale documents related to repayment of Neighborhood Stabilization Program loans in the event of a foreclosure.

18. Approved a request from the Soledad Cemetery District for an exemption to the annual audit required by Government Code Section 26909 and authorize preparation of a biennial audit covering Fiscal Year 2010-11 and each year thereafter (unanimous vote required).

19. Adopted Resolution No. 10-268
   a. Granted Debt Manager authority to execute documents to facilitate refunding of the remaining Natividad Medical Center Improvement Project, Series "E" Certificates of Participation; and
   b. Adopted Resolution approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of
Certificates of Participation relating thereto, and authorizing and directing certain actions with respect thereto.

20. Adopted Resolution to: 10-265; Board Budget No. 10/11-037
   a. Amended the Fiscal Year (FY) 2010-11 County Administrative Office-Human Resources Unit 1050-CAO003-8049 to reallocate one Senior Employee Relations Representative to one Senior Personnel Analyst; and
   b. Authorized the Auditor-Controller to incorporate this change in the FY 2010-11 County Administrative Office-Human Resources Unit 1050-CAO003-8049.

21. Board Budget No. 10/11-038
   a. Approved and authorized the Contracts/Purchasing Officer to sign the Agreement for the Use of Grant Funding with the City of Seaside to permit use of Assistance to Firefighters Grant (AFG) funds to purchase equipment, and services necessary for the Next Generation Radio Project (NGEN); and
   b. Authorized the Auditor-Controller to increase revenue and appropriations in the NGEN Project Fund as detailed in the Board Order (4/5th vote required).

RMA - PLANNING DEPARTMENT:

22. Monterey County General Plan Update:
    Agreement Nos. A-11028; A-11187; A-11888; Board Budget No. 10/11-039
    a. Authorized expenditure of an additional amount not to exceed a total of $50,000 for the services of The Sohagi Law Group, PLC; Kimley-Horn and Associates; and Jones & Stokes Associates, Inc. for tasks related to the completion of the General Plan Update and its associated Environmental Impact Report, and for participation in hearings before the Board of Supervisors;
    b. Authorized the County Administrative Officer to determine the appropriate allocation of funds between the above-named consultants to enable completion of tasks and, if necessary, execute appropriate amendments to Professional Services Agreement Nos. A-11088 (ICF Jones & Stokes) and A-11187 (Kimley-Horn and Associates) to augment the amount payable within this funding limit and extend the term of the Agreements;
    c. Authorized County Counsel to execute an appropriate amendment to Agreement No. A-111028 for Specialized Attorney Services with The Sohagi Law Group, PLC to augment the amount payable within this funding limit, and process payments for all consultants pursuant to this action; and
    d. Authorized the Auditor Controller to transfer $50,000 from General Fund Contingencies 001-CAO020-1050-8034-7811 to County Counsel 001-COU001-1210-8057-6606 (4/5th vote required).

RMA - PUBLIC WORKS:

22.1 Agreement No. A-11856
a. Approved an Agreement with Advanced Applied Engineering, Inc. to provide professional services for inspection and evaluation of County roads for the Pavement Management Information System (RFP#10237), in an amount not to exceed $298,770 for the initial term of one year from execution of the Agreement, including the option to extend the Agreement for two (2) additional one (1) year periods, in accordance with the terms and conditions of the Agreement; and
b. Authorized the Contracts/Purchasing Officer to execute the Agreement and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

23. Agreement No. A-11857 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
Approved and authorized the Chair to sign a Professional Services Agreement with Carlson, Barbee & Gibson, Inc. for an amount not to exceed $173,780, with a term ending December 31, 2012, to provide preliminary civil engineering services to assist the Agency in developing a project scope and environmental review in preparation of potential Board approval for street and storm drain improvements to Madison Lane in the Boronda Redevelopment Project Area.

24. Board Budget No. 10/11-040 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
Directed the Auditor-Controller to amend the Fiscal Year 2010-11 budget to increase appropriations in East Garrison Capital Fund 174 Unit 8212 by $329,012 and to increase estimated revenues and appropriations in Fort Ord Capital Fund 173 Unit 8213 by $690,413 (4/5th vote required).

25. Agreement No. A-11858 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
a. Approved Amendment No. 5 to the Professional Services Agreement dated March 1, 2007 with Keyser Marston and Associates Inc. (KMA) to extend the term of the agreement to March 3, 2011 to complete financial consulting services related to development projects in redevelopment project areas, the total amount of the agreement not to exceed $160,000; and
b. Authorized Contracts/Purchasing Manager to execute future amendments that do not significantly alter the Scope of Work or change the approved contract amount.