BOARD OF SUPERVISORS

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Louis R. Calcagno 2nd District
Simón Salinas 3rd District (Chair)
Jane Parker 4th District (Vice-Chair)
Dave Potter 5th District

Lew C. Bauman County Administrative Officer
Charles J. McKee County Counsel

Gail T. Borkowski Clerk of the Board
Phone: (831) 755-5066
FAX: (831) 755-5888
P. O. Box 1728 www.co.monterey.ca.us
Salinas, CA 93902

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

TUESDAY, MARCH 16, 2010
9:00 A.M.

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

1. Additions and Corrections for Closed Session: County Counsel announced agenda corrections and proposed additions, which were acted on by the Board as provided in Sections 54954.2 of the California Government Code:
   Removed via Addendum
   2. d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (2) Maribel Robbins (WC)

CLOSED SESSION:

2. Closed Session under Government Code section 54950, relating to the following items:

   a. 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 regarding four items of significant exposure to litigation and provided directions as follows: 1) provided direction to counsel in one item on how to proceed to avoid litigation; 2) provided settlement authority for tentative settlement
regarding Medical Doctor Associates and the resolution of a claim on a billing dispute. If settlement is approved by all parties agree, the agreement would be available through County Counsel’s office; 3) directed counsel to attempt to resolve item regarding Old Coast Road and dispute over some related actions; 4) approved tolling agreement regarding Metro PCS, within which the time Metro PCS would have to file any legal action against the County on some of their franchise issues. When the tolling agreement is fully executed, it will be available through County Counsel’s office.

b. Pursuant to Government Code section 54957, the Board will confer with labor negotiators.
   Designated representatives: Keith Honda and Patricia Covert
   Employee organizations: All Units

CLOSED SESSION REPORT: The Board conferred with labor negotiators and provided direction on how to proceed.

c. Pursuant to Government Code section 54957.6, the Board of Directors of the Redevelopment Agency will confer with real property negotiators.
   (1) Property: the East Garrison area of the former Fort Ord;
   Agency negotiator: Jim Cook;
   Negotiating parties: The Monterey County Redevelopment Agency and East Garrison Partners, LLC;
   Under negotiation: Price and terms

CLOSED SESSION REPORT: The Board of Directors of the Redevelopment Agency conferred with real property negotiator, and provided direction on how to proceed in this matter, in addition to the Ad Hoc subcommittee of the Board participating in these negotiations.

d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) Ernest Rowe (WC)

CLOSED SESSION REPORT: The Board conferred with counsel and approved a tentative settlement agreement. The settlement agreement will be available in County Counsel’s office when fully executed.

10:30 A.M.

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

3. The Pledge of Allegiance was led by County Administrative Officer Lew Bauman.

4. Additions and Corrections: None.
5. **CONSENT CALENDAR - REGULAR (See Supplemental Sheet)**
   - Supervisors Parker pulled Consent item 23. Supervisor Calcagno commented on item 23.
   - Public Comment on Consent item 23: Denise Fishmont; Emily Glanville; Jan Schriner
   - Mike Weaver pulled Consent item 35 and requested clarification on the item.
   - Supervisors Salinas and Potter commented on Consent item 35. Yaz Emrani responded to Mr. Weaver's questions.
   
   **Motion by Supervisor Calcagno, seconded by Supervisor Parker.**
   4-0 (Supervisor Armenta Absent)

**OTHER BOARD MATTERS:**

6. **Board Comments**
   - Supervisor Parker announced that summaries of two recent community meetings she held on healthcare and economic development are available for the public and the Board. She announced that the next meeting will be held on April 18, 2010 at the Marina library. The topic will be the Monterey County General Plan.
   - Supervisor Parker commended Regina Mason Assembly District 27’s Woman of the Year.

7. **CAO Comments and Referrals: None.**

8. **Public Comment:**
   - Hans Jongens

**RESOLUTIONS:** 9 through 13 heard concurrently.

9. Adopted Resolution 10-055 honoring Catherine Barr as the Santa Cruz County Farm Bureau’s Al Smith Friend of Agriculture Award Recipient for 2010. (Full Board)
   
   **Motion by Supervisor Parker, seconded by Supervisor Calcagno.**
   4-0 (Supervisor Armenta Absent)

10. Adopted Resolution 10-049 honoring The Rotary Club of Watsonville as the 2010 Friends of Scouting Honoree. (Full Board)

   **Motion by Supervisor Parker, seconded by Supervisor Calcagno.**
   4-0 (Supervisor Armenta Absent)

11. Adopted Resolution 10-051 honoring Cecilia Tejeda as the Gonzales Citizen of the Year. (Supervisor Salinas)

   **Motion by Supervisor Parker, seconded by Supervisor Calcagno.**
   4-0 (Supervisor Armenta Absent)
12. Adopted Resolution 10-052 Honoring Jalisco Market as the Gonzales Business of the Year. (Supervisor Salinas)  
Motion by Supervisor Parker, seconded by Supervisor Calcagno. 4-0 (Supervisor Armenta Absent)

13. Received Budget Committee Report and Action Minutes for the 2nd Quarter of Fiscal Year 2009-10 (October 30, 2009 and November 30, 2009).  
Motion by Supervisor Parker, seconded by Supervisor Potter. 4 Ayes; 1 Absent - Supervisor Armenta

APPOINTMENTS: 14 through 17 heard concurrently.

14. Reappointed Yolanda Maturino to the Gonzales Cemetery District, term ending April 14, 2014. (Supervisor Salinas)  
Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4-0 (Supervisor Armenta Absent)

15. Appointed Lela Casillo to the Child Care Planning Council, term ending December 31, 2011. (Full Board)  
Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4-0 (Supervisor Armenta Absent)

16. Reappointed Sid Williams and Bruce Evans to the Military & Veterans Affairs Advisory Commission, terms ending January 1, 2013. (Full Board)  
Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4-0 (Supervisor Armenta Absent)

17. Reappointed Abraham Magana, Richard Medley and Juanita Perea to the Boronda Redevelopment Project Area Citizen’s Advisory Committee, terms ending January 1, 2014. (Supervisor Calcagno)  
Motion by Supervisor Potter, seconded by Supervisor Calcagno. 4-0 (Supervisor Armenta Absent)

SCHEDULED MATTERS

S-1 Received an Oral Report regarding Governmental Accounting Standards Board (GASB) Statement No. 54 - Fund Balance Reporting and Governmental Fund Type Definitions.

S-2 This item began in the morning and was continued to 1:30 p.m.  
a. Received the Three-Year Financial Forecast for the period of 2009-10 through 2012-13; and  
b. Provided direction the following direction to staff: Given the continued magnitude of the budget gap, it is recommended that effective immediately, the County-wide hiring freeze is elevated to a hard freeze, with no exception;
this hard freeze will be re-evaluated upon adoption of the 2010-11 final Budget.

12:00 P.M. Recessed to lunch – Continued Closed Session

1:30 P. M. RECONVENED

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

Continued from the morning:
S-2 a. Received the Three-Year Financial Forecast for the period of 2009-10 through 2012-13; and
b. Provided direction the following direction to staff: Given the continued magnitude of the budget gap, effective immediately, the County-wide hiring freeze is elevated to a hard freeze, with no exception; this hard freeze will be re-evaluated upon adoption of the 2010-11 final Budget.
Motion by Supervisor Calcagno, seconded by Supervisor Potter. 4-0 (Supervisor Armenta Absent)

S-3 Board Budget No. 09/10-114
Received the Natividad Medical Center Five Year Financial Forecast for Fiscal Years 2010-14.
Public comment: Frank Pierce
Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

S-7 Continued from February 23, 2010 to:
Considered 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 (continued from Tuesday February 23, 2010) and adopted (revised to include errata) Resolution of Intention No. 10-056;
1) Deny the appeals of Mr. Fallon and Mr. 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; 2) categorically exempt the Coastal Administrative Permit (PLN080017) per CEQA Guidelines Section 15303; and 3) 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, Assessor’s Parcel Number 009-012-013-000, subject to conditions attached hereto as Table 1 and incorporated herein by reference.
· Joe Sidor, Planning Department, advised of revised conditions as submitted in the Errata today.
Public comment: John Bridges; Mr. Monzinga; Mitzie Dallas; Steve Dallas; Rich LeWarne

Motion by Supervisor Potter, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

S-6 Conducted public hearing and adopted:
   a. Ordinance 5155 amending Title 21 to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved between January 1, 2006 and January 1, 2009 provided no more than one prior extension has been granted and no extension request has been denied;
   b. Adopted Resolution of Intent No. 10-065 to:
      1. Adopt an Ordinance amending Title 20 to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved between January 1, 2006 and January 1, 2009 provided no more than one prior extension has been granted and no extension request has been denied; and
      2. Direct staff to submit the resolution together with materials sufficient for a thorough and complete review to the California Coastal Commission. (PD090361/Permit Extensions, Countywide)

Public comment: Pat Lynch

Motion by Supervisor Parker, seconded by Supervisor Potter. 4-0 (Supervisor Armenta Absent)


Public Comment: Frank Pierce

Motion by Supervisor Parker, seconded by Supervisor Potter. 4-0 (Supervisor Armenta Absent)

S-4 Board Budget No. 09/10-115
   a. Considered and approved the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2010-11 Recommended Budget and ongoing fiscal management; and
   b. Approved incorporating the Monterey County Board of Supervisors’ Strategic Initiatives in the FY 2010-11.

Public Comment: Don Ask; Lou Solton.

Motion by Supervisor Calcagno, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)

S-8 a. Received a report on the status of Monterey Pines in the County of Monterey;
   b. Directed staff to draft amendments to Title 21 (Inland zoning of the Monterey County Code) to extend the current level of protection provided to Oak trees to Monterey Pine trees; and
c. Directed staff to initiate the preparation of a Comprehensive Monterey County Monterey Pine Forest Management Plan. (PD091328/Monterey Pines Protection)

**Public Comment:** Joyce Stevens, Gail Hattercrawford

**Motion by Supervisor Potter, seconded by Supervisor Parker. 4-0 (Supervisor Armenta Absent)**

CLOSED SESSION REPORT: (See 2 a-d)

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**ORDER FOR ADJOURNMENT**

In memory of John Spaldaro

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APPROVED:

/s/ Simón Salinas

SIMÓN SALINAS, CHAIR

BOARD OF SUPERVISORS

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ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
18. Agreement No. A-10757 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement $1,400,000 in the aggregate (an increase of $400,000) and $800,000 for the period March 1, 2010 to June 30, 2011 with Toyon Associates Inc. for Medicare and Medi-Cal Appeal Services at NMC in an amount not to exceed $1,400,000 in the aggregate (an increase of $400,000) and $800,000 for the period March 1, 2010 to June 30, 2011.

19. Agreement No. A-10392 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 5 with Jose Felix Huerta, MD for Internal Medicine/Hospitalist Services at NMC in an amount not to exceed $813,531 in the aggregate and $296,000 (an increase of $123,000) for fiscal year 2009-2010.

20. Agreement No. A-11651 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 with Michael Sepulveda, MD for Internal Medicine Services at NMC in an amount not to exceed $182,674 in the aggregate and $130,000 (an increase of $22,674) for fiscal year 2009-2010.

21. Agreement No. A-11652 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 with Mohammad-Shahid Atique Khan, MD for Internal Medicine/Hospitalist Services at NMC in an amount not to exceed $196,800 in the aggregate and $116,800 (an increase of $31,000) for fiscal year 2009-2010.

22. Agreement No. A-11653 Authorized the Emergency Medical Services (EMS) Director to sign a Memorandum of Agreement (MOA) with the U.S. Army Garrison Fort Hunter Liggett to provide medical direction for Fort Hunter Liggett’s Advance Life Support (ALS) paramedic level service and ambulance transport.

23. Introduced, waived the reading, and set April 6, 2010, at 10:30 a.m. to consider adoption of an ordinance adding Chapter 10.42 to the Monterey County Code to establish regulations restricting the use of polystyrene foam food packaging by food providers in the unincorporated area of the County of Monterey.
24. **Agreement No. A-11654**  
   a. Approved and authorized the Director of Health to sign a Mental Health Services Agreement with Benjamin Macasaet dba New Horizon I Adult Residential Facility to provide services to adults with severe psychiatric disabilities in the annual amounts of $96,113 for the term November 10, 2009 through June 30, 2010 and $150,563 for each Fiscal Year 2010-11 and Fiscal Year 2011-12 for a total maximum Agreement in the amount of $397,239; and  
   b. Authorized the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which do not significantly alter the scope of work or result in an increase to net county costs.

**CRIMINAL JUSTICE:**

25. **Agreement No. A-11655** Approved and authorized the Sheriff to sign the Memorandum of Understanding for the maintenance and operation of the Automated Criminal Justice Information System (ACJIS) effective July 1, 2010 between the County of Monterey Sheriff’s Office and the Cities of Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside and Soledad.

**GENERAL GOVERNMENT:**

26. **Agreement No. A-11656** Approved and authorized the County Librarian to sign a Cooperative Agreement between the City of Gonzales and the Monterey County Free Libraries Regarding the Construction of a Community Center/Library in the City of Gonzales.

27. Adopted Resolution No. 10-053 to Approve a Zero Property Tax Transfer for the Proposed Annexation of a 1.00 acre parcel (APN 241-073-002) in the Carmel Highlands to the Carmel Area Wastewater District.

28. **Agreement No. 11135**  
   a. Approved and authorized the Contracts/Purchasing Officer to execute Scope of Work 1 - Amendments 1 through 6 and Scope of Work 2 and 3 with CGI for the ERP implementation in the amount of $817,387.50 for a total contract amount not to exceed $9,002,099.50; and  
   b. Authorized the Contracts/Purchasing Officer to execute future amendments to this Agreement that do not significantly alter the scope of work and do not exceed the amount of $400,000.

29. a. Received a recommendation by the Legislative Committee to take support positions on AB 1640 (Evans) Breast and cervical cancer screening, and SB 836 (Oropeza) Breast cancer screening: expanded coverage, and similar measures which would provide for restoration of funding for the Department of Public Health, Every Woman Counts Program; and
b. Received the action minutes from the January 26, 2010 meeting of the Legislative Committee.

30. Agreement No. A-11657; Board Budget No. 09/10-116
Authorized a $50,000 contingency increase to the Lake Nacimiento Site Improvement Project Agreement (08-62), for a new Agreement total of $596,343 and a new contingency fund amount of $99,668.00 required due to change orders arising from unforeseen deterioration of the pre-existing surface and underlayment conditions.

31. Board Budget No. 09/10-117
a. Adopted Resolution No. 09-054 to amend the FY 2009-10 County Administrative Office/Human Resources Division allocated positions to reallocate one (1) Personnel Technician-Confidential to one (1) Associate Personnel Analyst; and
b. Directed the Auditor-Controller to incorporate this change in the FY 2009-10 County Administrative Office/Human Resources Division budgeted positions.

32. Agreement No. A-11658; A-11659; A-11660; A-11661
a. Approved and authorized the Contracts/Purchasing Officer to execute County Master Agreements with Achaetes Security Agency (A-11658), First Alarm (A-11659), Security Code 3 (A-11660), and Universal Protection Service (A-11661), for the provision of uniformed security guard services for the County of Monterey on an as-needed basis, for the initial term of two years from the date of execution through and including February 29, 2012, in the amount that shall not exceed $4,000,000, and to include the option to extend the Master Agreements for three (3) additional one (1) year periods in accordance with the terms and conditions set within each Agreement, and, the aggregate amount to be spent for all Agreements issued under RFP #10185 shall not exceed $10,000,000; and
b. Authorized the Contracts/Purchasing Officer to exercise the options therein for three (3) additional one (1) year periods in accordance with the terms and conditions set within each Agreement; and
c. Authorized the Contracts/Purchasing Officer to execute similar additional Agreements for uniformed security guard services with qualified contractors who meet the minimum requirements of the County of Monterey.

32.1 Agreement No. A-11662; Board Budget No. 09/10-118
a. Authorized the Purchasing Agent, his designee, and/or the Contracts/Purchasing Officer to negotiate and execute an urgency rental/lease agreement for appropriate facility space to relocate the County’s Records Retention Center files; and
b. Approved and authorized the Auditor-Controller to make payments under the agreement upon approval of the Information Technology Department.
(Added via the Addendum)
RMA - PUBLIC WORKS:

33.  2010CONST002
    a. Approved Plans and Special Provisions for the Carmel Valley Road Overlay
       Project, Project No. 10-140865; and
    b. Authorized the Clerk of the Board to advertise the "Notice to Bidders" in The
       Californian on March 22 and March 29, 2010.

34.  Agreement No. A-11663
    a. Approved a Reimbursement Agreement with Rancho Canada Venture, LLC,
       which provides for reimbursement from Carmel Valley Road Traffic Impact
       Fees for that portion of Carmel Valley Master Plan Subsequent Environmental
       Impact Report costs which exceed Developer’s Fair Share Costs associated
       with the buildout of the Rancho Canada Village Subdivision; and
    b. Authorized the Chair of the Board to execute the Reimbursement Agreement
       and related documentation necessary to effectuate the Agreement.

35.  Agreement No. A-09966
    a. Approved Amendment No. 7 to Professional Services Agreement No. A-
       09966 with Wood Rodgers, Inc. to provide plans, specifications, and
       engineer’s estimate to obtain Caltrans approval of the project construction
       documents for the Highway 68 - Corral de Tierra Road Intersection
       Improvements, Project No. 114065, in the amount of $160,460 for a total
       amount not to exceed $667,932 and extend the term through June 30, 2011;
       and
    b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 7 to
       Professional Services Agreement No. A-09966 and future amendments that do
       not significantly alter the scope of work or change the approved Agreement
       amount.

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