ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, MAY 11, 2010
9:00 A.M.

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

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

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 the Directors of the Redevelopment Agency conferred with real property negotiator and provided direction to Mr. Cook regarding price and terms.
b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) Richard Moore (WC608592285)
   CLOSED SESSION REPORT: The Board approved a tentative settlement and the agreement will be available to the public in the office of County Counsel if finalized.

   (2) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908)
   CLOSED SESSION REPORT: This matter was removed from the agenda and was not discussed.

   (3) Fred Garcia v. County of Monterey, et al. (MCSC Case No. M105571)
   CLOSED SESSION REPORT: The Board approved a contract with outside counsel to represent the County in this matter.

   (4) Maria Buell, et al. v. Monterey County, et al. (USDC Case No.CV10-1952PVT) (Added via Addendum)
   CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed in this matter.

c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding a liability claim against the County of Monterey.
   (1) Barbara Grant
   CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed in this matter.

d. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of a litigation case.
   CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed and make a determination whether to initiate litigation.

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

3. The Pledge of Allegiance was led by Clerk of the Board Gail T. Borkowski.

4. Additions and Corrections: There were no additions or corrections.

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the Consent Calendar - Regular. 4 - 0 (Supervisor Parker Absent)
6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet - Item 29)

Mike Weaver pulled item 29 for discussion.
Jim Cook responded to questions regarding item 29.
**Public Comment:** Mike Weaver, Arthur McLaughlin.

**Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the Consent Calendar – Monterey County Redevelopment Agency. 4 – 0 (Supervisor Parker Absent)**

**OTHER BOARD MATTERS:**

7. Board Comments: There were no Board comments.

8. CAO Comments and Referrals: There were no CAO comments or referrals.

9. Public Comment:
Frank Garden; Bill Harris; Hans Jongens.

**APPOINTMENTS:**


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

11. Appointed Thomas Davis to the Military & Veterans Affairs Advisory Commission to fill an unexpired term ending January 1, 2011. (Supervisor Parker)

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

12. Appointed Mark Weller to the Community Action Commission to fill an unexpired term ending July, 1, 2011. (Supervisor Parker)

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

13. Reappointed Chris Daniel to the Assessment Appeals Board, term ending June 1, 2013. (Supervisor Potter)

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

14. Upon the request of Supervisor Armenta, this item was removed from the agenda:
Reappoint Russ Jeffries to the Assessment Appeals Board, term ending June 1, 2013. (Supervisor Armenta)

15. Item deleted.

16. Appointed Susan Leddy to the In-Home Supportive Services Advisory Committee to fill an unexpired term ending June 30, 2010. (Supervisor Salinas)

**Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES**
SCHEDULED MATTERS:

S-1 Acting as the Board of Directors of the Pajaro County Sanitation District:
   a. Conducted a Public Hearing to consider protests and objections to a report of
      delinquent accounts for the Pajaro County Sanitation District; and
   b. Adopted Resolution 10-122 providing that past due sewer service charges for
      the Pajaro County Sanitation District be added to the County’s tax rolls.

Public comment: Rayid Farhad.

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

S-2 Item removed via Supplemental/Addendum Consider ratification of the
   following actions approved on Tuesday, April 27, 2010: Approve a Contract to
   Purchase Permanent Easement, Public Utility Overhead Easement and Temporary
   Construction Easement (2897 square feet, 4195 square feet, and 4195 square feet,
   respectively) with Brian McEldowney (727 Monterey Salinas Highway, APN
   161-061-003), in the amount of $32,300, for Right of Way for the State Route 68
   at San Benancio Road Intersection Improvement Project, Project No. 10-111065;
   and authorizing the Director of Public Works to execute the Contract to Purchase
   Permanent Easement, Public Utility Overhead Easement and Temporary
   Construction Easement, in the amount of $32,300.

S-3 Item removed via Supplemental/Addendum Consider ratification of the
   following actions approved on Tuesday, April 27, 2010: Approve a Contract to
   Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), in the amount of $6,800, for Right of Way for the State Route 68 at San Benancio Road Intersection Improvements, Project No. 10-111065; and authorizing the Director of Public Works to execute the Contract to Purchase Permanent Easements, and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084).

Recessed to Lunch

1:30 PM - RECONVENED

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

S-4 Continued to June 8, 2010 consideration to adopt Resolution to:

  a. Deny an appeal by Michael Moeller from the January 26, 2010 Planning Commission denial of an application (PLN060251/Moeller) for a Lot Line Adjustment and new single family home;

  b. Deny the application for a Combined Development Permit consisting of: (1) Coastal Development Permit for a Lot Line Adjustment consisting of an equal exchange of land between two legal lots of record resulting in no change of area: Lot 5 (APN: 243-181-005-000/192 San Remo Road) has 0.61 acres and Lot 6 (APN: 243-181-006-000/194 San Remo Road) has 0.85 acres; (2) Coastal Administrative Permit and Design Approval to allow the construction of a three-story 3,994 square foot single family dwelling with a 643 square foot three-car garage, 858 square feet of deck area, and grading (approximately 523 cubic yards of cut and 89 cubic yards of fill); (3) Coastal Development Permit for development on slopes in excess of 30%; (4) Coastal Development Permit for the removal of nine Monterey pine trees and eight coastal live oak trees; and

  c. Deny a Fee Waiver request. (PLN060251/ Moeller, 192 and 194 San Remo Drive, Carmel Area Land Use Plan, Coastal Zone, APN: 243-181-005-000, 243-181-006-000)

Public Comment: Pam Silkwood; Anthony Lombardo; Bill Daniels.

Motion by Supervisor Potter, seconded by Supervisor Calcagno to continue this item to June 8, 2010 to expand conditions to take into consideration comments received via submission, and to be consistent with actions taken by the Board of Supervisors in the previous hearing. 3 – 1 (Supervisor Armenta dissented and Supervisor Parker Absent)

CLOSED SESSION REPORT: (See item 2a-d)

ORDER FOR ADJOURNMENT

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

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Borkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

17. Agreement No. A-11694 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement with HealthPort Technologies LLC for Professional Management and Operation services at NMC in an amount not to exceed $230,000 (an increase of $30,000) for the period April 12, 2010 to June 30, 2011.

18. Agreement No. A-11695 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with HT Systems for HT Systems Patient Secure Biometric Patient Identity Management System Installation and Maintenance Services at NMC in an amount not to exceed $175,000 for the period May 1, 2010 to April 30, 2013.

19. Agreement No. A-10748 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 4 to the Agreement (A-10748) with Jennifer L. D’Attilio MS for Speech Language Pathology Services at NMC in an amount not to exceed $711,000 (an increase of $255,000) for the period April 1, 2010 and extending the term date to June 30, 2011.

20. Agreement No. A-11696 Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with Paragon Mechanical Inc. for Preventative Maintenance, repair and parts for Chillers and VFD Services at NMC in an amount not to exceed $226,000 (an increase of $45,000 in Fiscal Year 2009/2010) and $90,000 in Fiscal Year 2010/2011, for the period March 1, 2010 to June 30, 2011.

HEALTH AND SOCIAL SERVICES:

21. Agreement No. A-11481; Board Budget No. 09/10-146
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to Agreement A-11481 with Meals on Wheels of the Salinas Valley for the provision of home-delivered meals to seniors for Fiscal Year (FY) 2009/10, adding $56,578, increasing the total contract amount to $322,469;
   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; and
   c. Directed the County Administrative Office and the Auditor-Controller to amend the Department of Social and Employment Services Budget Unit 8268 for FY2009-10, increasing appropriations and estimated revenues in the
amount of $56,578 as detailed in the attached Board Order. (4/5th vote required)

**GENERAL GOVERNMENT:**

22. Approved and adopted the Action Minutes the Board of Supervisors meetings of Tuesday, March 23, 2010, Tuesday, April 6, 2010, and Tuesday, April 13, 2010.

23. Adopted Resolution No. 10-119 to support the State of California Enterprise Zone Program.

24. Board Budget No. 09/10-147
   a. Adopted Resolution No. 10-118 approving Monterey County’s participation in the State of California, Department of Justice Electronic Recording Delivery System (ERDS) Program requiring the submittal of an application for system certifications to the ERDS Program;
   b. Adopted Resolution No. 10-120 approving Monterey County’s participation in the California Electronic Recording Transaction Network Authority (CERTNA) and authorizing the County Recorder, or his designee to: 1. Represent Monterey County on the CERTNA Board of Directors; 2. Participate in a Multi-County electronic Recording Delivery System (ERDS) for Type 1 and Type 2 instruments, and, when applicable, the return functions of the State ERDS as established and operated by CERTNA; 3. Issue payments to CERTNA for the County’s per document membership fee as established annually by the CERTNA Board of Directors in an amount not to exceed the Government Code Section 27397(c)(1) fees collected locally; and 4. In conjunction with the CERTNA Board of Directors, conduct all negotiations, execute and submit all documents necessary for the establishment and maintenance of an ERDS and management of CERTNA;
   c. Approved the Amendment of Article XIII of the Master Fee Resolution to set and authorize the collection of an additional one dollar ($1.00) for each real property instrument that is recorded by the County Recorder for electronic recording, pursuant to Government Code Section 27397(c)(1) and to be effective July 1, 2010; and
   d. Directed the Auditor-Controller to establish a Restrictive Revenue account to account for the Electronic Recording Delivery System (ERDS) revenues and expenses.

24.1 Approved goals for the Health and Human Services Committee.

24.2 Authorized the Chair of the Board of Supervisors to sign a multi-county letter to Governor Schwarzenegger regarding the barriers to successful administration of the Special Vacancy Elections in Senate District 15. (Added via Addendum)
RMA - PLANNING DEPARTMENT:

25. a. Approved the Parcel Map to allow a subdivision of a 20.39 acre parcel into four separate parcels of: 5.10 acres (Parcel A and D); 5.11 acres (Parcel B); and 5.08 acres (Parcel C).
   b. Accepted the Parcel Map Guarantee and Tax Clearance letter from the Tax Collector.
   c. Approved and authorized the Chair to sign the Conservation and Scenic Easement Deed.
   d. Approved and authorized the Chair to sign the Subdivision Improvement Agreement.
   e. Authorized release of $51,609.85 from Bank of America to Living Trust of Nader and Homejra Daliri.
   g. Directed the Clerk of the Board to submit the Parcel Map, TAMC Fee Notice, Building Permit Traffic Fee Notice, Water Conservation Notice, Conservation and Scenic Easement Deed, Subdivision Improvement Agreement, and Deed of Trust & Assignments of Rents, Deed Notification-Percolation Report, and Deed Notification - Septic Design to the County Recorder for filing. (PLN050469/Saddle Road Group, 12173 Saddle Road, Salinas, Greater Monterey Peninsula Area)

RMA - PUBLIC WORKS:

26. Board Budget No. 09/10-481
   a. Approved and amended the Fiscal Year (FY) 2009-10 RMA-Public Works Department, Fleet Management Budget Unit 8185, to reallocate two (2) 0.75 (part-time) Shuttle Driver position allocations to one (1) 1.0 (FTE) and one (1) 0.50 (part-time) Shuttle Driver positions;
   b. Directed the Auditor-Controller to incorporate this change in the FY 2009-10 RMA-Public Works Department Fleet Management Budget Unit 8185.
   c. Directed the Auditor-Controller’s Office and the County Administrative Office to amend the 2009-10 Budget and incorporate approved changes in the FY 2010-11 Adopted Budget.

27. Removed via Supplemental
   a. Approved and authorize the Contracts/Purchasing Officer to execute a five (5) year Standard Lease Agreement, effective January 1, 2010, with B & A Farahmand Family Trust, at 1370 B South Main Street in Salinas, California, for 12,011 rentable square feet for use by the Monterey County Elections Department;
   b. Directed the Auditor-Controller to make lease payments of $23,421.45 per month and in accordance with the terms of the Standard Lease Agreement; and
e. Authorized the optional extension of the Standard Lease Agreement for an additional second and third term at three (3) years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

28. 2010CONST009
a. Approved Plans and Special Provisions for construction of the San Miguel Canyon Road Signal Coordination, Project No. 10-135065; and
b. Authorized the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on May 17 and May 24, 2010.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

29. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approved an Exclusive Negotiating Agreement A-11697 (ENA) with Monterey Downs, L.L.C for the development of approximately 450 acres in the Parker Flats area of the former Fort Ord; and
   b. Directed the Auditor-Controller’s Office and the County Administrative Office to amend the FY 2009-10 Budget to increase revenues and appropriations in Fund 173, Unit 8213 (Fort Ord Redevelopment Project) by $40,000 (4/5th vote required)

(See vote under Consent Calendar – Monterey County Redevelopment Agency)

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