BOARD OF SUPERVISORS

Fernando Armenta 1st District Lew C. Bauman
Louis R. Calcagno 2nd District County Administrative Officer
Simón Salinas 3rd District Charles J. Mc Kee
Jane Parker 4th District (Chair) County Counsel
Dave Potter 5th District (Vice-Chair)

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

TUESDAY, NOVEMBER 8, 2011
9:00 A.M.

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

1. Additions and Corrections for Closed Session: None.

CLOSED SESSION
Closed Session under Government Code section 54950, relating to the following items:

2. a. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
   CLOSED SESSION REPORT: No reportable action taken by the Board at this time.

Acting as Board of Directors of the Monterey County Redevelopment Agency:

CLOSED SESSION

b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
   CLOSED SESSION REPORT: No reportable action taken by the Board at this time.

Acting as Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION
c. Pursuant to Government Code section 54957, the Board will confer regarding appointment to the position of Interim Water Resources Agency General Manager.

CLOSED SESSION REPORT: No reportable action taken by the Board at this time.

Continuance of Closed Session to be held at the conclusion of the Board’s Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

10:30 A.M. RECONVENED

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

3. Pledge of Allegiance was led by Senator Anthony Cannella

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.

Correction to Regular Consent – Natividad Medical Center
11. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement (No. A-11883) with HealthStream Inc. for Web Based Clinical Education Content Services at NMC, extending the Agreement to June 30, 2014 and adding $244,933.16 (of which $49,757.04 is for Fiscal Year 2011-12) for a revised total Agreement amount not to exceed $386,676.16 in the aggregate

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
Hans Jongens requested items 10, 11, and 12 be pulled for comment
Supervisor Parker pulled items 12 and 21 for questions.

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

APPOINTMENTS


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

OTHER BOARD MATTERS
Note: Public Comment heard prior to Board Comments

9. Public Comment (Limited up to 3 minutes per speaker at the discretion of the Chair) Senator Cannella
7. Board Comments
~ Supervisor Armenta announced Veterans Day is this Friday, November 11, 2011 and urged support for our veterans; a ceremony is being held at the Vietnam Memorial in Salinas at 11:00 a.m. and at 2:00 p.m. there is a Salinas Veterans Parade. He reported on the meeting attended at the White House Department of Justice National Reform on Youth Violent Prevention and thanked Director Elliott Robinson and Rosemary Soto of the Health Department. He also reported on the Youth Forums held October 26, 2011 and the issues discussed and to follow up the future of juvenile detention in Monterey County.

~ Supervisor Calcagno made a referral that the Board of Supervisors reconsider the bicycle path that was approve on October 18, 2011 due to the agricultural community’s concern for food safety and other concerns as the path is located in the heart of agricultural industry with a return to the Board on November 15, 2011.

~ Supervisor Parker requested staff to give the history of the bicycle path and how it fits into the regional plan

~ Supervisor Salinas provided an update to an exhibit at the Steinbeck Center will be there until November 15, 2011 from Italy Emilia Reggio; The Wonder of Learning – The Hundred Languages of Children Exhibition

~ Supervisor Parker will be hosting a community form on The Public Safety Realignment Plan on Monday, November 28, 2011 from 6 to 8 p.m. at Friendship Baptist Church in Seaside, to include presentations from the Community Corrections Partnership.

8. CAO Comments and Referrals: County Administrative Officer, Lew Bauman, presented Jayanti Addleman, County Librarian an award received from the California State Library for outstanding librarian in support of literacy.
Lew Bauman announced Monterey County received the Distinguished Budget Presentation Award for its 2011-12 Budget from Government Financial Officers Association (GFOA) a non-profit association serving over 17,000 government finance profession throughout North America. Lew Bauman recognized the county budget office Mari Beraz; Liz Reta; John Guertin; Paul Lewis; Patty Maitland; Rod Walker; Scott Ruble; Kari DeMarco and Ebby Johnson and shares the award with the Chair and Vice Chair of the Budget Committee; department head staff, finance officers, Auditor-Controller; Dewayne Woods

SCHEDULED MATTERS

S-1 Received a 2011 California State Association of Counties Challenge Award for the Kick Start Ex-Offender Re-Entry Employment Program.
Award presented and received.

S-2 Resolution No. 11-361
a. Adopted Ordinance 5192 adding Chapter 2.33 to the Monterey County Code to establish the position of County Fire Warden;
b. Approved of a Memorandum of Understanding (MOU) in support of the Monterey County Fire Warden Office;
c. Appointed of the Cal Fire Chief for the San Benito-Monterey area to serve as the designated Fire Warden and Fuel Mitigation Officer;
d. Authorized the Chair of the Board of Supervisors to execute the MOU; and
e. Directed staff to take such further actions as may be necessary or appropriate to implement that intent and purposes of the MOU.

Public comment: Julie Engle, Pam Silkwood; Rick Hutcheson; Michael Hemmet, Bob Taylor, Chris Orman, Joe Reletezer, Eddie Bennett, Hans Jongens, Kelly O’Brien, Mike Copland

Motion by Supervisor Potter, seconded by Supervisor Parker to adopt staff Recommendations; report back in one year with noticing requirements.
Motion withdrawn

Second Motion by Supervisor Potter, seconded by Supervisor Salinas to adopt a, b, c, d. ALL AYES

Subsequent motion by Supervisor Salinas, seconded by Supervisor Armenta to direct staff to report back in 18 months regarding the effects of implementation of the MOU excluding noticing requirements, seconded by Supervisor Armenta. 3 AYES; 2 NOES (Supervisor Potter and Parker dissented)

12:00 P.M. RECESSED TO LUNCH

1:30 P.M. RECONVENED

MONTEREY COUNTY BOARD OF SUPERVISORS

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

SCHEDULED MATTERS

S-3 Public hearing continued from October 18, 2011 (public testimony portion closed), considered and adopted Resolution 11-364 to:

a. Approve Owner/Applicant Jack Barbieri et al (Barbieri) request to shorten the term of Land Conservation Contract No. 71-47 as applicable to the Barbieri property (11.8 acres) to ten (10) years and to revise the corresponding Owner Initiated Notice of Non-Renewal and Amended Notice of Non-Renewal to provide for a ten (10) year period which shall relate back to the original Notice of Non-Renewal recording date of August 30, 2002 as applicable to a portion of Williamson Act Agricultural Preserve No. 71-47 (APN 137-161-015-000; 11.8 acres);

b. Amend Board Resolution No. 05-303 as applicable to the Barbieri property to provide for a ten (10) year term;

c. Authorize the Chair to execute a new or amended Land Conservation Contract and corresponding Amendment to Owner Initiated Notices of Non-Renewal as applicable to the Barbieri property;

d. Direct the Clerk of the Board to record new or amended Land Conservation Contract and Amendment to Owner Initiated Notices of Non-Renewal; and
e. Authorize Planning Director to offer similar terms to landowners within Agricultural Preserve No. 71-47 (APN 137-161-016-000; 13.02 acres and APN 137-161-017-000; 114.94 acres) (Williamson Act - PLN110238/Jack Barbieri, et al., 1652 Old Stage Road, Central Salinas Valley Area Plan.)

Motion by Supervisor Salinas, Seconded by Supervisor Armenta. 4-1 (Supervisor Parker dissented)

S-4 Public hearing to consider: Continued to January 10, 2012 at 1:30 p.m.

a. Adoption of a Resolution to certify the Environmental Impact Report and adopt Statement of Overriding Considerations;

b. Adoption of a Resolution to: deny the appeal by Omni Resources LLC from the January 26, 2011 decision of the Monterey County Planning Commission; approve the Combined Development Permit for the project consisting of 1) Use Permit 2) General Development Plan; and 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village and 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres), subject to the recommended conditions; and adopt the Mitigation Monitoring and Reporting /Condition Compliance Plan; and

c. Adoption of a Resolution denying the Applicant's request to rezone the Property to remove the "B-8" Overlay Zoning District from the subject site's overall "LC-B-8-D" zoning classification.

(Appeal, Discretionary Decision - PLN110077 (an appeal of PLN020344) Omni Resources, LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan)

Public Comment: Brian Finnegan

Motion by Supervisor Parker, seconded by Supervisor Potter to continue to January 10, 2012 at 1:30 p.m. ALL AYES

Supervisor Calcagno made referral to reconsider Whispering Oaks.

CLOSED SESSION REPORT: (See 2 a through c)

ADJOURNMENT

/s/ Dave Potter
DAVE POTTER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: /s/ Gail T. Boarkowski
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

10. **Agreement No. A-10289** Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement (A-10289) with Aureus Radiology for Ancillary Registry Services at NMC in an amount not to exceed $800,000 in the aggregate and $200,000 for the period January 1, 2012 to December 31, 2012.

11. **Agreement No. A-11883** Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 3 to the Agreement (No. A-11883) with HealthStream Inc. for Web Based Clinical Education Content Services at NMC, extending the Agreement to June 30, 2014 and adding $244,933.16 (of which $49,757.04 is for Fiscal Year 2011-12) for a revised total Agreement amount not to exceed $386,676.16 in the aggregate.

12. **Agreement No. A-11786** Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 2 to the Agreement with Hooper, Lundy & Bookman, Inc. for Legal Services at NMC in an amount not to exceed $650,000 in the aggregate (an increase of $300,000) and extend the term to June 30, 2012.

13. Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute the Renewal to the Agreement with Hydrex Pest Control for pest control services at NMC in an amount not to exceed $109,000 in the aggregate and $23,000 for the period July 1, 2011 to June 30, 2012.

14. **Construction No. 2011-019**
   a. Approved the Plans and Special Provisions for the Natividad Medical Center (NMC) Medical Surgical Physician Workroom Remodel and Administrative Office Refinish projects for contractors to bid on construction.; and
   b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian.

15. **Construction No. 2011-020**
   a. Approved the Plans and Special Provisions for the Natividad Medical Center (NMC) Seismic Upgrade (NPC-2/NPC-3) projects for contractors to bid on construction; and
   b. Authorized the Clerk of the Board to advertise the "Notice to Contractors" in The Californian.

16. **Agreement No. A-12138** Authorized the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Smith and Enright Landscape Inc. per the Request for Proposal (RFP) No. 9600-19 for Landscape Maintenance Services at NMC in an amount not to exceed $325,987 in the
aggregate (December 1, 2011 through November 30, 2014) including $98,784 for the period December 1, 2011 to November 30, 2012.

HEALTH AND SOCIAL SERVICES

17. Approved and authorized the request to the Judicial Council of California to increase the portion of the filing fee distribution to support the Alternative Dispute Resolution (ADR) Program in Monterey County from $3.00 to $8.00 per filing fee.

18. a. Approved and authorized the addition of 6 FTE Eligibility Worker II, 2 Eligibility Worker III, One Eligibility Supervisor, one Social Services Aide II, and 4 Office Assistant II;
   b. Authorized the Auditor-Controller to amend appropriations and estimated revenues in SOC 005 in the amount of $713,378 (4/5ths vote required); and
   c. Authorized the Auditor-Controller and the County Administrative Office to amend the position count in SOC 005.

19. **Agreement No. A-11852** Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign the Fiscal Year 2011-12 annual amendment, and all future annual amendments, to the Memorandum of Understanding (MOU) with Monterey County Office of Education for leveraging of Title IV-E Foster Care Administrative funds, and to establish current fiscal year financial obligations of both parties.

20. **Agreement No. A-12139**
   a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to the agreement with Community Human Services adding $150,000 to continue support for the Family-to-Family Initiative through June 30, 2012, increasing the total contract amount to $210,000; 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 10% of the original contract amount, and do not significantly change the scope of work.

CRIMINAL JUSTICE

21. a. Authorized the Sheriff and County Administrative Officer (CAO) to accept a grant award in the amount of $2,369,759 from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) Hiring Program (CHP) for the period of September 1, 2011 through August 31, 2014 to hire additional Deputy Sheriffs;
   b. Authorized the Sheriff to sign future grant modifications or amendments that do not significantly change the scope of work or result in an increase in County General Fund Contribution;
   c. Authorized the County Administrative Office to add seven (7.0) FTE Deputy Sheriff-Operations positions as detailed in the Board Order; and
d. Authorized the Auditor-Controller to increase appropriations and estimated revenue as detailed in the Board Order. (4/5ths votes required)

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