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

TUESDAY, OCTOBER 27, 2009
8:30 A.M.

ROLL CALL:
Present: Supervisors Calcagno (Chair), Armenta, Salinas, Parker, and Potter.
Supervisor Potter arrived prior to Closed Session.

1. Additions and Corrections for Closed Session: There were no additions or corrections for 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 will confer with real property negotiators.
      (1) Property: County franchise for solid waste and recycling services
         Negotiating parties: To be determined
         Under negotiation: Price and terms
         County negotiator: Allen Stroh
      CLOSED SESSION REPORT: The Board conferred with real property negotiators and advised the negotiator for the franchisee will be determined based on successful responses to Request for Proposal.
         (2) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard (APNs 003-851-021, -024, and -027)
            County Negotiator: Wayne Tanda, RMA Director
Negotiating Parties: County of Monterey and the Salinas Regional Sports Authority
Under negotiation: Price and Terms

**CLOSED SESSION REPORT:** The Board designated Wayne Tanda, RMA Director as the real property negotiator for the County.

(3) Property: Portion of Toro Park near Highway 68 (Portion of APN 161-011-071-000).
Negotiating parties: County of Monterey and Mark Kelton, Bollenbacher & Kelton.
Under negotiation: Applicant’s request to acquire access to proposed subdivision through portion of Toro Park adjacent to Highway 68.
County negotiator: To be determined.

**CLOSED SESSION REPORT:** The County negotiator is designated as CAO Lew Bauman or his designee. Under negotiations: Price and Terms. The Board provided direction to staff to enter into negotiations and clarified that they are not making decisions or giving direction on their opinion on the project itself or whether or not they would enter into any contract for any real property transaction in this matter. If any transaction related to real property and/or the project itself were to be considered for approval, it would need to come to the Board of Supervisors in open session.

b. **(Removed Via Addendum)** Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one item of significant exposure to litigation and/or potential initiation of litigation.

c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding potential initiation of three four litigation cases.  
   **(Added via Addendum)**

**CLOSED SESSION REPORT:** County Counsel clarified there were only three items discussed. The Board conferred with Counsel and provided direction to Counsel on how to proceed on three items. The Board provided direction to Counsel to initiate litigation in one matter, if this matter cannot be resolved. If litigation is initiated, those documents would be made available for any member of the public interested in seeing the documents. The Board did not authorize litigation in the other two matters.

d. Pursuant to Government Code section 54957, the Board will confer regarding recruitment for and/or appointment to the position of Equal Opportunity Officer.

**CLOSED SESSION REPORT:** The Board conferred regarding the recruitment and/or appointment for the position of Equal Opportunity Officer and provided direction to staff regarding the recruitment for that position. Staff will bring back an item in the near future to move this forward.
e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the following public employee positions:
   (1) County Administrative Officer
   (2) Natividad Medical Center CEO

   CLOSED SESSION REPORT: These items were continued to a future Board meeting date not yet determined.

f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
   (1) Designated representatives: Keith Honda and Patricia Covert;
   Employee organizations: All Units

   CLOSED SESSION REPORT: This item was continued to a future Board meeting date not yet determined.

10:30 A.M.

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

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

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

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   - Supervisor Parker pulled Consent Item No. 27 for comment and questions.
   - Supervisor Calcagno pulled Consent Item Nos. 26, 33, 35, and 35.1 for comment and questions.
   - Jim Cook responded to questions regarding Consent Item Nos. 26 and 27.
   - Yaz Emrani, Director of RMA-Public Works and Rick Sauerwein responded to questions regarding Consent Item No. 33.

   Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the Consent Calendar with the exception of Consent Item No. 35 which was removed from today’s agenda. ALL AYES

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)
   Motion by Supervisor Parker, seconded by Supervisor Salinas. ALL AYES

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

OTHER BOARD MATTERS:

8. Board Comments
   - Supervisor Armenta advised he will be absent after lunch as he will be attending the California Transit Association Conference this afternoon.
9. **CAO Comments and Referrals**
   · County Administrative Officer Lew Bauman announced the passing of Mardi Wormhoudt, former Mayor and Board of Supervisor for Santa Cruz County and requested today’s meeting be adjourned in her memory.
   · CAO Bauman advised of the following Board referral:
     A report will return to the Board on November 3, 2009 to review the fee schedule for Monterey County Code Chapter 7.2 Itinerant Vendors in relation to the costs and impacts to local businesses in our community.

10. **Public Comment (Limited to 3 minutes per speaker):**
    · Hans Jongens.

11. **Received Budget Committee Report and Action Minutes for the 4th Quarter of Fiscal Year 2008-09.**
    **Motion by Supervisor Armenta, seconded by Supervisor Potter. ALL AYES**

11.1 Adopted Resolution No. 09-403 Honoring Leslie Bruhn as the recipient of the Professional Women’s Network of the Monterey Peninsula 2009 Woman of the Year award. (Supervisor Potter) **(Added Via Addendum)**
    **Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES**

**APPOINTMENTS:**
The vote on items 12 through 15 was taken concurrently.

12. **Appointed Natalie Garcia to the Youth Council Monterey County Workforce Investment Board, term ending October 27, 2011. (Full Board)** **(Added via Addendum)**
    **Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**

13. **Appointed Maria Castillo to the Monterey County Workforce Investment Board, term ending October 27, 2012. (Full Board)**
    **Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**

14. **Reappointed Judy Morales to the Youth Council of the Monterey County Workforce Investment Board, term ending October 27, 2011. (Full Board)**
    **Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**

15. **Considered and appointed Supervisor Potter as the Member, Supervisor Parker as the Alternate Member, and Curtis Weeks as the Advisor to the Seaside Groundwater Basin Watermaster Board, term ending December 31, 2011 or until the Board makes another appointment. (Full Board)**
    **Motion by Supervisor Salinas, seconded by Supervisor Parker. ALL AYES**
SCHEDULED MATTERS:

Items S-1 through S-6 were heard and voted on concurrently.

S-1 Considered and adopted Ordinance 5141 amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 45 m.p.h. speed limit on a portion of Blackie Road in Prunedale.

Public comment on items S-1 through S-6
Marilyn Harter
Hans Jongens
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

S-2 Considered and adopted Ordinance 5142 amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 30 m.p.h. speed limit on a portion of Outlook Drive in High Meadows, Carmel area.

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

S-3 Considered and adopted Ordinance 5143 amending the Monterey County Code, Title 12, Section 12.12.010, to increase an existing speed limit on Reservation Road from 40 m.p.h. to 55 m.p.h., near Marina.

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

S-4 Considered and adopted Ordinance 5144 amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 55 m.p.h. speed limit on a portion of San Juan Road, Aromas area.

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

S-5 Considered and adopted Ordinance 5145 amending the Monterey County Code, Title 12, Section 12.24.020, to establish a stop intersection at Sylvan Road and Manor Road. Stop required on the southern leg of Manor Road at the entrance to Sylvan Road, Monterey area.

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

S-6 Considered and adopted Ordinance 5146 amending the Monterey County Code, Title 12, Section 12.12.010, to establish a 40 m.p.h. speed limit on Tustin Road in Prunedale.

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

S-7 a. Conducted a public hearing on Unmet Transit Needs in the unincorporated area of the County in preparation for the Fiscal Year 2010-11 Local Transportation Funds allocation; and
b. Directed comments received are referred to the relevant transit operators and the Department of Public Works for analysis.

Public comment:
· Arthur McLochlin (no speaker card) requested the need for two concrete pads to meet ADA accommodation guidelines for the Monterey Salinas Transit (MST)
service from Prunedale/Oak Hills to the Naval Post Graduate School be referred as an unmet transit need.

- Ben Sobels (no speaker card) requested MST service to Cachagua community be referred as an unmet transit need.
- Supervisor Parker requested the need for more frequent service during the rush hour on bus line 20 between Salinas and Monterey be referred as an unmet transit need.
- Supervisor Parker requested a bus line from California State University Monterey Bay into downtown Marina and on to Salinas be referred as an unmet transit need.
- Supervisor Armenta requested the comments be sent directly to MST General Manager Carl Sedoryk in addition to TAMC.
- Supervisor Calcagno requested MST service to Aromas be referred as an unmet transit need.

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

Recessed to Lunch – Ribbon Cutting Ceremony at the Monterey County Health Department

1:30 P.M. RECONVENED

ROLL CALL:
Present: Supervisors Calcagno (Chair), Salinas, Parker, and Potter.
Absent: Supervisor Armenta; Supervisor Salinas arrived after roll call.

SCHEDULED MATTERS:

S-8 Continued public hearing and:
   a. Adopted Resolutions 09-422 /Agreements for County-initiated Notice of Non-Renewal of all or part of seven (7) Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts:
      1) Dolmatch, Elizabeth – No. 90-004
      2) Comgro Incorporated – No. 87-003
      3) Perez-Palomares, Elias – No. 71-045
      4) Poulton, James W. Jr. No. 71-025
      5) Guidotti, Milton & Rosemary – No. 68-023
      6) Twin Peaks Land Co., Inc. – No 68-032
      7) Hilltown Road Properties – No. FSZ 02-012
due to not meeting Williamson Act Program and County Contract requirements.
     8) Ballestero, Frank and Darlene 68-094 excluded from non-renewal
   b. Provided direction to staff to develop a Monitoring and Enforcement Program for Williamson Act Land Conservation Contracts and Farmland Security Zone Contracts. (PD091035/Williamson Act Non-Renewals 2010)

Motion by Supervisor Salinas, seconded by Supervisor Potter. 4-0 (Supervisor Armenta Absent)
S-9 Received a report on the July 17 through 18, 2009, Local Government Summit on Governance and Fiscal Reform - "Rebuilding Government From the Ground Up" sponsored by the CCS Partnership and other State governmental reform efforts.

**Public Comment:** Rich Gordon, San Mateo Board of Supervisors, Stephanie Aguilar, Scotts Valley City Council member/CCS Summit, Allison Niday, CSBA, Scotts Valley, Dave Metz

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

S-10 Board Budget No. 09/10-047

Received a report on the status of permit fees for alternative energy systems:

b. Approved a fee subsidy of $750, retroactive to July 27, 2009;

c. Approved priority permitting;

d. Directed Building Services to modify the fee schedule and prepare appropriate resolutions to reflect Board approved changes;

e. Directed Building Services and the CAO-Analysis and Budget Division to make appropriate budgetary actions necessary to balance the budget; and

Additionally, the Board requested details of the cost of the $750 subsidy including IT and administrative costs.

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

**ORDER FOR ADJOURNMENT**

In Memory of Mardi Wormhoudt
former Mayor and Board of Supervisor
for Santa Cruz County

APPROVED:

______________________________
LOUIS R. CALCAGNO, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY: ___________________________
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

16. Approved and authorized the Director of Emergency Medical Services (EMS) Agency to accept a grant in the amount of $12,833 from the California Emergency Medical Services (EMS) Authority, to facilitate the transfer of Emergency Medical Services data to the EMS Authority in the specified XML format.

17. Board Budget No. 09/10-048
   a. Amended Health Department Budget 4000, HEA003, to reallocate 2.0 FTE Public Health LVN to 2.0 FTE Public Health Nurse II; and
   b. Directed the Auditor-Controller to amend the adopted Fiscal Year 2009-10 Health Department Budget 4000, HEA003, to reflect the change in position count as outlined in the Board Order.

18. Agreement No. A-11474
   a. Approved and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 to Professional Services Agreement No. 626 with Peacock Acres Inc. to continue the Transitional Housing Program Plus (THP-Plus) for eligible emancipated foster and probation youth, adding $461,175 for the period July 1, 2009 through June 30, 2010, increasing the total amount of the contract to $560,505; 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 ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

19. a. Approved the Area Agency on Aging 2008-09 Year-End Report; and
   b. Authorized the Chair to sign the Year-End Report Transmittal Letter.

CRIMINAL JUSTICE:

20. Board Budget No. 09/10-049
   a. Approved and authorized the District Attorney to accept a grant previously applied for from the Department of Insurance (DOI) in the amount of $300,000; and
   b. Directed the Auditor-Controller to amend the Fiscal Year 2009-10 District Attorney Fund 001, Budget Unit 2240, Unit 8063, Appropriations Unit DIS001 to increase revenues and appropriations as in the amount of $104,771 as detailed in the Board Order.
21. Board Budget No. 09/10-050
   a. Approved and authorized the District Attorney to accept a Federal Justice Assistance Grant (JAG) in the amount of $22,867 from the Edward Byrne Memorial Justice Assistance Grant Program;
   b. Increased Fiscal Year (FY) 2009-10 estimated revenue and appropriations by $22,867 in the District Attorney’s Budget 2240, Unit 8063, Appropriations Unit DIS 001; and
   c. Directed the Auditor-Controller to increase FY 2009-10 revenue and appropriations totaling $22,867 in District Attorney Budget Unit 2240, Unit 8063, Appropriations Unit DIS 001.

22. Board Budget No. 09/10-052
   a. Approved and authorized the District Attorney to accept Federal Grant Funds in the amount of $223,804 from the California Emergency Management Agency (CalEMA); and
   b. Directed the Auditor-Controller to increase Fiscal Year 2009-10 revenue and appropriations totaling $223,804 in District Attorney Fund 001, Budget 2240, Unit 8063, Appropriations DIS001.

23. Board Budget No. 09/10-053
   a. Approved and authorized the District Attorney to accept a grant previously applied for from the Department of Insurance (DOI) in the amount of $500,000; and
   b. Directed the Auditor-Controller to amend the Fiscal Year 2009-10 District Attorney Fund 001, Budget Unit 2240, Unit 8063, Appropriations Unit DIS001 to increase revenues and appropriations in the amount of $50,000 as detailed in the Board Order.

23.1 Agreement No. A-11556; Board Budget No. 09/10-046
   a. Approved and authorized the Chief Probation Officer to accept an award in the amount of $1,440,888 for the period August 1, 2009 to July 31, 2011 from the US Department of Justice to implement a Day Reporting Center (DRC) for adult offenders;
   b. Authorized the Contracts/Purchasing Officer to sign an agreement in the amount of $1,305,600 with Behavioral Interventions, Inc. for the 2-year grant period, for the provision of services to adult offenders participating in the DCR;
   c. Approved increased estimated revenues and appropriations in the amount of $394,504 in the Probation Department’s Budget 2550 during Fiscal Year 2009-10; and
   d. Directed the Auditor-Controller to amend Probation’s Budget for Fiscal Year 2009-10 to reflect the change in revenue and appropriations.

(Added Via Addendum)
GENERAL GOVERNMENT:


25. a. Received a memo dated September 24, 2009, providing federal legislative updates from the County’s federal legislative advocate, Troutman Sanders LLP;
   b. Received memos dated September 22, 2009, providing state legislative updates from the County’s state legislative advocate, JEA & Associates; and
   c. Received the action minutes from the August 24, 2009, meeting of the Legislative Committee.

26. Agreement No. A-11557
   a. Approved the request of Richard and Regina Steres to rent their Inclusionary Housing Unit to a qualified household for a maximum of 5 years; and
   b. Authorized the Redevelopment and Housing Director to execute the Inclusionary Rental Agreement between the Steres and the County of Monterey.


28. Agreement No. A-11258
   a. Approved and authorized the Contracts/Purchasing Officer to sign the Renew and Extend Agreement for Shared Dispatch Space, Equipment, Associated Costs and Services between the County of Monterey and American Medical Response West (AMR) to extend the term of the Agreement through January 31, 2010; and
   b. Approved and authorized the Contracts/Purchasing Officer to sign additional extensions to this Agreement as needed through the award of a five (5) year ambulance service contract.

29. Resolution No. 09-421
   a. Received and adopted the Treasurer’s revised Investment Policy for Fiscal Year 2009-10;
   b. Received and accepted the Treasurer’s Report of Investments for the quarter ending September 30, 2009; and
   c. Received the Treasury Oversight Committee Compliance Audit for the year ended June 30, 2009.

30. Board Budget No. 09/10-050
   a. Adopted Resolution 09-419 approving the form of and authorizing the execution and delivery of a purchase and sale Agreement and related documents with respect to the sale of the County of Monterey’s Proposition 1A receivable from the State, totaling $10,357,226; and
   b. Directed and authorized certain other actions in connection therewith.
RMA - PLANNING DEPARTMENT:

31. a. Accepted and authorized the Chair to execute the Conservation and Scenic Easement Deed; and
b. Directed the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing. (Conservation and Scenic Easement Deed-PLN060296/Christensen, 383 San Benancio Road, Salinas)

RMA - BUILDING DEPARTMENT:

32. a. Extended end date of the previously approved contract of $180,000 to the Office of Administrative Hearings, the sole provider, to preside over Building Services and Health Departments’ administrative hearings for code enforcement cases from October 31, 2009 to June 30, 2010;
b. Authorized the Building Services Director to sign amendment to the contract extending the period of the contract from October 31, 2009 to June 30, 2010.

RMA - PUBLIC WORKS:

33. Agreement No. A-09966
   a. Approved Amendment No. 6 to Professional Services Agreement No. A-09966 with Wood Rodgers, Inc. to provide additional services associated with the development of a Project Report and Environmental Document to complete Caltrans requirements for the Project Approval and Environmental Determination Phase of project development for the Highway 68 - Corral de Tierra Road Intersection Improvements, Project No. 114065, in the amount of $88,685 for a total amount not to exceed $507,472 and extend the term through January 31, 2011; and
   b. Authorized the Contracts/Purchasing Officer to execute Amendment No. 6 to Professional Services Agreement No. A-09966 as the final amendment to this Agreement.

34. Agreement No. A-10560
   Approved and authorized the Director of the Department of Public Works, or designee, to sign Amendment No. 2 to the Interim Filtration Agreement with John W. Richardson, Federal Receiver, for the San Jerardo Water System for the continued operation of an interim water filtration system to serve the Community of San Jerardo, extending the maximum term of the agreement through December 31, 2010 and increasing the funding by $351,000 for a total Agreement amount not to exceed $1,068,500.

35. a. Approve Amendment No. 3 to Construction Project Management Services Agreement No. A-10976 with Turner Construction to provide additional construction project management services for the Monterey County Government Center North Wing Renovation Project, in the amount of $625,335 for a total amount not to exceed $3,557,665 and extend the term through September 30, 2010; and
b. Authorize the Director of Public Works to execute Amendment No. 3 to Construction Project Management Services Agreement No. A-10976 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Motion by Supervisor Potter, seconded by Supervisor Armenta to remove this item from today’s agenda. ALL AYES

35.1 Agreement No. A-11558
a. Authorized the Director of Public Works to negotiate final terms of a Memorandum of Understanding between the County of Monterey, the Monterey County Water Resources Agency, the Monterey Peninsula Water Management District, the California State Department of Parks and Recreation, and the Big Sur Land Trust for the purpose of coordinating planning activities for the proposed Carmel River Floodplain Restoration Project in substantial compliance with the attached draft;

b. Authorized the Director of Public Works to execute the Memorandum of Understanding;

c. Directed the Clerk of the Board to submit the Memorandum of Understanding to the County Recorder for filing; and

d. Authorized the Director of Public Works to sign the Cost Estimate for the Project Study Report. (Added Via Addendum)

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:

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

Agreement No. A-11558

a. Approved Modification Agreement Number 3 revising the terms of an existing affordable housing loan to incorporate the outstanding interest into a new principal amount of $169,902.74 affecting an Agreement dated June 20, 2001 between the Redevelopment Agency of the County of Monterey and South County Housing Corporation; and

b. Authorized the Director of the Redevelopment and Housing Office to sign the Modification Agreement and all related documents.

MONTEREY COUNTY WATER RESOURCES AGENCY:

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

Board Budget No. 09/10-051

a. Adopted Resolution 09-420 approving the form of and authorizing the execution and delivery of a purchase and sale Agreement and related documents with respect to the sale of Monterey County Water Resources Agency’s Proposition 1A receivable from the State, totaling $158,716; and

b. Directed and authorized certain other actions in connection therewith.

###