ACTION MINUTES
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
TUESDAY, OCTOBER 26, 2010
9:00 A.M.

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

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

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 two items of significant exposure to litigation.
      CLOSED SESSION REPORT: The Board provided direction to counsel on how to proceed to avoid litigation.
   b. Pursuant to Government Code section 54956.87, and Health and Safety Code section 1462, the Board will confer with the Natividad Medical Center CEO regarding trade secrets concerning a proposed new service, program, or facility.
      CLOSED SESSION REPORT: The Board provided direction to the Natividad Medical Center CEO regarding how to proceed in pursuing the new service, program, or facility.
c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators
   (1) Designated representatives: Keith Honda and Dianne Dinsmore;
       Employee organizations: All Units

   CLOSED SESSION REPORT: The Board provided direction to the labor negotiators on how to proceed.

d. Pursuant to Government Code section 54957.6, the Board will confer with legal counsel regarding potential initiation of one litigation case. (Added via Addendum)

   CLOSED SESSION REPORT: The Board authorized counsel to enter into litigation, once it is drafted and finalized, copies of the complaint will be available to the public through the office of County Counsel.

10:30 A.M.

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

3. The Pledge of Allegiance was led by County Counsel Charles McKee.

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.

SUPPLEMENTAL

Title Correction: Listed on Supplemental as S-6 should be S-7

S-6 Public Hearing (continued from October 12, 2010) for the Board of Supervisors to consider:
   a. Adopting a resolution certifying the Final Program Environmental Impact Report (EIR), including findings for a Statement of Overriding Considerations; and adopting a Mitigation Monitoring and Reporting Plan;
   a. Adopting a resolution certifying the Final Environmental Impact Report (EIR) and adopting CEQA findings, a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program;
   b. Adopting a resolution adopting the 2010 Monterey County General Plan;
   c. Providing direction to staff for implementation of the 2010 General Plan; and
   d. Providing direction to staff for an interim ordinance. (General Plan Update – PLN070525/County of Monterey

   Motion by Supervisor Potter, seconded by Supervisor Armenta to approve the correction to the posted Supplemental agenda. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)
   Calcagno pulled item 23.

   Motion by Supervisor Parker, seconded by Supervisor Armenta to approve the Consent Calendar – Regular, with the exception of item 23. ALL AYES
Consent item 23: Supervisor Calcagno advised that he has information that the Architectural Heritage Association (AHA) was disbanded on July 12, 2004. He requested confirmation of the status of the organization before the Board considers action related to this item.

Public comment on item 23: Mark Norris.

Motion by Supervisor Potter, seconded by Supervisor Parker to continue item 23 to November 2, 2010 to clarify the status of AHA. ALL AYES

Recessed as the Monterey County Board of Supervisors

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

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

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet, Item 24)

Motion by Director Parker, seconded by Director Armenta. ALL AYES

Adjournment as the Monterey County Redevelopment Agency

Reconvened as the Monterey County Board of Supervisors

CEREMONIAL RESOLUTIONS 7 through 8.1 heard concurrently

7. Adopted Resolution No. 10-287 honoring Mary Goblirsch upon her retirement as Deputy Director for the Department of Social and Employment Services in the County of Monterey. (Full Board)

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

8. Adopted Resolution No. 10-286 honoring an "Undisclosed Recipient" as the Recipient of the Monterey County Hospitality Association’s Papa Vince Award. (Supervisor Potter)

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

8.1 Adopted Resolution No. 10-285 in recognition of the retirement of Ray Torres from the North County Fire Protection District of the Monterey County upon many years of dedicated service to the community. (Supervisor Calcagno) (Added via Addendum)

Motion by Supervisor Parker, seconded by Supervisor Armenta. ALL AYES
APPOINTMENTS: 9 through 12 heard concurrently

9. Appointed Bruce Delgado to the Community Restorative Justice Commission, term ending October 26, 2013. (Full Board)  
   Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

10. Appointed Josefina Silva to the Monterey County Children & Families Commission to fill an unexpired term ending September 25, 2012. (Full Board)  
    Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

11. Appointed Rick Deraiche to the Monterey County Workforce Investment Board to fill an unexpired term ending June 17, 2011. (Full board)  
    Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

12. Reappointed Joanne B. Lasnick to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Full Board)  
    Motion by Supervisor Calcagno, seconded by Supervisor Parker. ALL AYES

OTHER BOARD MATTERS:

13. Board Comments  
    Supervisor Armenta thanked the community for its support and attendance at the League of United Latin American Citizens’ (LULAC) 25th Anniversary Scholarship Fundraiser last Saturday at the Salinas Elks Club.

14. CAO Comments and Referrals – None.

15. Public Comment:  
    Justin Light; Frank Garden; Delinda Robinson; Hans Jongens; John Marvina.

SCHEDULED MATTERS:

S-1 Conducted public hearing and:  
   a. Adopted Resolution No. 10-292 approving 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 Landowner’s requests; and  
   b. Directed the Clerk of the Board to record six (6) County-initiated Notices of Non-Renewal with the County Recorder on or before November 1, 2010. (PLN100300/Williamson Act Non-Renewals 2011)  
   Motion by Supervisor Armenta, seconded by Supervisor Parker. ALL AYES
S-2 Conducted a public hearing and adopted Ordinance 5165 approving and amending the Redevelopment Plan for the Castroville/Pajaro Redevelopment Project Area to extend the time limits for effectiveness and receipt of tax increment by three years.

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

S-3 Conducted a public hearing and adopted Ordinance 5166 approving and amending the Redevelopment Plan for the Boronda Redevelopment Project Area to extend the time limits for effectiveness and receipt of tax increment by three years.

Public comment: John Marvilla; Jose Naheran (sp)

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

S-4 Considered and continued to November 9, 2010 adoption of an Ordinance amending the Monterey County Code, Title 12, Section 12.28.010, to establish no parking at any time on the west side of Bollenbacher Drive from a point 30 feet south of the centerline from Rogge Road, southerly for a distance of 95 feet, on the east side of Bollenbacher Drive from a point 30 feet south of the centerline from Rogge Road, southerly for a distance of 60 feet, on the north side of Rogge Road from San Juan Grade Road to a point 285 feet east of the extension of the centerline of Jasper Way, and on the south side of Rogge Road from San Juan Grade Road to a point 125 feet east of the extension of the centerline of Jasper Way, Bolsa Knolls area.

Public comment: Ray Deloa; Mark Bloom.

Motion by Supervisor Calcagno, seconded by Supervisor Armenta to continue this item to November 9, 2010 and directed staff to meet regarding complaints received to resolve the issues. ALL AYES

S-5 Adopted Ordinance 5167 amending the Monterey County Code, Title 12, Section 12.12.015, to establish a 5 m.p.h. speed limit for vehicles over 10 tons at North Fork Little Sur River Bridge, County No. 547 (State No. 44C-0019) and South Fork Little Sur River Bridge, County No. 548 (State No. 44C-0020) on Coast Road, Big Sur Coastal area.

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

Recessed to Lunch – continued Closed Session

1:30 P.M. Reconvened

SCHEDULED MATTERS:

ROLL CALL
Present: Supervisors Salinas (Chair), Armenta, Calcagno, Parker, and Potter
S-6  Continued the Public Hearing from October 26, 2010, at 1:30 p.m. to December 14, 2010, at 1:30 p.m. to consider Petitioner/Freeholder initiated Petition to vacate/abandon a 0.74 mile segment of an unimproved County Road commonly known as Old Stage Road, and variously known in the past as Los Angeles Stage Road, Monterey/Los Angeles Road, Old El Camino Real, Bee Rock Road or Old County Road in the Bradley area of South Monterey County and continue consideration of fee waiver request.

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

S-7  Public hearing held (continued from October 12, 2010) to consider:
   a.  Adopting a resolution certifying the Final Environmental Impact Report (EIR) and adopting CEQA findings, a Statement of Overriding Considerations; and a Mitigation Monitoring and Reporting Program (MMRP);
   b.  Adopting a resolution adopting the 2010 Monterey County General Plan;
   c.  Providing direction to staff for implementation of the 2010 General Plan; and
   d.  Providing direction to staff for an interim ordinance. (General Plan Update - PLN070525/County of Monterey (Title Changed via Supplemental)

   · Mike Novo, Alana Knaster, and John Ford made a staff presentation. Mike Novo presented a memorandum of Errata to the General Plan, the CEQA Findings, MMRP and the Final EIR supplemental materials.

Public comment: Glen Robinson; Margaret Robbins; Hans Jongens; Tom Rowley; Jackie Zischke; Sherwood Darrington; Pam Silkwood; Nancy Isaakson Jason Retterer; John Bridges; Lawson Little; Ron Cheshire; Amy White; Christopher Bunn; Tawny Diamond; Christine Williams; Alan Williams; Jan Mitchell; Julie Engell; Molly Erickson

Motion No. 1: by Supervisor Potter, seconded by Supervisor Armenta to tentatively approve amendment to the cap in CV 1.6 to 266, add a provision to examine factors that might warrant a downward adjustment to the cap, and add a similar provision in CV 1.15 with respect to “visitors serving” cap that can also be adjusted downward, pending the motion for adoption of the General Plan. ALL AYES

Motion No. 2: by Supervisor Calcagno, seconded by Supervisor Potter to adopt Resolution No. 10-290 to certify the Final Environmental Impact Report (EIR) and adopt CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and to direct staff to make appropriate changes to Table F4 in the Findings in the Resolution. 4 - 1 (Supervisor Parker dissented)

Motion No. 3: by Supervisor Calcagno, seconded by Supervisor Potter to adopt Resolution No. 10-291 adopting the 2010 Monterey County General Plan, including revisions to CV 1.6 and CV 1.15. ALL AYES

Motion No. 4: by Supervisor Potter, seconded by Supervisor Calcagno to direct staff to return on November 30, 2010 with a comparison of a detailed interim ordinance versus an ordinance that requires a consistency determination and a consultant/staffing approach for the General Plan implementation. ALL AYES
Closed Session Report (See item 2 a. – d.)

ORDER FOR ADJOURNMENT

In Memory of Mike Storm

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:

16. Agreement No. A-11877
   a. Approved and authorized the Contracts/Purchasing Officer to sign a Professional Services Agreement with Bay Optical Instruments in the amount of $5,000 for the provision of on-site service and preventive maintenance on all microscopes for the Public Health Laboratory, for the period of October 25, 2010 through June 30, 2014; and
   b. Approved modification of the County’s insurance requirements to exempt the standard "non-contributory language" for the Commercial General and Automobile Liability insurance.

17. Agreement No. A-11565
   a. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 2 to the Professional Services Agreement with Addendum No. 1 with Medical Doctor Associates to increase the Agreement by $220,000 for Fiscal Year 2010-11, for the referral of Locum Tenens Physician/Psychiatric Service Providers, for a revised total not to exceed $990,000 for the period of December 1, 2009 through June 30, 2012; and
   b. Authorized the Contracts/Purchasing Officer to approve up to three (3) future Amendments to this Agreement where the Amendments do not exceed ten percent (10%) of the annual amount, and do not significantly alter the scope of work or result in an increase to General Fund Contribution.

CRIMINAL JUSTICE:

18. a. Approved and authorized the Chief Probation Officer to accept an award in the amount of $100,000 from the California Emergency Management Agency (CalEMA) for the Probation Specialized Supervision program during Fiscal Year (FY) 2010-11 and FY 2011-12; and
   b. Authorized the Chief Probation Officer to sign the Grant Agreement with CalEMA, and related amendments.

GENERAL GOVERNMENT:

19. Board Budget No. 10/11-051
   a. Approved and authorized the Emergency Services Manager to accept a grant from the Federal Department of Homeland Security (DHS) in the amount of $956,700; and
   b. Authorized the Auditor Controller to approve amending the Fiscal Year 2010-11 budget for the Office of Emergency Services, Appropriation Unit CAO005, to increase estimated revenues and appropriations in the amount of $635,077.
20. Agreement No A-11878; board Budget No. 10/11-050
   a. Approved and authorized the Chair of the Board of Supervisors to execute an Agreement, including non-standard insurance provisions, with ACS Enterprise Solutions, Inc., for the term September 1, 2010 through April 1, 2011 for the provision of a Map/Official Records Conversion project for the County Clerk-Recorder’s Office in the amount not to exceed $564,083;
   b. Authorized the transfer of funds in the amount of $564,083 from Fund 020 (Restricted Revenue Designation), Account 2751, to Budget 1180_8004 - County Clerk-Recorder, for the Map/Official Records conversion project;
   c. Approved and authorized the use of ACS Enterprise Solutions Inc., as a sole source provider for the Map/Official Records Conversion project;
   d. Authorized the Auditor-Controller to increase estimated revenues and appropriations in the amount of $564,083 in Budget 1180_8004 - County Clerk-Recorder (4/5th vote required); and
   e. Authorized the County Contracts/Purchasing Officer to sign up to three (3) amendments to this agreement where the total accumulative amounts do not exceed five percent (5%) of the original contract amount, and do not significantly change the scope of work


22. Adopted Resolution No. 10-289 in accordance with California Revenue and Taxation Code section 1605(c) to allow the receipt of an escaped assessment tax bill outside of the regular assessment period to serve as notice to the taxpayer of the right to file an appeal of that escaped tax assessment.

RMA - PUBLIC WORKS:

23. Continued to November 2, 2010
   Adopt resolution to support the Architectural Heritage Association in their fund-raising efforts to restore the historic Old Jail.
   Motion by Supervisor Potter, seconded by Supervisor Parker to continue item 23 to November 2, 2010 to clarify the status of Architectural Heritage Association (AHA). ALL AYES

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

24. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey: Approved revisions to the Monterey County Redevelopment Agency Commercial Improvement Program Guidelines.