

Monterey County

*Monterey County Government Center
Board Chamber
168 W. Alisal St., 1st Floor
Salinas, CA 93901*



Meeting Agenda - Final-revised

Tuesday, April 23, 2013

9:00 AM

**See separate agenda for Successor Agency to the Redevelopment
Agency of the County of Monterey**

Board of Supervisors

*Chair Fernando Armenta - District 1
Vice-Chair Louis R. Calcagno - District 2
Supervisor Simón Salinas - District 3
Supervisor Jane Parker - District 4
Supervisor Dave Potter - District 5*

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

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NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to corresponding Board Report.

9:00 A.M Call to Order

Roll Call

Additions and Corrections for Closed Session

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) In re: Sean and Cindie Dillinger (United States Bankruptcy Court for the Western District of Arkansas case no. 6:11-bk-75640
 - (2) Monterey County v. Sean Dillinger (Monterey County Superior Court case no. DA35806/FSD55250-1
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - c. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) Monterey-Salinas Transit District
 - d. Pursuant to Government Code section 54957(b)(1), the Board will provide performance evaluations for the following public employee positions:
 - (1) Natividad Medical Center CEO
 - (2) County Counsel
 - (3) County Administrative Officer

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. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 AM Reconvene

Roll Call

Pledge of Allegiance

Additions and Corrections

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar - Regular (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution commending Bob Gray upon his selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader Award. (Supervisor Potter)

Attachments: [Bob Gray Resolution](#)
4. Adopt Resolution designating the Week of April 21 - April 27, 2013 as National Crime Victims' Rights Week in Monterey County. (Supervisor Armenta)

Attachments: [National Crime Victims Rights Resolution](#)
5. Adopt Resolution proclaiming the week of May 19, 2013 through May 25, 2013 as "National Public Works Week" in Monterey County. (Supervisor Armenta)

Attachments: [National Public Works Week Resolution](#)
6. Adopt Resolution proclaiming the week of April 21st through April 27th, 2013 as "National Volunteer Week" in Monterey County and honoring Natividad Medical Center Volunteer Auxiliary for 53 years of service commitment. (Supervisor Armenta)

Attachments: [National Volunteer Week Resolution](#)
7. Adopt Resolution proclaiming the month of May 2013 as "Building Safety Month" in Monterey County. (Supervisor Armenta)

Attachments: [Building Safety Month Resolution 2013](#)
8. Adopt Resolution proclaiming the month of May 2013 as "Clean Air Month" in Monterey County. (Supervisor Armenta)

Attachments: [Clean Air Month Resolution](#)

9. Adopt Resolution proclaiming April 2013 Cesarean Awareness month in Monterey County. (Supervisor Parker)
Attachments: [Cesarean Awareness Month Resolution](#)
10. Adopt Resolution honoring Chartwell School on its 30th Anniversary. (Supervisor Parker)
Attachments: [Chartwell School Resolution](#)
11. Adopt Resolution congratulating The AgKnowledge Program, as recipient of the Valley of the World Education Award from the National Steinbeck Center. (Supervisor Armenta)
Attachments: [Valley of the World AgKnowledge Resolution](#)
12. Adopt Resolution recognizing Neil Ledford as the National Steinbeck Center 2013 Valley of the World Education Award recipient. (Supervisor Calcagno)
Attachments: [Neil Ledford Resolution](#)
13. Adopt Resolution honoring M.B. McFarland & Sons, Inc. upon being inducted into the National Steinbeck Center's Valley of the World Hall of Fame. (Supervisor Salinas)
Attachments: [M.B. McFarland & Sons, Inc. Resolution](#)
14. Adopt Resolution honoring Laura Giudici Mills upon her selection as the National Steinbeck Center's 2013 Valley of the World Ag Leader. (Supervisor Salinas)
Attachments: [Laura Giudici Mills Resolution](#)
15. Adopt Resolution Honoring Aurora Mendez upon her retirement after 35 years of teaching at Hartnell Community College. (Supervisor Salinas)
Attachments: [Aurora Mendez Resolution](#)

Appointments

16. Appoint Paul Cortopassi and Cesar Padilla to the Castroville Cemetery District, terms ending March 30, 2016. (Supervisor Calcagno)
Attachments: [Cortopassi Notification to Clerk](#)
[Padilla Notification to Clerk](#)
17. Reappoint Rosemary Soto to the Commission on the Status of Women, term ending February 1, 2015. (Supervisor Potter)
Attachments: [Soto Notification to Clerk](#)
18. Reappoint Bill Nye to the Fort Ord Veteran Cemetery Citizen's Advisory

Committee, term ending December 31, 2015. (Supervisor Potter)

Attachments: [Nye Notification to Clerk](#)

19. Reappoint Joseph Hertlein to the Monterey County Parks Commission, term ending April 26, 2017. (Supervisor Potter)

Attachments: [Hertlein Notification to Clerk](#)

Other Board Matters

20. Board Comments

21. CAO Comments and Referrals

Attachments: [Referrals 042313](#)

22. General Public Comment

This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to the statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information or request staff to report back to the Board at a future meeting.

10:30 A.M. - Scheduled Matters

23. a. Receive, review and approve the Managing for Results (MFR) Fiscal Year 2012-2013 Semi- Annual Report; and
b. Provide direction to staff as appropriate.

Attachments: [FY 2012-2013 MFR Semi-Annual Report](#)

24. a. Hold a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications;
b. Approve the CDBG Program Income Reuse Plan with Jurisdictional Certifications; and
c. Authorize the Director of Economic Development to execute the CDBG Program Income Reuse Plan with Jurisdictional Certifications.

Attachments: [CDBG PI Reuse Plan with Jurisdictional Certifications](#)
[Summary of Changes](#)

12:00 PM Recess to Lunch - Continued Closed Session

Adjournment

Supplemental Sheet, Consent Calendar**Natividad Medical Center**

25. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Seventh Amendment to the Professional Services Agreement (A-11427) with Medical Doctor Associates (MDA) to provide locum tenens services at NMC, adding \$100,000 for the remainder of Fiscal Year 2012/2013 for a revised total Agreement amount not to exceed \$1,500,000 in the aggregate (for the period February 1, 2009 to June 30, 2013).

Attachments: [MEDICAL DOCTOR ASSOCIATES AMENDMENT#7](#)

26. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to Professional Medical Services Agreement Laurel J. Grimm M.D. to provide Hospitalist Services at NMC, extending the term of the Agreement to June 30, 2014 for a total amount not to exceed \$200,000 in the aggregate (for the period October 1, 2012 to June 30, 2014).
b. Authorize the Purchasing Manager for NMC to execute 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.

Attachments: [LAUREL GRIMM MD AMENDMENT #1](#)

27. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Salinas Valley Radiologist Inc. to provide radiology services at NMC for an amount not to exceed \$687,000 for the period May 1, 2013 to April 30, 2016. The term of this Agreement is thirty six (36) months with an option that either party may terminate without cause with one hundred twenty (120) days written notice after the first twenty four (24) months of the Agreement.
b. Authorize the Purchasing Manager for NMC to execute 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.

Attachments: [SALINAS VALLEY RADIOLOGIST INC AGREEMENT](#)
[SVR](#)

28. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Monterey Bay Oncology Associates dba Pacific Cancer Care to provide hematology oncology and business consulting services at NMC in an amount not to exceed \$300,000 for the period May 1, 2013 to June 30, 2014.
b. Authorize the Purchasing Manager for NMC to execute the Holdover Acknowledgment with Monterey Bay Oncology Associates dba Pacific Cancer

Care to ensure continuation of services and payment for services during the holdover period of February 1, 2013 to April 30, 2013.

c. Authorize the Purchasing Manager for NMC to execute 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.

Attachments: [MONTEREY BAY ONCOLOGY AGREEMENT](#)
[Monterey Bay Oncology Pacific Cancer Care](#)

Health and Social Services

29. Approve and authorize the Director of the Department of Social Services, or his designee, to sign an agreement with University Corporation at Monterey Bay-CSUMB (CSUMB) for \$38,122 to provide in-depth analysis of outcomes for child abuse prevention and early intervention programs, for the period October 1, 2012 to June 30, 2014, including non-standard mutual indemnification.

Attachments: [CSUMB](#)

30. Approve and authorize the Director of the Department of Social Services, or his designee, to sign and execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for Fiscal Year 2013-14 and Calendar Year 2014.

Attachments: [Attachment A to State Agreement BR](#)

31. a. Approve Department of Social Services Area Agency on Aging 2013-2014 Area Plan Update; and
b. Authorize the Chair of the Board of Supervisors to sign the Area Plan Update Transmittal Letter.

Attachments: [AAA Area Plan Update 2013-14](#)

32. a. Approve and authorize the Director of the Department of Social Services, or his designee, to sign Amendment #1 to Agreement #A-12260 with Peacock Acres adding \$104,000 to fund additional housing, services and supports for former foster youth for the period July 1, 2012 through June 30, 2013, increasing the total contract amount to \$309,350; and
b. Authorize the Director of the Department of Social Services, or his designee, to sign up to three (3) amendments to the agreement that do not exceed 10% of the original contract amount, and do not significantly change the scope of work;

Attachments: [Peacock Acres Amend #1](#)

33. a. Approve and authorize the Contracts/Purchasing Officer to execute a five year Lease Agreement, effective on or around May 1, 2013, with Nieto L.P., for approximately 5,868 rentable square feet of space located at 355-359 Gabilan Drive, Soledad, California, for use by the Health Department;
- b. Authorize the Auditor-Controller to make lease payments of \$6,500.00 per month and in accordance with the terms of the agreement; and
- c. Authorize the extension of the Lease Agreement for two additional three-year periods under the same terms and conditions, and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

Attachments: [355-359 Gabilan LA Co Co Lessor sigs \(4-4-13\).pdf](#)
[355-359 Gabilan Drive Location Map\(4-5-13-13\).doc](#)

Criminal Justice

34. Authorize the Chair of the Board of Supervisors to sign Cooperative Law Enforcement Agreement No. 11-LE-11051360-229, between the Monterey County Sheriff's Office and United States Department of Agriculture, Forest Service, Los Padres National Forest, for the period beginning October 1, 2012 through September 30, 2013, in the amount of \$10,000.

Attachments: [Agreement No. 11-LE-11051360-229](#)

35. a. Approve the transfer of \$19,475 from the Juvenile Ward Trust Fund 020 to Fund 001, Department 2550-Probation for the purchase of recreational equipment, audio visual equipment and furnishings for juveniles in the Monterey County Youth Center and Juvenile Hall; and
- b. Approve and authorize the Auditor-Controller to increase FY 2012-13 estimated revenues and appropriations totaling \$19,475 in Department 2550-Probation, Budget Units 8163-Juvenile Hall and 8164-Youth Center (4/5th vote required).

General Government

36. a. Approve a Subrecipient Grant Agreement with the Aromas Community Center Foundation (Foundation) to transfer Housing Related Parks Program grant funds for the construction of restroom facilities at the A.R. Wilson Community Park;
- b. Authorize the Director of Economic Development to execute the Agreement and any amendments which do not alter the scope of work or increase the amount of the Agreement;
- c. Recognize the California Housing and Community Development's Housing Related Parks Program grant and increase revenue and appropriations in Fund 013 Community Development), Unit 8200 (Community Development Grants), Appropriation Unit DEO003 by the \$127,625 amount of the HRPP grant; and
- d. Authorize the Auditor-Controller to incorporate approved appropriation and

estimated revenue modifications to the FY 2012-13 Budget and the County Administrative Office to reflect these approved changes in the FY 2013-14 Adopted Budget.

Attachments: [Subrecipient Agreement](#)

37. Receive and Accept the Treasurer's Report of Investments for the quarter ending March 31, 2013

Attachments: [Exhibit A - Portfolio Review 03.31.12](#)

[Exhibit B - Portfolio Management Report 03.31.13](#)

[Exhibit C - Quarterly Yield Review 03.31.12](#)

[Exhibit D - Aging Summary 04.01.13](#)

[Exhibit E - MMF Pie Charts](#)

38. a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements with Casey Printing, Office Depot and Staples Advantage to provide Countywide Print Shop and Copy Services on an as-needed basis, to the County of Monterey for the initial term of the date of signing the Agreements, through and including April 1, 2016, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed \$500,000; and
b. Authorize the Contracts/Purchasing Officer to sign similar additional Agreements for Print Shop and Copy Services with qualified contractors who meet the minimum requirements of the County of Monterey.

Attachments: [04-23-13 Print Shop Copying Services RFP 10385](#)

[04-23-13 Casey Printing Final Agreement](#)

[04-23-13 Office Depot Final Agreement](#)

[04-23-13 Staples Advantage Final Agreement](#)

39. Approve and authorize advanced step placement for Mr. Johnathan H. Lewin at step 7 of the Director of Emergency Communications salary range, effective June 1, 2013, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5

40. Approve the Monterey County Board of Supervisor Action Minutes of Wednesday, June 6, 2012.

Attachments: [Action Minutes 06-06-12 Board of Supervisors](#)

41. a. Award construction contract to Conley General Engineering, Inc., low bidder in the amount of \$172,520 for Track Drainage Improvements at Laguna Seca Recreation Area, Bid No.10416;
b. Authorize the Chair of the Board to sign the contract;
c. Authorize the Director of Parks to approve change orders up to 10% of the bid; and
d. Authorize the retention of 10% from progress payments per contract

requirement.

Attachments: [Track Drainage Bid Results 4 4 13.pdf](#)
[Contract with Conley General Engineering.pdf](#)

- 42.
- a. Approve and authorize the Contracts / Purchasing Officer to sign a “Letter of Intent / Consent for Temporary Installation” with Onesimo Parcel C for use of an Existing Communications Site near Post Ranch Inn; and
 - b. Accept Non-Standard County Indemnification Provisions as recommended by the Sheriff and Director of Information Technology.

Attachments: [PRI letter of intent County of Monterey Signed With Exhibit.pdf](#)

- 42.1
- a. Approve amended response to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and
 - b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013. (ADDED VIA ADDENDUM)

Attachments: [Amended Response CGJ Final Rpt-Redlined](#)
[Amended Response CGJ Final Rpt-Clean042313](#)

RMA - Public Works

- 43.
- a. Approve Amendment 1 to the Monterey County Subdivision Improvement Agreement Fox Creek Ranch, Phase II, with Carmel Cutting Horses, Inc to update the Engineer’s Estimate to complete the subdivision improvements, extend the time for completion of the improvements, and substitute the type of security for the improvements;
 - b. Accept the Deed of Trust as security for performance of the amended Monterey County Subdivision Improvement Agreement Fox Creek Ranch, Phase II;
 - c. Authorize the Chair of the Board to execute Amendment 1 to the Monterey County Subdivision Improvement Agreement Fox Creek Ranch Phase II; and
 - d. Approve the release of the Faithful Performance Bond in the amount of \$1,621,620 and the Laborers and Materialmen Bond in the amount of \$810,810 issued by the Insurance Company of the West (Bond No. 2187518) for infrastructure improvements.

Attachments: [Subdivision Improvement Agr. Fox Creek Ranch Phase II Amendment 1](#)
[Deed of Trust](#)
[Subdivision Improvement Agr. Fox Creek Ranch Phase II](#)
[Notice of Completion from Engineer](#)
[Location Map](#)

RMA - Planning

44. Adopt Resolution to:
- a. Support and agree to the County of Monterey participating in the Pre-Development and Feasibility Phase of Community Choice Aggregation for the Monterey Bay Region, without financial obligation;
 - b. Authorize the Planning Director, or his designated representative, to serve on the Project Development Advisory Committee; and
 - c. Authorize the Chief Administrative Officer, or his designee, to request on the behalf of Monterey County, the Planning Development Advisory Committee, and Planning Development Advisory Committee consultants, energy usage load data from Pacific Gas & Electric Company for use in the feasibility study. (REF130023/Community Choice Aggregation - Feasibility Study)

Attachments: [Attachment A - Draft Board Resolution](#)

RMA - General

45. a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed \$353,100, for a term to April 23, 2014; and
- b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

Attachments: [Professional Service Agreement](#)

Addendum for Tuesday, April 23, 2013

46. Addendum for Tuesday, April 23, 2013

Add Under Consent Calendar - General Government

- 42.1 a. Approve amended response to the 2012 Monterey County Civil Grand Jury Final Report - Detention Facilities Inspections; and
- b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by May 4, 2013.

Add Under Consent Calendar - RMA - General

45. a. Approve a Professional Services Agreement with Denise Duffy & Associates, Inc. to provide a Programmatic Biological Assessment and Initial Study for projects located in the Carmel River Lagoon Area and a Carmel River Lagoon Restoration and Management Plan (RFP #2012-CRL-1) for Phases 1 and 2, in the amount not to exceed

- \$353,100, for a term to April 23, 2014; and
- b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.