

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, May 1, 2012

9:00 AM

**Please see separate agendas for the Monterey County Water
Resources Agency and Successor Agency to the Redevelopment
Agency of the County of Monterey**

Board of Supervisors

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

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

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

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(a), the Board will confer with legal counsel regarding existing litigation:
 - (1) Jennifer Arcoleo v. County of Monterey, et al. (Monterey County Superior Court case no. M112009)
 - (2) Todd Arcoleo v. County of Monterey, et al. (Monterey County Superior Court case no. M110909)
 - (3) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
 - (4) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
 - (5) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
 - (6) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two matters of significant exposure to litigation.
 - c. Pursuant to Government Code sections 54956.9(b) and 54956.9(c), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.
 - d. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

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

Consent Calendar- (See Supplemental Sheet)

Ceremonial Resolutions

2. Adopt Resolution proclaiming the week of May 20, 2012 through May 26, 2012 as **National Public Works Week**. (Supervisor Potter)

Attachments: [National Public Works Week](#)

3. Adopt Resolution proclaiming May 7, 2012 through May 13, 2012 as **Bike Week in Monterey County**. (Supervisor Potter)

Attachments: [Monterey County Bike Week](#)

4. Adopt Resolution commending **Carla Diane Wright** upon her Selection as the National Steinbeck Center's 2012 Valley of the World Hall of Fame honoree (Supervisor Parker)

Attachments: [FULL BOARD RESO Carla Diane Wright](#)

5. Adopt Resolution commending **David M. Williams** upon his selection as the National Steinbeck Center's 2012 Valley of the World Hall of Fame honoree (Supervisor Parker)

Attachments: [FULL BOARD RESO David M Williams](#)

6. Adopt Resolution honoring *Bob Martin* upon his selection as the National Steinbeck Center's 2012 Valley of the World Ag Leader. (Supervisor Salinas)

Attachments: [Bob Martin Steinbeck 8th Annual Valley of the Worlds](#)

7. Adopt Resolution honoring Daryl Griffith as 2012 Meals on Wheels of the Monterey Peninsula Woman of the Year (Supervisor Potter)

Attachments: [Daryl Griffith Meals on Wheels Woman of the Year 5 1 12 final](#)

8. Adopt Resolution commending Joseph Pezzini upon his selection as the National Steinbeck Center's 2012 Valley of the World Ag Leader Award.
(Supervisor Calcagno)

Attachments: [Joseph Pezzini Valley of the World Ag Leader Award 5 1 12 final](#)

Appointments

9. Appoint Helene Brodrick to the Area Agency on Aging to fill an unexpired term ending January 1, 2013. (Full Board)
10. Reappoint Elizabeth (Liz) Williams to the Monterey County Housing Authority with a term ending May 1, 2015. (Supervisor Salinas)

Other Board Matters

11. Board Comments
12. CAO Comments and Referrals

Attachments: [CAO Referrals List.pdf](#)

13. Public Comment (Limited to 3 minutes per speaker at the discretion of the Chair)

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 statements 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.

ADJOURNMENT

Supplemental Sheet, Consent Calendar

Health and Social Services

14. Authorize the Director of Health or his designee, on behalf of Monterey County, to execute and submit all necessary applications, contracts, payment requests, agreements, documents and amendments thereto for the purposes of securing Local Enforcement Agency Grant funds for Fiscal Year (FY) 2012-13, FY 2013-14, FY 2014-15, FY 2015-16, and FY 2016-17 in amounts not to exceed \$50,000 annually, and to implement and carry out the requirements of AB 939.
15. Adopt Resolution amending Article I.e. of the Monterey County Master Fee Resolution effective July 1, 2012, to add and adjust certain fee categories relating to

oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule.

Attachments: [EH - Resolution Fee Schedule Changes.doc](#)
[Attachment A - Article I e Fee Schedule Clean.doc](#)
[Attachment B - Article I e Fee Schedule Strikethrough.doc](#)

16. a. Authorize the Director of Health to initiate the national public health accreditation application process for the Health Department; and
b. Authorize the Director of Health to submit payment for Year 1 and for four subsequent years upon approval for continuation of accreditation process.

Attachments: [Attachment A - Accrediation.doc](#)

Criminal Justice

17. Approve and Authorize the District Attorney to sign and submit eleven applications, including any extensions or amendments thereof, for continued funding for Fiscal Year (FY) 2012-13 from Federal and State agencies for the District Attorney's Office Victim Assistance Unit and Prosecution Programs.
18. a. Accept the donation of a 2010 Polaris Four Wheel Drive vehicle ("Polaris") from Miller's Towing, located in King City; and
b. Authorize the Sheriff's Office to use the vehicle for the County's Marijuana Eradication Program.

Attachments: [Attachment A](#)

General Government

19. Adopt Resolution to:
a. Enter into an Agreement with the City and County of San Francisco for the distribution of Fiscal Year (FY) 2010 Regional Catastrophic Preparedness Grant Program Funds (RCPG) Grant Funds in an amount not to exceed \$1677.00; and
b. Designate and authorize as Monterey County representative, the Emergency Services Manager to execute the Agreement.

Attachments: [Board Resolution 10 RCPG Grant Agreement 2012](#)
[10 RCPGP MOU Monterey appkp](#)

20. Receive the 2010/11 Annual Report of the Equal Opportunity Advisory Commission.

Attachments: [2010-11 Annual Report](#)

21. a. Authorize the transfer of \$4,410,000 from Capital Projects Fund 402 Appropriation Unit RMA014 to the NGEN Project Fund 405 Appropriation Unit EME002 in order to purchase end user radio equipment for County general fund departments; and

b. Authorize the Auditor / Controller to increase revenue and appropriations in NGEN Project Fund 405 Appropriation Unit EME002 by \$4,608,973.

Attachments: [120501BoardReportAttachment1NGENProjectActivities.doc](#)
[Amendment#1and#2toNGENFundingMOU.pdf](#)
[NGENFundingMOUSigned.pdf](#)

22. Receive and Accept the Treasurer's Report of Investments for the quarter ending March 31, 2012.

Attachments: [Exhibit A - Portfolio Review 03.31.12](#)
[Portfolio Management Report 3.31.12 - Exhibit B](#)
[Quarterly Yield Review 03.31.12-Exhibit C](#)
[Aging Summary 03.31.12 - Exhibit D](#)
[MMF Pie Charts 3.31.12 - Exhibit E](#)

23. a. Consider recommendations from the Legislative Committee to support AB 1858 (Alejo) and SB 1240 (Cannella) School finance: emergency loans: South Monterey County Joint Union High School District; and
b. Receive the action minutes from the January 23, 2012 meeting of the Legislative Committee.

Attachments: [AB 1858 \(+\) \(Alejo\) SMOCo Joint Union HSD loan doc.doc](#)
[SB 1240 \(+\) \(Cannella\) SMOCo Joint Union HSD loan doc.doc](#)
[012312 Action Minutes.doc](#)

24. Authorize the Auditor-Controller to amend the FY 2011-12 Office of Emergency Services CAO005 Budget to increase estimated revenue and appropriation in the amount of \$195,158 (4/5th vote required).

25. Authorize the Auditor-Controller to increase revenue by \$904,000 and appropriations by \$567,000 in the Department of Emergency Communications (EME001) for the purchase of E9-1-1 Customer Premise Equipment (CPE) using state 911 telecommunications funds (4/5th vote required).

Attachments: [LetterFromStateConfirmingFunding2012.pdf](#)

26. a. Authorize the Auditor-Controller or designee to sign a Professional Services Agreement (PSA) in the amount of \$31,500 with American Appraisal Associates, Inc. to inventory and reconcile the County's capital assets data and records
b. Approve a waiver of specific provisions of the County's standard PSA related to indemnity.

Attachments: [AAA Agmt 2012.pdf](#)
[AAA Proposal 2012.pdf](#)
[Exhibit Insurance.pdf](#)

27. Adopt Resolution to approve the Conflict of Interest Code of the Economic Development Department of the County of Monterey
- Attachments:** [Conflict of Interest Code DRAFT Resolution](#)
[Conflict of Interest Code Attachment](#)
28. a. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Shift Differential;
b. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit H regarding Educational Leave; and
c. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Floating Holiday.
- Attachments:** [Side Letter Agreement regarding Shift Differential.doc](#)
[Side Letter Agreement regarding Educational Leave Hours.doc](#)
[\(Attachment Added via Supplemental\) Side Letter Agreement regarding Floating](#)
29. a. Accept the recommendation of the Monterey County Fish and Game Commission to award four (4) funding grants; and
b. Approve the distribution of Fish and Game grant funds in the amount of \$11,738 for specified grant projects for Fiscal Year 2011-2012.
- Attachments:** [Relevant discussion portion of Draft minutes from Fish and Game Meeting of ap](#)
30. a. Authorize acceptance of the work for the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda;
b. Authorize the Director of Economic Development to execute and record the Notice of Completion; and
c. Authorize the release of retention 35 days following the filing of the Notice of Completion and upon approval of the Director of Economic Development.
- Attachments:** [Hyland-El Rancho Project - Relief of Maintenance letter](#)
[Hyland-El Rancho Project - Notice of Completion](#)

RMA- Planning

31. Adopt Resolution to: deny an appeal by Mr. Brian Clark on the behalf of Carmel Rio Road LLC, from the Planning Commission's decision denying Carmel Rio's application for a Combined Development Permit; and deny Carmel Rio's application for a Combined Development Permit consisting of: 1) Standard Subdivision of a 7.92 acre property into 31 Market Rate lots and one Inclusionary Housing lot containing 11 Inclusionary units (2 very low, 5 low and 4 moderate); and 2) Administrative Permit and Design Approval for development in the "D" (Design Control) and "S" (Site Review) Zoning Districts.
(Appeal of denial of a Combined Development Permit - GPZ090004/Carmel Rio Road, LLC, 15 and 26500 Val Verde Drive, Carmel Valley Master Plan)

Attachments: [Exhibit No. 1- Draft Resolution](#)
[Exhibit No. 2- Three E-mail Messages dated March 30, 2012 from Brian Clark](#)

RMA- Public Works

32. a. Award a Contract to Granite Rock Company dba Pavex Construction Division, the lowest responsible bidder, for the construction of the San Juan Road Safety & Overlay Improvements, Federal Aid Project No. HRRRL-5944(092), Contract No. 12-142165, in the amount of \$3,492,725;
- b. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company dba Pavex Construction Division;
- c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders; and
- d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Attachments: [San Juan overlay Project Budget](#)
[San Juan Overlay Bid Summary](#)
[San Juan Overlay Contract](#)
[San Juan Overlay Location Map](#)

33. a. Amend the Mileage of Maintained County Roads; and
- b. Authorize the Director of Public Works to forward the corrected maps and tabulations to the California Department of Transportation.

Attachments: [04-24-12 Amend Mileage County- Summary Sheet](#)
[04-24-12Amend Mileage County - Spreckels street Additions](#)

34. a. Award a contract to Tombleson, Inc., the lowest responsible and responsive bidder, for the Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, in the total amount of \$61,875;
- b. Approve the Performance and Payment Bonds executed and provided by Tombleson, Inc.;
- c. Authorize a contingency (not to exceed 10 percent of the contract amount) to provide funding for approved contract change orders; and
- d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve contract change orders where total change orders do not exceed 10 percent of the original contract amount, and do not significantly alter the scope of the work.

Attachments: [Project Budget for Tombleson Inc-Jail Restroom Renovation -1410 Natividad](#)
[Bid Summary for Tombleson Inc-Jail Restroom Renovation-1410 Natividad](#)
[Agreement for Tombleson Inc-Jail Restroom Renovation-1410 Natividad](#)
[Location Map for Tombleson Inc-Jail Restroom Renovation-1410 Natividad](#)

35. a. Approve Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2012 Project, Contract No. 13-551327; and
 b. Authorize the Department of Public Works to advertise the “Notice to Bidders” in *The Californian* for ten consecutive times, commencing May 4, 2012.

Attachments: [Project Budget Procurement Asphalt Emulsion Seal Coat 2012](#)
[Notice to Bidders Procurement Asphalt Emulsion Seal Coat 2012](#)
[Book 1 Special Provisions Asphalt Emulsion Seal Coat 2012](#)
[Book 2-Special Provisions Asphalt Emulsion Seal Coat 2012](#)
[Location Map Procurement Asphalt Emulsion Seal Coat 2012](#)

36. Introduce, waive the reading, and set May 15, 2012, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending section 12.28.010 of the Monterey County Code to establish no parking at any time on both sides of Harper Canyon Road from its terminus at Toro County Park (M.P. 0.82) northwesterly for a distance of 500 feet, Toro area.

Attachments: [Ordinance Harper Canyon Road](#)
[Location Map Harper Canyon Road](#)
[Proposed Parking Restriction Map Harper Canyon Road](#)

SUPPLEMENTAL AGENDA

Board of Supervisors Supplemental Agenda for Tuesday, May 1, 2012.

Supplemental for Tuesday, May 1, 2012

View Supplemental Materials at: <http://monterey.legistar.com/Calendar.aspx>

Correction Under Closed Session

1. b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding ~~two matters~~ one matter of significant exposure to litigation.

Added Materials Under General Government

28. a. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Shift Differential;
 b. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit H regarding Educational Leave; and
 c. **Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Floating Holiday. (Materials Submitted)**

