

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, April 8, 2014

9:00 AM

**See separate agendas for Board of Supervisors governed Agencies
Special Joint Meeting of the Board of Supervisors of the Monterey
County Water Resources Agency and the Monterey County Water
Resources Agency Board of Directors**

Board of Supervisors

*Chair Louis R. Calcagno - District 2
Vice Chair Simón Salinas - District 3
Supervisor Armenta - District 1
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

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 54956.8, the Board will confer with real property negotiators: (1) Property: Natividad Medical Center Campus
Agency Negotiators: Manual Gonzalez, Assistant County Administrative Office and Leslie J. Girard, Chief Assistant County Counsel
Negotiating Party: Pete Delgado, CEO, Salinas Valley Memorial Hospital
Under Negotiation: Terms.
(2) Property: 1441 & 1448 Schilling Place, Salinas
Agency Negotiator: Benny Young, Resource Management Agency Director
Negotiating Party: CBRE Commercial Real Estate Brokerage and Cushman and Wakefield
Under negotiation: Price and terms (ADDED VIA SUPPLEMENTAL)
 - b. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding four matters of significant exposure to litigation and/or potential initiation of litigation.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette Neal
Employee Organization(s): Units F and K (ADDED VIA SUPPLEMENTAL)

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 (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution Proclaiming Saturday, April 19, 2014 as “Monterey County Clean-Up Day” in Monterey County and call upon residents, as well as public and private organizations, to participate in Clean-Up Day events in the cities and unincorporated areas throughout the County. (Full Board)

Attachments: [Monterey County Clean- Up Day Ceremonial Resolution](#)

- 3.1 Adopt Resolution of the Monterey County Board of Supervisors Proclaiming April 13, 2014 through April 19, 2014 as “Public Safety Dispatchers Week” in Monterey County. (Full Board)

Attachments: [Public Safety Dispatchers Week Resolution](#)

Appointments

4. Appoint Nannette Newbury to the Animal Control Advisory Committee to fill an unscheduled vacancy, term ending July 1, 2015. (Supervisor Calcagno)
Attachments: [Newbury Notification to Clerk](#)
5. Reappoint Veronika Barajas to the community Restorative Justice Commission, term ending March 11, 2017. (Supervisor Salinas)
Attachments: [Barajas Notification to Clerk](#)
- 5.1 Appoint Viviana Gama to the Housing Authority of Monterey County to fill an unexpired term ending September 11, 2014. (Supervisor Potter)
Attachments: [Gama Notification to Clerk](#)
- 5.2 Reappoint Kelly O’Keefe, M.D., Ph.D., FCAP to the Natividad Medical Center Board of Trustees, term ending June 30, 2016. (Full Board) (ADDED VIA

ADDENDUM)

Attachments: [O'Keefe Notification to Clerk](#)

- 5.3 Appoint Eloisa Viruet to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2015. (Full Board) (ADDED VIA ADDENDUM)

Attachments: [Viruet Notification to Clerk](#)

Other Board Matters

6. Board Comments
7. CAO Comments and Referrals

Attachments: [Board Referral 040814](#)

8. 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

9. a. Receive, review and approve the Managing for Results (MFR) Fiscal Year (FY) 2013-2014 Mid-Year Report; and
b. Provide direction as appropriate.

Attachments: [2014 Mid-Year Report MFR](#)

10. Public hearing to:
- a. Acknowledge receipt of the California Coastal Commission's approval of an ordinance relating to Cottage Food Operations and incorporation of the ordinance into the County's certified Local Coastal Program upon Board of Supervisors' action;
- b. Adopt the ordinance, as approved by the Coastal Commission, amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20 of the Monterey County Code) to classify Cottage Food Operations as a permitted use of residential property for zoning purposes; and
- c. Direct staff to notify the Executive Director of the California Coastal Commission of the Board of Supervisors' adoption of the ordinance. (REF130010/Cottage Food Operation Ordinance [AB1616], Coastal Amendments, Unincorporated Areas, County-wide, Coastal Zone)

Attachments: [Attachment A - Final Ordinance](#)
[Attachment B - CCC approval letter](#)
[Attachment C - BOS Resolution of Intent No. 13-283](#)
[Attachment D - PC Resolution No. 13-018](#)

11:30 A.M. Convene Special Joint Meeting

Joint Meeting of the Board of Supervisors of the Monterey County Water Resources Agency and the Monterey County Water Resources Agency Board of Directors. (See Seperate Agenda)

12:00 PM Recess to Lunch

12:30 P.M. Reconvene Special Joint Meeting

Joint Meeting of the Board of Supervisors of the Monterey County Water Resources Agency and the Monterey County Water Resources Agency Board of Directors. (See Seperate Agenda)

1:30 PM Reconvene Board of Supervisors

Roll Call

1:30 P.M. - Scheduled Matters

11. A public hearing, continued from March 18, 2014, to consider:
- Denial of the appeal by Maria A. Vasquez from the Planning Commission's decision to deny the application for a Minor Subdivision Vesting Tentative Map (Vasquez/PLN0040529); and
 - Denial of the application for a Minor Subdivision Vesting Tentative Map (Vasquez/PLN0040529) which proposes to subdivide an approximately 9.26 acre parcel into two parcels of 3.086 and 3.086 acres and one remainder parcel of 3.086 acres.
- (Appeal, PLN040529/Vasquez Minor Subdivision, 34735 Metz Road, Soledad)

Attachments: [Attachment A - Discussion](#)
[Attachment B - Draft Board Resoluituion](#)
[Attachment C - Vicinity Map](#)
[Attachment D - Notice of Appeal](#)
[Attachment E - PC Resolution No. 14-003](#)
[Attachment F - Groundwater Quality-Quantity Review](#)
[Attachment G - Correspondence from EHB](#)
[Attachment H - Correspondence from EHB](#)
[Attachment I - E-mail from Joel Panzer](#)

12. Public hearing to consider adopting a resolution to deny the appeal by Sam Reeves from the Planning Commission decision denying Sam Reeves' appeal of an administrative determination by the Director of RMA-Planning that Signal Hill LLC/(Mehdipour) complied with Condition No. 4 of its Coastal Development Permit and Restoration Plan relating to restoration. [Combined Development Permit REF140032/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan, Coastal Zone; Exempt from CEQA.]

Attachments: [Attachment A - Project Discussion](#)
[Attachment B - Draft Resolution](#)
[Attachment C - Vicinity Map](#)
[Attachment D - BOS Resolution No. 13-021](#)
[Attachment E - Letter of Request for Director's Decision Dated 09/24/2013](#)
[Attachment F - Director's Decision Dated 10/04/2013](#)
[Attachment G - Notice of Appeal of Director's Decision Dated 10/28/2013](#)
[Attachment H - Notice of Appeal of Planning Commission Decision Dated 02/24/2013](#)
[Attachment I - Planning Commission Resolution No. 14-012](#)
[Attachment J - Arborist Reports Dated 03/26/2013, 04/01/2013, 04/30/2013 and](#)
[Attachment K - Project Correspondence](#)

13. Consider adoption of an ordinance adding Chapter 18.28 to the Monterey County Code to establish an on-going program to implement a state law commonly known as the Mills Act. The ordinance establishes uniform procedures under which the County may enter into a contract with owners of qualified historic properties to preserve, restore, and maintain the historic properties in exchange for preferential property tax assessment. (REF130101/Mills Act Ordinance, County-wide/Exempt from CEQA)

Attachments: [Attachment A - Discussion](#)
[Attachment B - Draft Ordinance](#)
[Attachment C - HRRB Resolution](#)

14. Public hearing to:
- a. Acknowledge receipt of the California Coastal Commission's resolution of certification of an ordinance relating to applications for minor subdivisions and lot line adjustments in the coastal zone, including modifications suggested by the Coastal Commission;
 - b. Accept and agree to the ordinance modifications suggested by the California Coastal Commission;
 - c. Adopt an ordinance to amend Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3, and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County of Monterey, including dissolution of the County of Monterey's Minor and Standard Subdivision Committees, designation of the Monterey County Planning Commission as the appropriate authority to consider applications for lot line adjustments and minor subdivisions, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law, with the inclusion of the modifications suggested by the California Coastal Commission;
 - d. Certify that the County intends to apply the ordinance to future coastal development permits; and
 - e. Direct staff to transmit the adopted ordinance to the California Coastal Commission for confirmation by the Coastal Commission and incorporation into the County's Local Coastal Program.
- (REF120004/Ordinance for the Elimination of Minor and Standard Subdivision Committees, County-wide, Coastal Zone/Exempt from CEQA.)

Attachments: [Attachment A - Draft Ordinance](#)
[Attachment B - CCC Resolution of Certification Letter](#)
[Attachment C - BOS Resolution of Intent No. 13-202](#)
[Attachment D - PC Resolution No. 12-026](#)

Adjournment

Supplemental Sheet, Consent Calendar**Health Department**

15. a. Approve and authorize the Director of Health to sign a Mental Health Services Agreement (April 1, 2014 to June 30, 2016) with Loving Care Residential Care Homes Inc. to provide mental health services to Monterey County adult residents with severe psychiatric disabilities in the amount of \$11,375 from April 1, 2014 to June 30, 2014, \$91,250 for Fiscal Year (FY) 2014-15, and \$91,250 for FY 2015-16 for a total Agreement amount of \$193,875; and
- b. Authorize the Director of Health to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original amount and do not significantly change the scope of work.

Attachments: [Loving Care, signed Agreement.pdf](#)

Department of Social Services

16. Approve amended bylaws for the Children's Council of Monterey County.

Attachments: [Amended Childrens Council 2-2014 - Clean](#)
[Amended Childrens Council 2-2014 - Strikethrough](#)

Criminal Justice

17. Approve and Authorize the District Attorney to sign, submit and execute grant applications, including any extensions or amendments thereof, for continued funding for FY 2014-15 from Federal and State agencies for the District Attorney's Office Victim Assistance Unit and other Prosecution Programs.

General Government

- 17.1 Approve the use of Toro Park on September 7, 2014 for a function held by San Talbo de Colors in compliance with Monterey County Code 14.12.130.
18. a. Approve a one-time Concession Agreement for Special Events between Spartan Race, Inc., and the County of Monterey to produce the Monterey Spartan Beast Race event at the Toro County Park on June 7th, 2014; and
- b. Authorize the Chair of the Board to sign the Agreement.

Attachments: [spartan conc agr 2014.doc](#)
[Spartan Race 2014 - Special Use Event Application filled.pdf](#)
[Spartan COI docs 2014.pdf](#)

19. a. Approve and authorize the Contracts/Purchasing Officer to execute an AviatCare Services and Maintenance Agreement with Aviat U.S., Inc in the

amount of \$7,540 for the period of March 18, 2014 through March 17, 2015, \$7,906 for the period of March 18, 2015 through March 17, 2016, and \$7,906 for the period of March 18, 2016 through March 17, 2017 for the provision of microwave equipment off-site hardware repair, replacement, and remote technical support;

b. Accept the same non-standard County Liability and Indemnification Provisions; and

c. Authorize the Contracts/Purchasing Officer to sign up to three future renewals to this Agreement under the same or similar terms.

Attachments: [County of Monterey 2014 Maintenance 2.26.2014](#)

20. Approve the Memorandum of Understanding (MOU) for Monterey County Registered Nurses' Association (MCRNA) Unit S for the period January 1, 2014 through December 31, 2015.

Attachments: [Unit S MOU Final_term 1-1-14 thru 12-31-15](#)

RMA - General

21. Adopt a Resolution to:
- Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to create, re-title, amend salary ranges, and abolish classifications to effectuate the changes due to the reorganization in the Resource Management Agency as indicated in the attached Resolution;
 - Amend the Resource Management Agency's, Budget Unit 8170-Building Services; Budget Unit 8172-Planning; and Budget Unit 8222-Administration to approve reallocations and reclassifications as indicated by position numbers in the attached Resolution;
 - Authorize a one-time waiver of new probationary period requirement for incumbents who are reclassified to positions represented in Units J and F; and
 - Authorize the Auditor Controller to incorporate the approved changes in the FY 2013-14 Adopted Budget and direct the County Administrative Office to incorporate the approved position changes in the FY 2013-14 Adopted Budget and direct the Human Resources Department to implement the changes in the Advantage HRM system.
- (REVISED RESOLUTION SUBMITTED)

Attachments: [Resolution](#)
[Revised Resolution](#)

RMA - Planning

22. a. Approve Amendment No. 1 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$38,350.00 to \$247,295.00 and the Contingency budget is increased by \$30,000.00 to \$103,130.75, for a total amount not to exceed \$350,425.75 to complete new tasks and re-evaluation of the original tasks to accommodate the revision to the

project description and site plan for the Environmental Impact Report (EIR) for the California Flats Solar Project (PLN120294) in South County, and extend the term to March 31, 2015; and

b. Approve Amendment No. 1 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$38,350.00 to \$247,295.00, the Contingency budget is increased by \$30,000.00 to \$103,130.75, and the County Contract Administration Fee is unchanged at \$3,170.00, for a total amount not to exceed \$353,595.75 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete new tasks and re-evaluation of the original tasks to accommodate the revision to the project description and site plan for the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the term to March 31, 2015; and

c. Authorize the Director of Planning to execute Amendment No. 1 to Professional Services Agreement No. A-12432, Amendment No. 1 to Funding Agreement No. A-12433 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(PLN120294/California Flats Solar Project in South County - PD060202/Rincon Consultants, Inc.)

Attachments: [Attachment A - Amendment No. 1 to PSA with Rincon Consultants, Inc.](#)
[Attachment B - Amendment No. 1 to FA with California Flats Solar, LLC](#)
[Attachment C - Summary of PSA and FA](#)

RMA - Public Works

- 23.
- a. Accept the Axtell Street Properties Improvement Plans (PLN080039) as complete;
 - b. Approve the release of the Performance Bonds, No. 105557088 in the amount of \$277,312.42 and No. 105557089 in the amount of \$99,838.75 for Axtell Street Properties Improvement Plans;
 - c. Approve the release of Payment Bonds, No. 105557088 in the amount of \$126,051.10 and No. 105557089 in the amount of \$45,381.25 for Axtell Street Properties Improvement Plans in 90 days in accordance with Government Code Section 66499.7 after the passage of time for recording claims or liens; and
 - d. Delegate authority to the Director of Public Works to release the Maintenance Bonds in one year upon determination that the improvements are functioning as intended.

Attachments: [Attachment A-Subdivision Improvement Agreement](#)
[Attachment B-LandSet Engineers, Inc. letter of completion](#)
[Attachment C-Performance Bond](#)
[Attachment D-Performance Bond](#)
[Attachment E-Payment Bond](#)
[Attachment F-Payment Bond](#)
[Attachment G-Maintenance Bond](#)
[Attachment H-Maintenance Bond](#)
[Location Map](#)

24. Board of Supervisors Addendum/Supplemental for Tuesday, April 8, 2014.

ADDENDUM

Add Under Appointments

- 5.2 Reappoint Kelly O’Keefe, M.D., Ph.D., FCAP to the Natividad Medical Center Board of Trustees term ending June 30, 2016. (Full Board)
- 5.3 Appoint Eloisa Viruet to the Area Agency on Aging Advisory Council to fill an unscheduled vacancy, term ending January 1, 2015. (Full Board)

Add Convene at 11:30 a.m.

Special Joint Meeting of the Board of Supervisor of the Monterey County Water Resources Agency and the Monterey County Water Resources Agency Board of Directors.

SUPPLEMENTAL

Changes to Closed Session

1. 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:
 - (2) Property: 1441 & 1448 Schilling Place, Salinas
 - Agency Negotiator: Benny Young, Resource Management Agency Director
 - Negotiating Party: CBRE Commercial Real Estate Brokerage and Cushman and Wakefield
 - Under negotiation: Price and terms

 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: James May and Brette Neal
 - Employee Organization(s): Units F and K

Correction Under Consent Calendar - RMA General21. Revised Resolution Submitted

Adopt a Resolution to:

- a. Amend Personnel Policies and Practices Resolution (PPPR) No. 98-394 and Appendix A to create, re-title, amend salary ranges, and abolish classifications to effectuate the changes due to the reorganization in the Resource Management Agency as indicated in the attached Resolution;
- b. Amend the Resource Management Agency's, Budget Unit 8170-Building Services; Budget Unit 8172-Planning; and Budget Unit 8222-Administration to approve reallocations and reclassifications as indicated by position numbers in the attached Resolution;
- c. Authorize a one-time waiver of new probationary period requirement for incumbents who are reclassified to positions represented in Units J and F.d. Authorize the Auditor Controller to incorporate the approved changes in the FY 2013-14 Adopted Budget and direct the County Administrative Office to incorporate the approved position changes in the FY 2013-14 Adopted Budget and direct the Human Resources Department to implement the changes in the Advantage HRM system.