# **Monterey County**

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



# Meeting Agenda - Final-revised

Tuesday, January 29, 2013

9:00 AM

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

# **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

# NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to the 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(a), the Board will confer with legal counsel regarding existing litigation:
  - (1) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
  - b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.
  - c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.
  - d. 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): All Units
  - e. Pursuant to Government Code section 54957, the Board will confer with County Counsel regarding a potential threat to the security of public buildings.

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.

#### 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 the Consent Calendar - Regular (See Supplemental Sheet)

#### **Ceremonial Resolutions**

**3.** Adopt Resolution commending Nelda Sanders, District Attorney's Office, upon

her retirement from 32 years of Public Service. (Supervisor Armenta)

Attachments: Sanders Resolution

3.1 Adopt Resolution honoring Kathy Merritt upon her selection as the 2012 King

City Chamber of Commerce and Agriculture Friend of the Community.

(Supervisor Salinas)

Attachments: Merritt Resolution

**3.2** Adopt Resolution honoring Floyd Owens upon his selection as the 2012 King

City Chamber of Commerce and Agriculture Citizen of the Year. (Supervisor

Salinas)

Attachments: Owens Resolution

3.3 Adopt Resolution honoring Mission Ranches and Big Valley Labor upon their

selection as the 2012 King City Chamber of Commerce and Agriculture Business of the Year. (Supervisor Salinas) (REVISED RESOLUTION VIA

SUPPLEMENTAL)

Attachments: Mission Ranches & Big Valley Labor Resolution

Revised Mission Ranches & Big Valley Labor Resolution

#### **Appointments**

**4.** Appoint Carlos Martinez filling an unscheduled vacancy to the Equal

Opportunity Advisory Commission representing SEIU Local 521, term ending

December 31, 2013. (Full Board)

Attachments: Martinez Notification to Clerk

**5.** Reappoint Louann Raras to the Equal Opportunity Advisory Commission

representing Commission on the Status of Women, term ending December 31,

2015. (Full Board)

Attachments: Raras Notification to Clerk

6.	Reappoint Charles Collins to the Fish & Game Advisory Commission, term ending February 1, 2016. (Supervisor Parker)	
	Attachments:	Collins Notification to Clerk
7.	Reappoint Bob Bogardus; Larry Levine; and Margaret Robbins to CSA No. 50, Citizens Advisory Committee terms ending January 1, 2016. (Supervisor Potter)	
	Attachments:	Bogardus Notification to Clerk
		Levine Notification to Clerk
		Robbins Notification to Clerk
8.	Appoint Rick Martin to the Ft. Ord Veteran Cemetery Citizen's Advisory Committee, to fill an unscheduled vacancy, term ending 12-31-13. (Supervisor Calcagno)	
	Attachments:	Martin Notification to Clerk
9.	Appoint Wayne Johnson to the Commission on Disabilities, representing Community-Based Organization, term ending December 31, 2015. (Full Board)	
	Attachments:	Johnson Notification to Clerk
10.	Reappoint Helene Brodrick and Olivia Quezada to the Area Agency on Aging Advisory Council representing the Community-At-Large, terms ending January 1, 2016. (Full Board)	
	Attachments:	Brodrick Notification to Clerk
		Quezada Notification to Clerk
11.	Reappoint Kevin Kreyenhagen and Kevan Urquhart to the Fish and Game Advisory commission, terms ending February 1, 2016. (Supervisor Potter)	
	Attachments:	Notification to CLerk Kreyenhagen
		Notification to Clerk Urquhart
12.	Appoint Kathy Beuthin to the Housing Authority of Monterey County, representing At-Large - Tenant Commissioner, term ending January 29, 2015. (Supervisor Potter)	
	Attachments:	Beuthin, Kathy Housing Authority 01.29.13
13.	Reappoint Richard Denier and Lance Monosoff to CSA No. 50 Citizens Advisory Committee, terms ending January 1, 2014. (Supervisor Potter)	
	Attachments:	Denier Notification to Clerk
		Monosoff Notification to Clerk
14.	Reappoint Charles Neslon to the Fish & Game Advisory Commission, term ending February 1, 2017. (Supervisor Armenta)	

Attachments: Neslon Notification to Clerk

**15.** Reappoint Tom Collier to the Animal Control Program Advisory Board, term

ending July 1, 2014. (Supervisor Armenta)

Attachments: Collier Notification to Clerk

**15.1** Reappoint Robert Monares to the Fish & Game Commission, term ending

February 1, 2015. (Supervisor Salinas)

Attachments: Monares Notification to Clerk

## **Other Board Matters**

**16.** Board Comments

**17.** CAO Comments and Referrals

<u>Attachments:</u> Referrals 012913

**18.** 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 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

**19.** Reconsider "Guiding Principles in Implementing Policy Options Following the

Base Reuse Plan (BRP) Reassessment."

<u>Attachments:</u> Exhibit A 12/4 Board Report w/attachments and order

**20.** Continuance of Public Hearing to Consider Amendments to the 2010 Monterey

County General Plan (Carmel Valley Master Plan) Implementing a Litigation

Settlement with the Carmel Valley Association.

Attachments: Board Order 2010 General Plan

**21.** a. Approve and Authorize the Director of Health to sign and execute the third

one (1) year contract extension (Attachment C-3).

b. Approve and Authorize the Director of Health to execute amendment to

Exhibit D (Attachment C-2) refining our zone response times; and

c. Approve and Authorize the rate increase of 2.75% pursuant to section 17.2 of

the Agreement for 2013 (Attachment C-1). (REVISED REPORT VIA

SUPPLEMENTAL)

Attachments: Attachment A - AMR Ext Request 10-30-12.pdf

Attachment B Section 6 - Renewal Provisions.pdf
Deleted - ATTACHMENT C - AMENDMENT 3.pdf

ATTACHMENT D Response Maps.pdf

ATTACHMENT F MCFCA Letter.pdf

ATTACHMENT G Bullick Letter.pdf

Attachment E Monterey County Ambulance Rates.pdf

Added ATTACHMENT C1
Added ATTACHMENT C2
Added ATTACHMENT C3

**22.** Endorse a management process for preparing and adopting long range planning

documents and ordinances.

(REF120071/Local Coastal Program Amendment Process and REF120072/General Ordinance/Document Preparation Process)

<u>Attachments:</u> Attachment A - General Ordinance-Document Preparation Process

Attachment B - Local Coastal Program (LCP) Amendment Process

#### 12:00 PM Recess to Lunch

#### 1:30 PM Reconvene

## Roll Call

23.

#### 1:30 P.M. - Scheduled Matters

- a. Consider adoption of an Ordinance amending Chapter 2.80 of the Monterey County Code establishing policy and procedures for the investigation and resolution of discrimination complaints;
- b. Adopt a Resolution to establish the Equal Opportunity & Non-Discrimination Policy;
- c. Adopt a Resolution to establish the Prevention of Sexual Harassment Policy;
- d. Adopt a Resolution to establish the Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy;
- e. Adopt a Resolution to establish the Diversity Policy; and
- f. Direct the Equal Opportunity Officer to implement policies and procedures.

<u>Attachments:</u> Discrimination Complaint Ordinance final 010913.docx

Board Resolution Equal Opportunity and Non-Discrimination Policy.pdf

Board Resolution Prevention of Sexual Harrassment Policy.pdf

Board Resolution Equal Opportunity/ Persons with Disabilities and Reasonbalbe

Board Resolution Diversity Policy.pdf

Equal Opportunity and Non-Discrimination Policy 11.26.12.pdf

Prevention of Sexual Harassment Policy 11.26.12.pdf

Equal Opportunity for Persons/Disabilities & Reasonable Accommodation-11.26

Diversity Policy 11.26.12.pdf

24.

- a. Approve the retitling of the Monterey Plan for Equal Access to Employment and Contracting Opportunities to the Equal Opportunity Plan for County of Monterey;
- b. Approve and adopt the Equal Opportunity Plan for County of Monterey; and c. Direct the Equal Opportunity Officer to implement and administer the Equal Opportunity Plan.

Attachments: 1 16 13 A Final Equal Opportunity Plan.pdf

Exhibit 1.pdf

Exhibit 2.pdf

Exhibit 3.pdf

Exhibit 4.pdf

Exhibit 5.pdf

Exhibit 6.pdf

Exhibit 7.pdf

Exhibit 8.pdf

Exhibit 9.pdf

Exhibit 10.pdf

Exhibit 11.pdf

25.

Public hearing (continued from January 15, 2013) to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating "green" building principles and practices into new development in the unincorporated area of Monterey County. (Green Building Ordinance - REF110058/County-wide)

Attachments: Attachment A - Draft Ordinance Amending MCC Section 18.12 (clean version)

Attachment B - Draft Ordinance Amending MCC Section 18.12 (redline version)

**26.** Public hearing (continued from November 6, 2012) to:

a. Receive a status update from the Resource Management Agency-Planning regarding the proposed ordinances to eliminate the Minor and Standard Subdivision Committees; and

b. Direct staff to return on February 12, 2013 with proposed options for the processing of lot line adjustments and subdivision applications. [REF100014 (Inland) and REF120004 (Coastal), Options for Application Processes with the Elimination of the Minor and Standard Subdivision Committees.]

# **Adjournment**

Adjourn in Memory of Elmo "Elmer" Lester Lanini and Jan Mitchell

#### Supplemental Sheet, Consent Calendar

#### **Health and Social Services**

**27.** a. Reallocate a vacant one (1.0) FTE Chronic Disease Prevention Coordinator to

a one (1.0) FTE Public Health Nurse II in Health Department Budget Unit

HEA003-8124; and

b. Authorize the County Administrative Office to incorporate the approved

position changes in the FY 2012-13 Adopted Budget.

<u>Attachments:</u> <u>Attachment to Bd Rept Reallocating CDPC to PHNII.doc</u>

**28.** Appoint Caroline Kennedy, MD as interim Health Officer effective February 1,

2013, at 5:00 p.m.

# **Criminal Justice**

**29.** Revise the October 16, 2012 Board Order (File # 12-947), related to the

Marijuana Suppression Program to include the required Resolution as requested

by the Board of State and Community Corrections (BSCC).

Attachments: Attachment A

**COMMET Resolution** 

**30.** Approve and authorize the Sheriff to submit a grant application in the amount of

\$185,682 with the Board of State and Community Corrections (BSCC) to continue funding for the Narcotics Enforcement Unit County of Monterey (NEUCOM) Program for the period of October 1, 2012 through September 30,

2013.

Attachments: NEUCOM Resolution

**31.** Authorize the Contracts/Purchasing Officer to sign Professional Service

Agreement with Identix, a MorphoTrust USA Company, to provide annual maintenance for 16 live scan machines in the amount of \$100,225.32 for Fiscal

Year 2012-13.

<u>Attachments:</u> <u>Identix Agreement</u>

**32.** Authorize the Contracts/Purchasing Officer to sign Amendment No. 1 with Jim

Guy, doing business as Introspect for Inmate Assessment and Intervention Program at the Monterey County Sheriff's Office, Custody Operations Bureau, which would amend the existing Agreement with an extended scope of service and increase the total amount of the Agreement by \$78,068 with the AB109, the Public Safety Realignment Act of 2011, fund for a revised total amount of

\$245,072.

Attachments: Amendment 1

Introspect EX A1 per Amendment 1

**33.** Approve an application and order for destruction of records for the Sheriff's

Office. (4/5th Vote Required).

Attachments: Attachment A - Destruction of Records 2013

Application For Destruction Of Records

**34.** Approve and authorize the Contracts/Purchasing Officer to execute an

agreement with TracNet for the implementation of a Records Management/Jail

Management System in an amount not to exceed \$965,000.

Attachments: TracNet Software Solutions

Attachment A

**TracNet Proposal Acceptance** 

Software Product License Agreement
Software Maintenance Service Plan

Justification of Sole Source-Brand Request

**35.** Approve amendment to Conflict of Interest Code for the Monterey County

District Attorney's Office.

Attachments: Board Order DA COI amendment

Amendments to COI Code DA Office 2013

#### **General Government**

**36.** a. Amend the Fiscal Year 2013 Agricultural Commissioner's Office Budget

2810, AGR001, Unit 8001 to reallocate one (1.0) FTE Senior Account Clerk to one (1.0) FTE Accountant I, and in Unit 8002 reallocate one (1) FTE Produce

Inspector II to one (1) FTE Management Analyst III; and

b. Authorize the County Administrative Office to incorporate approved changes

in the FY 2012-13 Budget.

**37.** Authorize acceptance of work and file a combined Notice of Completion for the

third and fourth quarters of the annual maintenance of interior Park roadways at

Laguna Seca Recreation Area for calendar year 2012, Bid No. 10365.

Attachments: LS Work Completion Attachments 01-23-2013.docx

**38.** a. Approve specifications for annual maintenance and repair of Parks

Department interior roadways at Laguna Seca Recreation Area, for calendar year 2013 (January 1, 2013 through December 31, 2013), Bid No.10407;

b. Authorize solicitation of bids; and

c. Authorize and direct the Clerk of the Board to advertise the "Notice to Bidders" in the local newspaper, The Californian, on February 4, 2013 and

February 11, 2013.

<u>Attachments:</u> Bid for Road Maintenance Specs 2013 .doc

NOTICE TO CONTRACTORS 10407 IN NEWSPAPER.doc

**39.** Receive and accept the Treasurer's Report of Investments for the quarter ending

December 31, 2012.

<u>Attachments:</u> Exhibit A - Portfolio Review 12.31.12

Portfolio Management Report 12.31.12 - Exhibit B

Quarterly Yield Review 12.31.12-Exhibit C
Aging Summary 01.01.13 - Exhibit D

MMF Pie Charts 12.31.12 - Exhibit E

**40.** Exercise the Board of Supervisors option under California Government Code 53853 to notify certain school districts that it will not authorize the issuance of

tax and revenue anticipation notes ("TRANs") of the Districts and to provide

such notification by February 8, 2013.

Attachments: 2013 Piper Jaffray Summary

2013 Orrick Summary

41. Authorize advance step placement of Mr. David Spaur at Step 4 of the

Economic Development Director salary range, effective February 11, 2013, in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394,

Sections A.1.11.1 and A.1.11.5.

**42.** Adopt Resolution to:

a. Amend the Personnel Policies and Practices Resolution (PPPR) No. 98-394 to adjust the salary range of the Managing Deputy District Attorney classification

as indicated in the attached Resolution;

b. Authorize the Human Resources Department to implement the change in the

Advantage HRM system.

Attachments: BoS Resolution Managing DA Salary Increase 01-29-2013.pdf

#### RMA-General

**42.1** Adopt Resolution to:

a. Authorizing the Resource Management Agency Director to work with Monterey County's legislative team to develop legislation (2013 omnibus transportation bill) enabling relinquishment of a segment of State Route 68 generally described as the segment from State Route 1 to the western terminus; and

b. Approving Letter of Intent to request Caltrans to initiate the relinquishment process for a segment generally from State Route 1 to Community Hospital of Monterey Peninsula.

Attachments: Exhibit A Resolution & Letter of Intent

Exhibit B Letters from Cities
Exhibit C Process/Schedule

#### **RMA - Public Works**

**43.** a. Approve Amen

a. Approve Amendment No. 3 to the Professional Services Agreement No. A-11031 with TRC Engineers, Inc., to provide for the study of additional alternatives and incorporate the results into a mini Project Study Report for the Davis Road Bridge Replacement Project at Salinas River, County No. 208, State No. 44C068, Federal Aid Project No. BRLS-5944 (068), Project No. 360065, in the amount of \$163,513 for a total amount not to exceed \$560,363, and extend the term to December 31, 2014; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 3 to Professional Services Agreement No. A-11031 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

<u>Attachments:</u> Project Budget

Amendment No 3 to Professional Services Agreement between County of Mont

**Location Map** 

**44.** Adopt a Resolution:

a. Accepting the Certificate of Completion for construction of the 1410 Natividad Rd, Salinas, California, Upgrade Security Fencing, Project No. 8529, Bid Package No. 10348, performed by AAA Fence Company, Inc.; and b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the 1410 Natividad Rd, Salinas, California, Upgrade Security Fencing, Project No. 8529, Bid Package No. 10348, performed by AAA Fence Company, Inc.

Attachments: Resolution

**Project Budget** 

Certificate of Completion

Notice of Completion

**Location Map** 

45.

a. Approve Change Orders No. 3, 4, 5, and 6 to Agreement No. A-12220 with John F. Otto, Inc., dba Otto Construction for the Integrated Health Clinic Services Center Project, 298 12th Street, Marina, CA, Project No 8834, Bid Package No. 10351, in an amount of \$837,436;

b. Authorize an additional contingency of \$240,000 to provide funding for future contract change orders; and

c. Authorize the Director of Public Works to execute Change Orders No. 3, 4, 5, and 6 to Agreement No. A-12220 with John F. Otto, Inc., dba Otto Construction, and subsequent contract change orders where the total subsequent

change orders do not exceed \$240,000.

Attachments: Project Budget

**Location Map** 

**46.** a. Approve a Grant Acceptance Agreement No. 13-03 with the Monterey Bay

Unified Air Pollution Control District in the amount of \$34,487 for the

Two-Year Bicycle Count Program; and

b. Authorize the Director of Public Works, or his designee, to accept, administer, and execute the Grant Acceptance Agreement No. 13-03.

Attachments: Grant Acceptance Agreement No. 13-03

**47.** Supplemental for Tuesday, January 29, 2013

#### **CORRECTIONS**

## **Correction to Ceremonial Resolution**

#### 3.3 Revised Resolution Submitted

Adopt Resolution honoring Mission Ranches and Big Valley Labor upon their selection as the 2012 King City Chamber of Commerce and Agriculture Business of the Year. (Supervisor Salinas)

#### **Correction Under 10:30 A.M. Scheduled Matters**

# 21. Revised Report Submitted and Deleted Attachment C and Added Attachments C1; C2 & C3

- a. Approve and Authorize the Director of Health to sign and execute the third one (1) year contract extension (Attachment C-3);
- b. Approve and Authorize the Director of Health to execute amendment to Exhibit D (Attachment C-2) refining our zone response times; and
- c. Approve and Authorize the rate increase of 2.75% pursuant to section 17.2 of the Agreement for 2013 (Attachment C-1).