

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, April 9, 2013

9:00 AM

**See separate agendas for Monterey County Water Resources
Agency and 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.

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) Swain v. Marquez, et al. (Monterey County Superior Court case no. M116382)
 - (2) Constance Murray v. California American Water, County of Monterey, et al (Monterey County Superior Court case no. M120057)
 - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
Designated representatives: James May and Brette Neal; Employee Organization: Unit S
 - d. 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) City of Carmel-by-the-Sea
 - (2) City of Del Rey Oaks
 - (3) City of Gonzales
 - (4) City of King City
 - (5) City of Marina
 - (6) City of Monterey
 - (7) City of Pacific Grove
 - (8) City of Salinas
 - (9) City of Sand City
 - (10) City of Seaside
 - (11) City of Soledad

e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~one matter~~ two matters of significant exposure to litigation. (REVISED VIA SUPPLEMENTAL)

f. Pursuant to Government Code section 54957(b)(1), the Board will provide performance

evaluations for the following public employee positions:

(1) County Administrative Officer

(2) County Counsel

(ADDED VIA ADDENDUM)

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 the Consent Calendar - Regular (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt a resolution commending Stanley R. Chan Supervising Mechanic to the Department of Public Works for his dedicated service of more than 27 years to the County of Monterey upon his retirement. (Supervisor Armenta)

Attachments: [Chan Resolution](#)

4. Adopt Resolution commending "Undisclosed Recipient" as the Monterey County Cattlemen's Association Cattlewoman of the Year Award Recipient for 2013. (Supervisor Calcagno)

Attachments: [Undisclosed Recipient Cattlewoman 2013](#)

5. Adopt Resolution commending "Undisclosed Recipient" as the Monterey County Cattlemen's Association Cattleman of the Year Award Recipient for 2013. (Supervisor Calcagno)

Attachments: [Undisclosed Recipient Cattlemen's Assoc. 2013](#)

- 5.1 Adopt Resolution commending Cecilia Preciado Burciaga for her lifetime of service and advocacy creating greater educational opportunities for women and minorities. (Supervisor Parker) (ADDED VIA ADDENDUM)

Attachments: [Burciaga Resolution](#)

Appointments

6. Reappoint Margaret Robbins and Wayne Ross to the Housing Advisory Committee, terms ending April 9, 2015. (Supervisor Potter)

Attachments: [Robbins Notification to Clerk](#)

[Ross Notification to Clerk](#)

7. Appoint Richard Garza to the Military & Veterans Affairs Advisory Commission, term ending January 1, 2016. (Supervisor Calcagno)

Attachments: [Garza Notification to Clerk](#)

Other Board Matters

8. Board Comments

9. CAO Comments and Referrals

Attachments: [Referrals 040913](#)

10. General Public Comment

10:30 A.M. - Scheduled Matters

11. Accept and Approve the Community Restorative Justice Commission 2012 Annual Report.

Attachments: [CRJC 2012 Annual Report.doc](#)

12. a. Accept the 2011-2012 Annual Report of First 5 Monterey County (a.k.a. The Monterey County Children and Families Commission); and
b. Adopt a Resolution declaring 2013 the Year of the Child.

Attachments: [First 5 MC Resolution](#)

[First 5 MC Template](#)

- 12.1 a. Close a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications; and
b. Direct Staff to Re-Notice a New Public Hearing on the CDBG Program

Income Reuse Plan at an Appropriate Time. (ADDED VIA ADDENDUM)

12:00 PM Recess to Lunch - Continued Closed Session

1:30 PM Reconvene

Roll Call

1:30 P.M. - Scheduled Matters

13. Receive a report on the implementation of the Affordable Care Act (ACA) in Monterey County, and provide direction to staff.

Attachments: [Attachment 1 - MoCo ACA Concerns](#)
[Attachment 2 - ACA Legislative Report](#)
[Attachment 3 - CSAC State v County Medi-Cal Expansion](#)
[Attachment 4 - CSAC Medi-Cal Optional Expansion Principles](#)

14. Public hearing continued from March 19, 2013 to consider adoption of resolutions to:
- Deny an appeal by Constance Murray from the decision of the Resource Management Agency - Director of Planning approving a Design Approval to correct a code violation (11CE00134) and to allow the placement of a 20 foot high communication antenna within a water tank easement to serve a California-American Water Company water tank; and
 - Find the project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301; and
 - Approve the Design Approval to correct a code violation (11CE00134) and to allow the placement of a 20 foot high communication antenna within a water tank easement to serve a California-American Water Company water tank; and
 - Grant Appellant's request to waive the appeal fee and authorize the RMA-Planning Director to refund the appeal fee.
(Appeal of a Design Approval - PLN120817 California-American Water Company, 10 Oak Meadow Lane, Carmel Valley, Carmel Valley Master Plan)

- Attachments:** [Attachment A - Discussion](#)
[Attachment B-1 - Draft Board Resolution with Exhibits 1 & 2](#)
[Attachment B-2 - Draft Board Resolution for Fee Waiver](#)
[Attachment C - Vicinity Map & Aerial View](#)
[Attachment D- Final Recorded Subdivision Map](#)
[Attachment E - Grand Deed of Easement to Cal-Am Water](#)
[Attachment F - Conservation & Scenic Easement Deed](#)
[Attachment G - Compliance Order \(eeCE00134\)](#)
[Attachment H - Design Approval](#)
[Attachment I - Notice of Approved Design Approval](#)
[Attachment J - Notice of Appeal](#)
[Attachment K - Fee Waiver Request](#)
[Attachment L - Appellant's Letter](#)

Adjournment

In Memory of E.L. "Cotton" Kaiser

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

15. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement with MD Buyline for Membership Services at NMC, extending the Agreement to August 31, 2017 and adding \$99,995 for a revised total Agreement amount not to exceed \$199,990 in the aggregate.

Attachments: [MD Buyline Renewal & Amendment #1](#)

Health and Social Services

16. Adopt a resolution amending Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2013, 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: [Attachment A - Article I e Fee Schedule Clean.docx](#)

[Attachment B - Article I e Fee Schedule Strikethrough.docx](#)

[Attachment C - AB1616 Summary.doc](#)

[Attachment D - Emergency Response Surcharge Board Report and Order.pdf](#)

[Attachment E - Resolution amending Article I e of the Monterey County Master](#)

Criminal Justice

17. a. Ratify authorization for the Chief Probation Officer to sign a Coalition Involvement Agreement grant application to Sun Street Centers for the Preventing Alcohol Related Trauma in Salinas (P.A.R.T.S.) program during Fiscal Year 2013-14; and
b. Authorize the Chief Probation Officer to sign the Grant Agreement with Sun Street Centers.

Attachments: [Sun Street Center - PARTS participation Agreement 2013.pdf](#)

[Sun Street Centers - PARTS MOU 2013-2014.pdf](#)

18. Approve yearly update to the application, criteria and disqualifiers recommended by the Probation Department for the Supervised Home Confinement Program, as mandated by Penal Code §1203.016(d)(1).

Attachments: [Supervised Home Confinement App-Criteria 2013.doc](#)

19. a. Approve and authorize the Contracts/Purchasing Officer to execute a three year Lease Agreement, effective on or around April 15, 2013, with the International Church of the Foursquare Gospel, dba Harvestland Foursquare Church for 30 parking spaces located at 327 Pajaro Street, in Salinas, California,

for use by the Probation Department;

b. Authorize the Auditor-Controller to make lease payments of \$900.00 per month and in accordance with the terms of the agreement; and

c. Authorize the extension of the Lease Agreement for two additional one-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: [Harvestlands Foursquare - Parking Lease 2013-2016.pdf](#)

General Government

- 20.**
- a. Approve and authorize the Director of Information Technology to execute a non-standard Agreement with Questys Solutions in the annual amount of \$92,513.50 for FY 2013-14, FY 2014-15, and FY 2015-16 for a total aggregate amount not to exceed \$277,541 for the provision of software support as needed;
- b. Accept non-standard liability provisions as recommended by the Director of Information Technology, and
- c. Authorize the Contracts/Purchasing Officer to issue purchase orders on an as needed basis in an amount not to exceed \$92,514 yearly.

Attachments: [Questys Agreement Sept 1 2013 - Aug 31 2016](#)

- 21.**
- a. Award annual construction contract to Nor-Cal Contractor, lowest, responsive bidder, in an amount not to exceed \$150,000 for the annual maintenance of park roadways at Laguna Seca Recreation Area, for the calendar year ending December 31, 2013, Bid No.10407;
- b. Reject the bid protest by Don Chapin Company; and
- c. Authorize the Chair of the Board to sign the contract on behalf of the County.

Attachments: [Certified List of Bids - 2013 Annual Road Maintenance.pdf](#)
[NorCal Contract 2013.pdf](#)

- 22.**
- a. Approve and authorize the Contracts/Purchasing Officer to execute a three year Lease Agreement, effective retroactively on September 1, 2012, with 417 Salinas Road, LLC, for approximately 2,848 rentable square feet of space located at 417-C Salinas Road, Watsonville, California (Monterey County), for use by the Agricultural Commissioner's Office;
- b. Authorize the Auditor-Controller to make lease payments of \$2,420 per month and in accordance with the terms of the agreement; and
- c. Authorize the extension of the Lease Agreement for one additional two-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: [Lease, Ag Commissioner Pajaro Office 2013 - Lease.pdf](#)
[Location Map](#)

23. Adopt Resolution to:
Approve the amendment of Article II of the Monterey County Master Fee Resolution to adjust fees for phytosanitary inspection, crop sampling, crop inspection, Certified Farmers Markets, Certified Producers and organic certification activities pursuant to the attached Fee Schedule, effective July 1, 2013.
- Attachments:** [Fees Board Report Attachment.pdf](#)
[Fees Board Resolution.docx](#)
[Fees Board Resolution Attachment.pdf](#)
24. a. Approve and authorize the Contracts/Purchasing Officer to sign an Agreement between the County of Monterey and The Gordian Group for the provisions of providing the County with a Job Order Contracting (JOC) System, effective from the date of execution through and including April 1, 2016; and
b. Approve and authorize the Contracts/Purchasing Officer to exercise the option to extend the Agreement for two (2) additional one-year (1) terms.
- Attachments:** [04-09-13 The Gordian Group Agreement - JOC System.pdf](#)
25. Authorize the Auditor-Controller to amend the FY 2012-13 Office of Emergency Services General Fund 001 CAO05 Budget to increase estimated revenue and appropriation in the amount of \$25,564 (4/5th vote required).
- Attachments:** [Exhibit A Amendment Approval Letter](#)
26. Approve and authorize the Information Technology Department to exercise the first of the three five (5) year extension options of the existing Wireless Communications Site Lease Agreement for the period of June 1, 2013 through May 31, 2018.
- Attachments:** [Bryant Canyon Crown Castle Site Lease Agmt 6.24.2008](#)
[Bryant Canyon Board Order 6.26.2008](#)
27. Approve the Action Minutes of the Monterey County Board of Supervisors for Tuesday, July 10, 2012; Tuesday, July 24 2012 and Tuesday, July 31, 2012.
- Attachments:** [BOS FINAL ACTION MINUTES 07-10-12](#)
[BOS FINAL ACTION MINUTES 07-24-12](#)
[BOS FINAL ACTION MINUTES 07-31-12](#)
- 27.1 Approve and authorize the CAO to Execute a Funding Agreement between the Monterey County Water Resources Agency and the County of Monterey for Phase II of the Pajaro River Bench Excavation Project. (ADDED VIA ADDENDUM)
- Attachments:** [Attach - 1 Phase II Funding Agreement 040513 rev1](#)

RMA - Planning

28. a. Approve a Professional Services Agreement with Rincon Consultants, Inc. where the Base Budget is \$208,945.00 and the Contingency budget is \$73,130.75, for a total amount not to exceed \$282,075.75 to provide an Environmental Impact Report (EIR) for the California Flats Solar Project (PLN120294) in South County, for a term effective March 13, 2013 through December 31, 2014; and
- b. Approve a Funding Agreement with California Flats Solar, LLC where the Base Budget is \$208,945.00, the Contingency budget is \$73,130.75, and the County contract administration fee is \$3,170.00, for a total amount not to exceed \$285,245.75 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to provide an EIR for the California Flats Solar Project (PLN120294) in South County, for a term effective March 13, 2013 through December 31, 2014; and
- c. Authorize the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
(PLN120294/Environmental Impact Report for the California Flats Solar Project, in South County)
- Attachments:** [Attachment A - Professional Services Agreement](#)
[Attachment B - Funding Agreement](#)
29. a. Approve a Professional Services Agreement with AMEC Environment & Infrastructure, Inc. where the Base Budget is \$121,759.75 and the Contingency budget is \$18,263.96, for a total amount not to exceed \$140,023.71 to provide an Environmental Impact Report (EIR) for the Huckleberry Hill Public Safety Radio Site/Wireless Telecommunications Facility (PLN100516) in the Del Monte Forest area, for a term through January 31, 2014; and
- b. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.
(Agreement - REF130018/AMEC Earth and Environment, Inc.
(NGEN/PLN100516), County-wide)
- Attachments:** [Attachment A - Professional Services Agreement](#)
30. a. Accept the Annual Progress Report for the 2010 General Plan implementation pursuant to Government Code Section 65400;
- b. Accept the Annual Progress Report for the 2009-2014 Housing Element implementation to comply with the State Department of Housing and Community Development requirements; and
- c. Authorize the Resource Management Agency - Director of Planning to submit the progress reports as required.
(REF130009/Annual Progress Report for the 2010 General Plan

Implementation)

Attachments: [Attachment A - Discussion](#)
[Exhibit 1 to Attachment A](#)
[Exhibit 2 to Attachment A](#)

RMA - Public Works

- 31.
- a. Find that the Modular #3 District Attorney - Tenant Improvements, 320 Church Street, Salinas, CA, Project No. 8778, Bid Package No. 10405, is Categorically Exempt under California Environmental Quality Act Guidelines, Section 15301 (Existing Facilities);
 - b. Adopt Plans and Special Provisions for the Modular #3 District Attorney - Tenant Improvements, 320 Church Street, Salinas, CA, Project No. 8778, Bid Package No. 10405;
 - c. Authorize the Director of Public Works to advertise the “Notice to Contractors” in the *Monterey County Weekly*; and
 - d. Direct the Director of Public Works to file a Notice of Exemption under California Environmental Quality Act with the County Clerk.

Attachments: [Project Budget](#)
[Notice to Contractors](#)
[Mod 3 Book One Special Provisions](#)
[Mod 3 Book Two Special Provisions](#)
[Mod 3 Construction Plans](#)
[Notice of Exemption](#)
[Location Map](#)

Addendum/Supplemental for Tuesday, April 9, 2013

32. Supplemental / Addendum for Tuesday, April 9, 2013

ADDENDUM

Add to Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - f. Pursuant to Government Code section 54957(b)(1), the Board will provide performance evaluations for the following public employee positions:
 - (1) County Administrative Officer
 - (2) County Counsel

Add to Ceremonial Resolutions

Full Board Resolution posthumously honoring Cecilia Preciado Burciaga.
(Supervisor Parker)

Add Under Scheduled A.M.

- 12.1 a. Close a Public Hearing on Monterey County's Community Development Block Grant (CDBG) Program Income Reuse Plan with Jurisdictional Certifications; and
- b. Direct Staff to Re-Notice a New Public Hearing on the CDBG Program Income Reuse Plan at an Appropriate Time.

Add Continued Closed Session during Lunch

Add Under Consent Calendar - General Government

- 27.1 Approve and authorize the CAO to Execute a Funding Agreement between the Monterey County Water Resources Agency and the County of Monterey for Phase II of the Pajaro River Bench Excavation Project.

SUPPLEMENTAL

Correction to Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
- e. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding ~~one matter~~ two matters of significant exposure to litigation.

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