

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, May 7, 2013

9:00 AM

See separate agendas for East Garrison Community Services District, Moss Landing County Sanitation District, Pajaro County Sanitation District, Successor Agency to the Monterey County Redevelopment Agency, and the Monterey County Water

**Resources 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 corresponding Board Report.

9:00 A.M. Call to Order

Roll Call

Additions and Corrections for Closed Session

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

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
(1) Monterey County FQHC Sites (Office of Administrative Hearings and Appeals, Appeal Nos. NF13-0611-132E-TW to NF13-0611-136E-TW)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding four matters of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the Natividad Medical Center CEO.
 - d. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - e. 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) Leslie Rostron
 - f. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
(1) Designated representatives: James May and Brette Neal
Employee Organization: Unit F

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 Resolution Proclaiming the month of May 2013 as “Foster Care Month” in Monterey County. (Supervisor Armenta)

Attachments: [Foster Care Month Resolution](#)

4. Adopt Resolution commending Lucy Raney, Risk Management of the County Counsel’s Office, upon her retirement from 31 years of Public Service. (Supervisor Armenta)

Attachments: [Lucy Raney Resolution](#)

- 4.1 Adopt Resolution commending Ken Ash upon his retirement from the North County Fire Protection District of Monterey County after 34 years of service. (Supervisor Calcagno) (ADDED VIA ADDENDUM)

Attachments: [Ken Ash Resolution](#)

Appointments

5. Correct appointment term for Bill Lipe to the Agricultural Advisory Committee, being appointed on October 2, 2012 with a term ending date of June 30, 2013, the correct term ending date is June 30, 2015. (Full Board)

Attachments: [Notification to Clerk Lipe, Correction of term](#)

6. Appoint Maryellen Aisenberg to the Commission on the Status of Women, term ending February 1, 2016. (Supervisor Calcagno)

Attachments: [Aisenberg Notification to Clerk](#)

- 6.1 Reappoint Eva Maggini to the Greenfield Cemetery District with a term ending

December 31, 2016. (Supervisor Salinas) (ADDED VIA ADDENDUM)

Attachments: [Maggini Notification to Clerk](#)

Other Board Matters

- 7. Board Comments
- 8. CAO Comments and Referrals

Attachments: [Referrals 050713](#)

- 9. 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

- 10. Adopt a resolution to amend the Monterey County Fee Resolution to:
 - 1. Adjust certain specified fees for land use permitting activities in the following Articles of the County Fee Resolution
 - i. Article I (Environmental Health)
 - ii. Article IX (RMA-Planning);
 - iii. Article X (RMA-Public Works);
 - iv. Article XVII (County Counsel); and
 - v. Article XIX (RMA-Building Services)
 - 2. Extend an automatic annual fee adjustment every July 1 for a three year period (beginning July 1, 2013 through July 1, 2015) with adjustment based on the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area.
 - 3. Incorporate amendments to Article XI (Water Resources Agency) into the Monterey County Fee Resolution, contingent upon adoption of said amendments by the Board of Supervisors of the Monterey County Water Resources Agency and said amendments taking effect.(Adjust Fees - REF130021/County Master Fee Resolution (PD080324), County-wide)

Attachments: [Attachment A - Discussion](#)
[Attachment B - Fee Matrix](#)
[Attachment C - Correspondence](#)
[Attachment D - Draft Resolution to adopt fee changes](#)

**Recess to the Board of Supervisors of the Monterey County
Water Resources Agency**

12:00 PM Recess to Lunch - Continued Closed Session**1:30 PM Reconvene****Roll Call****1:30 P.M. - Scheduled Matters**

11. a. Conduct a Public Hearing to take comments on the draft Consolidated Plan and Analysis of Impediments to Fair Housing Choice documents including the Action Plan and proposed allocation of funds;
- b. Approve the Consolidated Plan and Analysis of Impediments to Fair Housing Choice Fiscal Year 2013-17 Consolidated Plan which includes the First Year Action Plan containing recommendations for Fiscal Year 2013-14 funding;
- c. Adopt the Analysis of Impediments to Fair Housing Choice;
- d. Authorize the Director of Economic Development to submit the Consolidated Plan and Analysis of Impediments to Fair Housing Choice documents to the U.S. Department of Housing and Urban Development (HUD) and to execute any and all other necessary HUD documents for submission to HUD; and
- e. Approve an allocation of Urban County Community Development Block Grant funds for Fiscal Year 2013-14 based upon an estimated \$800,000 (contingent upon adoption of the HUD budget for Fiscal Year 2013-14).

Attachments: [2013-05-07 CDBG Urban Cnty Entitlement HUD Docs Submittal Approval-Att A](#)
[Draft Consolidated Plan](#)
[Draft Analysis of Impediments to Fair Housing](#)

Adjournment

Adjourn in Memory of Joan Bridge Baez, Nancy Carlen & Ira Sandperl

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

12. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Renewal and Amendment No. 1 to the Agreement (BSC1851) with Salinas Valley Memorial Hospital for Laboratory Testing Services at NMC, extending the Agreement to June 30, 2014 and adding \$260,000 for a revised total Agreement amount not to exceed \$360,000 in the aggregate.

Attachments: [SVMH \(Lab\)](#)

Health and Social Services

13. a. Approve and authorize the Director of the Department of Social Services, or his designee, to accept a donation of \$10,000 as a Beneficiary of the Martha K. Clark Living Trust; and
b. Approve and authorize the Auditor-Controller's Office to incorporate approved appropriation and revenue modifications to the FY 2012-13 Budget, 5010-SOC005-8262, in the amount of \$10,000 (4/5th Vote).

14. a. Approve and ratify the agreement award for RFP #10409 to KBM Workspace for \$227,567 to furnish and install workspace equipment for the Department of Social Services new Contact Center located at 713 La Guardia, Salinas, CA for the period April 15, 2013 to June 30, 2013; and
b. Approve and ratify the execution of the agreement with KBM Workspace for \$227,567 by the Contracts/Purchasing Officer on April 12, 2013.

Attachments: [KBM Workspace](#)

15. a. Authorize the Director of the Department of Social Services (DSS), or his designee, to sign an amendment with the California SAWS Consortium IV (C-IV) for an amount not to exceed \$832,514 to implement the expansion related to the Affordable Care Act (ACA) within the C-IV Contact Center through June 30, 2018; and
b. Authorize the Director of the DSS, or his designee, to sign up to three (3) amendments to this agreement, where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work; and
c. Authorize the County Administrative Office to reflect \$832,514 of appropriations and estimated revenues in Unit 5010-SOC005-8262 of the FY 2013-14 Adopted Budget (4/5ths Vote).

Attachments: [C-IV Expansion \(attach\)](#)

16. a. Approve and authorize the Contracts/Purchasing Officer to sign a one year Agreement (July 1, 2013 to June 30, 2014) with the County of San Benito, permitting the Monterey County Health Department, Behavioral Health Bureau

to provide mental health services to clients under the Medi-Cal jurisdiction of San Benito County and to bill County of San Benito for these services for an annual total contract amount not to exceed \$25,000 for Fiscal Year 2013-14, and

b. Authorize the Contracts/Purchasing Officer, to approve up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase to County General Fund Contribution.

Attachments: [Agreement CMH San Benito](#)

17.

a. Approve and authorize the Contracts/Purchasing Officer to execute a twenty year Lease Agreement with Community Hospital Properties, a California non-profit corporation and a division of Community Hospital of the Monterey Peninsula (CHOMP) for approximately 25,000 rentable square feet of space located at 1150-1154 Fremont Boulevard, Seaside, California for use by the Health Department's Clinic Services Bureau, to commence within one hundred twenty days of Board of Supervisors approval;

b. Authorize the Auditor-Controller to make lease payments in an amount not to exceed \$68,750 per month and in accordance with the terms of the Lease Agreement; and

c. Authorize the extension of the Lease Agreement for two additional five-year terms 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: [Att A-Lease Agreement for 1150-1154 Fremont Blvd CHOMP \(Rev4-8-13\) emj](#)

General Government

18.

a. Approve and authorize the Contracts / Purchasing Officer to execute a Service Agreement with Verizon Business Network Services Inc., to provide the County with a High Speed Digital Link Internet access for the period of June 1, 2013 through May 31, 2016 in an amount not to exceed \$120,000 per year;

b. Accept non-standard terms as recommended by the Director of Information Technology;

c. Authorize the Contracts/Purchasing Officer to sign future amendments for increases up to ten percent (10%) of the annual amount; and

d. Authorize the Contracts / Purchasing Officer to sign extensions for up to two additional years of service.

Attachments: [Verizon Agreement Final](#)

19.

~~Set the time and place for hearing of Carmel Valley Ranch's appeal of Transient-Occupancy Tax Penalty for Tuesday, May 21, 2013 at 1:30 p.m. or as soon thereafter as the matter may be heard, at the Monterey County Government Center Board Chamber, 168 W. Alisal St., 1st Floor, Salinas, California.~~

(REMOVED VIA SUPPLEMENTAL)

20. Adopt a Resolution to Approve a Zero Property Tax Transfer for the Proposed Bethea Annexation of APN 015-052-016 to the Carmel Area Wastewater District

Attachments: [Proposed Bethea Annexation Description & Maps to the CAWD](#)
[Draft BOS Resolution - Bethea Annexation](#)

21. Approve the Board of Supervisor's Action Minutes of Tuesday, August 28, 2012; Tuesday, October 2nd; 9th; 16th; 23rd, 2012, Tuesday, December 9th; 11th and 18th, 2012.

Attachments: [08-28-12 Final Action Minutes](#)
[10-02-12 Final Action Minutes](#)
[10-09-12 Final Action Minutes](#)
[10-16-12 Final Action Minutes](#)
[10-23-12 Final Action Minutes](#)
[12-04-12 Final Action Minutes](#)
[12-11-12 Final Action Minutes](#)
[12-18-12 Final Action Minutes](#)

RMA - General

22. Adopt a resolution approving Amendment No. 1 (Formulaic Developer Fee) to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority.

Attachments: [Exhibit A](#)
[Exhibit A1](#)
[Exhibit B](#)

RMA - Planning

23. a. Approve Amendment No. 11 to Professional Services Agreement No. A-10547 with Pacific Municipal Consultants (PMC) where the Base Budget is increased by \$36,100.00 to \$521,654.00 and the Contingency budget is increased by \$5,415.00 to \$85,977.00 for a total amount not to exceed \$607,631.00 to complete new tasks associated with the final editing, including peer review of four (4) technical sections, response to comments and meeting assistance and attendance, of the Environmental Impact Report (EIR) for the Ferrini Ranch Subdivision (PLN040758), in the Toro Area Plan near Salinas, for a term through February 28, 2014;
b. Approve Amendment No. 11 to Reimbursement Agreement No. A-10548 with Domain Corporation where the Base Budget is increased by \$36,100.00 to \$521,654.00 and the Surcharge is increased by \$17,328.00 to \$248,954.40, with

a Contingency increase of \$5,415.00 to \$85,977.00, for a total amount not to exceed \$856,585.40 to allow reimbursement to Monterey County for costs incurred by PMC and County departments to complete new tasks associated with the final editing, including peer review of four (4) technical sections, response to comments and meeting assistance and attendance, of the EIR for the Ferrini Ranch Subdivision (PLN040758), in the Toro Area Plan near Salinas, for a term through February 28, 2014; and

c. Authorize the Director of Planning to execute Amendment No. 11 to Professional Services Agreement No. A-10547, Amendment No. 11 to Reimbursement Agreement No. A-10548 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

(PD060591/Pacific Municipal Consultants and PLN 040758/Environmental Impact Report for the Ferrini Ranch Subdivision in the Toro Area Plan near Salinas)

Attachments: [Attachment A - Amendment No. 11 to PSA A-10547](#)

[Attachment B - Amendment No. 11 to RA No. A-10548](#)

[Attachment C - Synopsis of PSA and RA](#)

RMA - Public Works

24.

Acting on behalf of County Service Area 75 - Chualar:

a. Set a Public Hearing on May 21, 2013, at 10:30 a.m., to hear the report of delinquent fees and consider any protests and objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 - Chualar;

b. Direct that a report of delinquent fees be prepared; and

c. Direct the RMA - Public Works to mail the notice of hearing to the landowners listed in the report not less than ten (10) days prior to the date of the hearing.

d. Direct the Clerk of the Board to publish Notice of Hearing to set date of May 21, 2013 in the Monterey County Weekly. (REVISED VIA SUPPLEMENTAL)

Attachments: [Exhibit A-Past Due Accounts for CSA 75](#)

[Location Map](#)

25.

a. Approve Amendment No. 2 to Professional Services Agreement MYA#3000*282 with Kitchell/CEM, Incorporated to continue to provide services associated with on-call facilities, architecture and engineering services, and landscape architecture design services, in the amount of \$57,183 for a total amount not to exceed \$441,733, which includes a total amount not to exceed \$122,839 to complete the San Lucas Branch Library, Project No. 8548, and extend the term to October 31, 2014; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to Professional Services Agreement MYA#3000*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement

amount.

Attachments: [Amendment No. 2 to Professional Services Agreement between Co. of Monterey](#)
[Location Map](#)

26.

Adopt a Resolution:

- a. Accepting the Certificate of Completion for the construction of San Juan Road Safety & Overlay Improvements, Federal Aid Project No. HRRRL-5944(092), Contract No. 12-142165, performed by Granite Rock Company dba Pavex Construction Division.
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the San Juan Road Safety & Overlay Improvements, Federal Aid Project No. HRRRL-5944 (092), Contract No. 12-142165, performed by Granite Rock Company dba Pavex Construction Division.

Attachments: [Resolution](#)
[Project Budget](#)
[Certificate of Completion](#)
[Notice of Completion](#)
[Location Map](#)

27.

Adopt a Resolution:

- a. Authorizing the Director of Public Works to accept a new Storm Drain Easement on Assessor's Parcel No. 243-031-033 in the Carmel Meadows Subdivision, in the Community of Carmel;
- b. Determining summary vacation of a drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed, and execution of the Quitclaim Deed is exempt from the California Environmental Quality Act;
- c. Summarily vacating the drainage easement along Lot 5 of the Carmel Meadows Subdivision, in the Community of Carmel, as shown on Attachment A of the Quitclaim Deed;
- d. Quitclaiming any interest Monterey County has in said easement to the property owner;
- e. Directing the Director of Public Works to file a Notice of Exemption with the County Clerk;
- f. Authorizing the Chair of the Board to execute the Quitclaim Deed; and
- g. Directing the Director of Public Works to submit a certified copy of the Resolution, Storm Drain Easement and Quitclaim Deed to the County Recorder for recordation.

Attachments: [Resolution](#)
 [Notice of Exemption](#)
 [Quit Claim Deed](#)
 [Storm Drain Easement](#)
 [Memo Dated February 21, 2013 from RMA-Planning](#)
 [Location Map](#)

Addendum/ Supplemental

28. Board of Supervisors Addendum / Supplemental for Tuesday, May 7, 2013

Addendum

Add Under Ceremonial Resolutions

4.1 Adopt Resolution commending Ken Ash upon his retirement from The North County Fire Protection District of Monterey County after 34 years of service. (Supervisor Calcagno)

Add Under Appointments

6.1 Reappoint Eva Maggini to the Greenfield Cemetery District with a term ending December 31, 2016. (Supervisor Salinas)

Supplemental

Remove Under Consent Calendar - General Government

19. Set the time and place for hearing of Carmel Valley Ranch's appeal of Transient Occupancy Tax Penalty for Tuesday, May 21, 2013 at 1:30 p.m. or as soon thereafter as the matter may be heard, at the Monterey County Government Center Board Chamber, 168 W. Alisal St., 1st Floor, Salinas, California.

Correction Under Consent Calendar - Public Works

24. Acting on behalf of County Service Area 75 - Chualar:
- a. Set a Public Hearing on May 21, 2013, at 10:30 a.m., to hear the report of delinquent fees and consider any protests and objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 - Chualar;
 - b. Direct that a report of delinquent fees be prepared; and
 - c. Direct the RMA - Public Works to mail the notice of hearing to the landowners listed in the report not less than ten (10) days prior to the date of the hearing.
 - d. Direct the Clerk of the Board to publish Notice of Hearing to set date of May 21, 2013 in the Monterey County Weekly.**