

Monterey County

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



Action Minutes - Final

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

9:00 A.M. Call to Order

The meeting was called to order by Chair Armenta.

Roll Call

Present: Charlie Steves, Interpreter

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Additions and Corrections for Closed Session

There were no additions or corrections 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
- Public comment: Jyl Telfer; Dr. James Halpern; Roger Theissen; Sal Cardinale; Alan Turpen; Jameson Halpern.**

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a. through f.

10:30 AM Reconvene**Roll Call**

Present: Charlie Steves, Interpreter

Supervisor Potter arrived back on the dais at 11:01 a.m.

Present: 5 - Supervisor Fernando Armenta, Supervisor Louis R. Calcagno, Supervisor Simón Salinas, Supervisor Jane Parker and Supervisor Dave Potter

Pledge of Allegiance

The Pledge of Allegiance was led by Chair Armenta.

Additions and Corrections**Consent Calendar- (See Supplemental Sheet)**

2. Approval of the Consent Calendar - Regular (See Supplemental Sheet)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to approve the Consent Calendar - Regular (See Supplemental Sheet), with the exception of item No. 17, which was continued to May 21, 2013. 4-0 (Supervisor Potter Absent)**

Ceremonial Resolutions

3. Adopt Resolution Proclaiming the month of May 2013 as “Foster Care Month” in Monterey County. (Supervisor Armenta)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-133 Proclaiming the month of May 2013 as “Foster Care Month” in Monterey County. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**
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)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-132 commending Lucy Raney, Risk Management of the County Counsel’s Office, upon her retirement from 31 years of Public Service. (Supervisor Armenta) 4-0 (Supervisor Potter Absent)**
- 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)
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas to adopt Resolution No. 13-138 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) 4-0
(Supervisor Potter Absent)

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)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, that this corrected Appointment be approved. 4-0 (Supervisor Potter Absent)
6. Appoint Maryellen Aisenberg to the Commission on the Status of Women, term ending February 1, 2016. (Supervisor Calcagno)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, that this Appointment be approved. 4-0 (Supervisor Potter Absent)
- 6.1 Reappoint Eva Maggini to the Greenfield Cemetery District with a term ending December 31, 2016. (Supervisor Salinas) (ADDED VIA ADDENDUM)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, that this Reappointment be approved. 4-0 (Supervisor Potter Absent)

Supervisor Potter returned to the dais at 11:01 a.m.

Other Board Matters

7. Board Comments

Supervisor Parker announced the meeting in San Jose on Friday, May 10th hosted by Covered California as they work on outreach and education and preparing the public to participate in the healthcare reform exchange. Contact her office for further details.
Supervisor Parker advised the the Leadership Team of the California for Health Seaside Community Transformation Grant will hold a meeting tomorrow from 1:30-3:00 p.m. at the Oldemeyer Center in Seaside. This group oversees and works with the community on managing chronic diseases, safe routes to school, reducing consumption of sugary beverages and smoke free community housing. They are doing great work to help the community of Salinas be healthier. The public is welcome.

Supervisor Potter advised he felt the rail trip taken by representatives from the transportation agencies and the Capital Corridors Board of Directors and their executive team last week was extremely successful. It was an opportunity for them to ride the train from San Jose to Salinas on the Coast Starlight and realize what that connectivity would look like once it's implemented. He's enthusiastic about the progress over the past six months. And our partnership with Capital Corridors Board will be a very good agreement that will expedite

the delivery of this service. This will be good for the City of Salinas and Monterey County as a whole, with better connectivity to the South Bay area, San Francisco and Sacramento.

Supervisor Armenta advised county-wide community meetings have been taking place as part of "working together for a safer community", most recently in Greenfield and Catroville. The purpose is to gather input from youth and parents directly or indirectly impacted by violence. Another community meeting will take place this Thursday in East Salinas from 6-8 p.m. at La Paz Middle School, 1300 Sanborn Road., to dialog with County residents on the issue of preventing gang violence.

8. CAO Comments and Referrals

There were no CAO comments or referrals.

9. General Public Comment

Bill Carrothers; Hans Jongens; and Eric Peterson.

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)

Public comment: Jane Haines; Frank Pearce; Beverly Bean; Amy White; Hans Jongens.

Mike Novo advised a memo was submitted that corrects a couple of typographical errors.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Louis Calcagno to adopt Resolution No. 13-143 (as amended) 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. 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) ALL AYES

**Recess to the Board of Supervisors of the Monterey County
Water Resources Agency (see separate agenda and minutes)**

12:00 PM Recess to Lunch - Continued Closed Session

1:30 PM Reconvene - Monterey County Board of Supervisors

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).

Public comment: Tom Truskowski; Kelly Morgantini.

A motion was made by Supervisor Dave Potter, seconded by Supervisor Jane Parker and:

- a. Conducted 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. Approved 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. ALL AYES

Adjournment

In Memory of Joan Bridge Baez, Nancy Carlen & Ira Sandperl

APPROVED:

/s/ Fernando Armenta

**FERNANDO ARMENTA, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

BY: /s/ Gail T. Borkowski

GAIL T. BORKOWSKI

CLERK OF THE BOARD

Approved August 27, 2013

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.

Approved - Agreement No. A-12458

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).

Approved

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.

Approved - Agreement No. A-12449

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).

Approved - Agreement No. A-11686

- 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.

Approved - Agreement No. A-12450

- 17.
- a. Approve and authorize the Contracts/Purchasing Officer to execute a twenty year Lease Agreement with Community Hospital Properties 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, if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.
 - d. Authorize the establishment of a committed fund of up to \$3.2 million from the Natividad Medical Center Enterprise Fund in accordance with the Article 5 of the Lease Agreement, solely for that purpose.

ITEM CONTINUED TO MAY 21, 2013.

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.

Approved - Agreement No. A-12451

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)~~

ITEM 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

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt a Resolution No. 13-145 to Approve a Zero Property Tax Transfer for the Proposed Bethea Annexation of APN 015-052-016 to the Carmel Area Wastewater District. 4-0 (Supervisor Potter Absent)

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.

Approved

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.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-149 approving Amendment No. 1 (Formulaic Developer Fee) to the Implementation Agreement between the County of Monterey and the Fort Ord Reuse Authority. 4-0 (Supervisor Potter Absent)

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)

Approved - Agreement No. A-10547

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)

Approved

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.

Approved

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.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to adopt Resolution No. 13-150:

- 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; and**
- 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. 4-0 (Supervisor Potter Absent)**

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.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker to Adopt Resolution No. 13-148:

- 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. 4-0 (Supervisor Potter Absent)