

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, January 15, 2013

9:00 AM

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) Neelima Vegesna v. Monterey County, et al. (USDC CAND case number 12-CV-05314-HRL)
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding ~~one matter~~ two matters of significant exposure to litigation. (REVISED VIA SUPPLEMENTAL)
 - 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 NealEmployee Organization(s): Units A, B, C, F, H, J, K, R, S, X, Y, and Z
 - e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the County Counsel.
 - f. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) City of King City (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 Resolution honoring American Red Cross of Northern California Blood Services in recognition of National Blood Donor Month. (Supervisor Armenta)

Attachments: [National Blood Donor Month Resolution](#)

Appointments

4. Reappoint to the Commission on Disabilities Mario Salazar representing Resources Management Agency Department as an ex-officio ~~Department Heads~~ and Stella Lauerman representing Easter Seals Central California, terms ending December 31, 2015. (Full Board) (REVISED VIA SUPPLEMENTAL)

Attachments: [Salazar Notification to Clerk](#)
[Lauerman Notification to Clerk](#)

5. Reappoint to the Resources Conservation District of Monterey County, Rebecca King, Benny Jefferson and Linda Ferrasci, terms ending November 30, 2016. (Full Board)

Attachments: [King Notification to Clerk](#)
[Jefferson Notification to Clerk](#)
[Ferrasci Notification to Clerk](#)

6. Appoint Tom Hicks to the Commission on Disabilities representing Community Based Organizations, with a term ending December 31, 2015. (Full Board)

Attachments: [Hicks Notification to Clerk](#)

7. Appoint Maria Kovell and Linda Melendrez to the Area Agency on Aging Advisory Council, filling unexpired terms ending January 1, 2014. (Full Board)

Attachments: [Kovell Notification to Clerk](#)
[Melendrez.Notification to Clerk](#)

8. Reappoint Marilyn Bloom to the Area Agency on Aging Advisory Council, term ending January 1, 2016. (Supervisor Potter)

Attachments: [Bloom Notification to Clerk](#)

9. Appoint Sheree Goldman to the Domestic Violence Coordinating Council, term ending January 15, 2016. (Supervisor Potter)

Attachments: [Goldman Notification to Clerk](#)

Other Board Matters

- 9.1 Consider and approve appointments of Board of Supervisors members to various boards, committees and commissions for Calendar Year 2013.

Attachments: [2013 Board and Committees List](#)

10. Board Comments

11. CAO Comments and Referrals

Attachments: [Referrals 011513](#)

12. 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

- 12.1
- Receive an oral update on the status of the Low Income Health Program application; and
 - Receive an oral update on the development of Access Point for Health Care Services, a local program for uninsured in Monterey County; and
 - Receive an oral summary overview of the County's preparation for implementation of Affordable Care Act in January 2014; and
 - Provide direction to staff on options delineated in Board Report. (ADDED VIA ADDENDUM)

Attachments: [Matrix MIA-Access Pt-LIHP 123112.pdf](#)

12:00 PM Recess to Lunch

1:30 PM Reconvene**Roll Call****1:30 P.M. - Scheduled Matters**

13. Public hearing (continued from December 4, 2012) to consider:
- Granting appeal by Sam Reeves from a decision of the Monterey County Planning Commission approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area;
 - Finding the project Categorical Exempt from CEQA per CEQA Guidelines Section 15307; and
 - Approving an after-the fact permit to clear a code violation (CE090288). The permit consists of a Coastal Development Permit and Restoration Plan per section 20.90.130 of the Monterey County Coastal Implementation Plan Part 1 (Title 20, Zoning Ordinance) for the removal of two landmark Monterey cypress trees, significant pruning of three Monterey cypress trees and sand dune degradation in an environmentally sensitive habitat area.
- (Appeal of a Coastal Development Permit and Restoration Plan - PLN100418/Signal Hill LLC (Mehdipour), 1170 Signal Hill Road, Pebble Beach, Del Monte Forest Area Land Use Plan area)
- [Board to consider request for continuance of the hearing to February 5, 2013.]**

Attachments: [Attachment A - Correspondence from John Bridges](#)

14. Public hearing (continued from November 6, 2012) 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 \(clean version\)](#)
[Attachment B - Draft Ordinance \(redline version\)](#)
[Attachment C - Planning Commission Recommendation Resolution No. 12-036](#)
[Attachment D - Financial Analysis](#)

15. Continued from December 11, 2012 to conduct a Public Hearing to:
- Approve a Lot Line Adjustment between four (4) lots of record within Farmland Security Zone (FSZ) No. 2012-010 and FSZ Contract No. 2012-010 and making various adjustments to Williamson Act Agricultural Preserve (AgP) No. 73-12 and No. 83-05 and Land Conservation Contract No. 73-12, 83-05,

and 83-26-5.a as more fully described in the staff report.

b. Authorize the Chair to execute new or amended Land Conservation and FSZ Contracts to implement the foregoing.

c. Direct the Clerk of the Board to record the new or amended Contracts concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.

(Lot Line Adjustment - PLN120746/Sea Mist Farms LLC., located along River Road, adjacent to Somavia Road, Chualar, Toro Area Plan & Central Salinas Valley Area Plan within the Agricultural and Winery Corridor Plan (AWCP))

Attachments: [Attachment A - Discussion](#)
[Attachment B - Draft Board Resolution](#)
[Attachment C - Lot Line Adjustment Map](#)
[Attachment C-1 - Recommended Conditions of Approval](#)
[Attachment D - Vicinity Map](#)
[Attachment E - Land Conservation Contract No. 73-12](#)
[Attachment F - Land Conservation Contract No. 83-26.5](#)
[Attachment G - Land Conservation Contract No. 83-26-5.a](#)
[Attachment H - Farmland Security Zone Contract 2012-10](#)
[Attachment I - Board of Supervisors Resolution No. 11-379](#)

16.

Public hearing (continued from October 23, 2012) to consider:

a. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for an amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;

b. Approval of the amendment to a Coastal Administrative Permit (PLN110366/Powell) to allow the development of a test well and authorize the construction and use of the well for testing to establish a water source in a new location from the location that was previously approved;

c. Denial of the appeal by Glen R. Mozingo from the Zoning Administrator's approval of an application by the Estate of William Dan Powell for a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well; and

d. Approval of a Coastal Administrative Permit (PLN110367/Powell) to allow the conversion of the test well (previously approved under PLN070074 and amended under PLN110366) to a domestic production well.

(Appeal of Coastal Administrative Permits - PLN110366 and PLN110367/Mozingo (Powell) 3072 Serra Avenue, Carmel, Carmel Area Land Use Plan)

Attachments: [Attachment A - Discussion](#)
[Attachment B - Draft Board Resolution PLN110366](#)
[Attachment C - Draft Board Resolution PLN110367](#)
[Attachment D - Notice of Appeals](#)
[Attachment E - Project Resolutions](#)
[Attachment F - Vicinity Map](#)
[Attachment G - Interim Ordinances 5160, 5163, & 5176](#)
[Attachment H - Carmel Area Wastewater District Sewer Main](#)
[Attachment I - Carmel Area Wastewater District Correspondence](#)
[Attachment J - Project Site & Vicinity Photos](#)
[Attachment K - Map illustrating zoning setbacks](#)
[Attachment L - Well location maps](#)
[Attachment M - Memo from John Ramirez](#)

Adjournment

Supplemental Sheet, Consent Calendar

Natividad Medical Center

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Professional Services Agreement with Mohamed Kerala Serio M.D. to provide cardiology services at NMC for an amount not to exceed \$750,000 for the period February 1, 2013 to June 30, 2014.

Attachments: [SERIO AGREEMENT](#)

18. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute Amendment #6 to the Agreement (A-11102) with the Natividad Medical Foundation (NMF) for philanthropic services, defined as “capital campaign development fundraising; community outreach in connection with fundraising; preparing and submitting foundation grant applications; administering current/future foundation grants; providing administrative and fiscal oversight expertise of secured federal grant awards and support and coordinate NMC/NMF joint community relations” in support of NMC’s strategic vision which includes a goal of \$6 million through philanthropy to support capital needs at NMC; adding \$974,428 (a decrease of \$40,000 from the previous year) and extending the Agreement to December 31, 2013, for a revised total Agreement amount not to exceed \$5,112,826 in the aggregate.

Attachments: [NMF Amendment #6](#)
[NMF Justification 2013](#)
[NMF Summary Sheet](#)
[NMF Completed Board Order 12-11-12](#)

General Government

19. a. Introduce, waive reading, and set January 29, 2013 at 1:30 p.m. to 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. Direct the Clerk of Board to publish the summary five days prior to set date of January 29, 2013 and within 15 days of adoption in The Salinas Californian.

Attachments: [County Discrimination Ordinance.pdf](#)
[Equal Opportunity and Non-Discrimination Policy 11.26.12.pdf](#)
[Prevention of Sexual Harassment Policy 11.26.12.pdf](#)
[ADA policy - 11.26.12.pdf](#)
[Diversity Policy 11.26.12.pdf](#)

20. Approve agreement to reappoint Charles J. McKee as County Counsel and authorize the Chair of the Board to execute the agreement.

Attachments: [2013 Reappointment Agreement-McKee](#)
[2010 Reappointment McKee](#)
[2006 Reappointment McKee](#)
[2005 Reappointment McKee Dec](#)
[2005 Reappointment McKee May](#)

- 20.1 a. Approve amendments to Monterey County Child Care Planning Council by-laws effective July 1, 2012, that make various changes to the number and terms of County appointees to the Council;
- b. Confirm adjustment of the terms of existing Planning Council members effective July 1, 2012, to accommodate the changes to the by-laws; and
- c. Declare that other or subsequent changes to the Council's by-laws no longer require Board approval unless such changes affect the number and terms of County appointees, or otherwise affect the County's duties under state law.

Attachments: [MCCCPC Bd Rpt Ex A](#)
[MCCCPC Bd Rpt Ex B](#)
[MCCCPC Bd Rpt Ex C](#)

- 20.2 a. Approve amended response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; and
- b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013. (ADDED VIA ADDENDUM)

Attachments: [01-15-13 Redlined Amended Response-Grand Jury Rept #1](#)
[01-15-13 Amended Response Grand Jury Rept 1 Clean version](#)

RMA - Public Works

21. a. Approve the recommended Five-Year Capital Improvement Plan financing plan for Capital Projects Fund 404;
- b. Approve the recommendation of capital projects to be funded in FY 2012-13; and
- c. Direct Resource Management Agency staff to continue to pursue alternative options for the proposed new office facility for the Public Defender.

Attachments: [Attachs 1 and 2 for Five Year Capital Imp Plan Fund 404](#)

22. a. Authorize the additional expenditure of \$58,000 from the County's Capital Projects Fund 402 to Aromas Water District to finalize preparations for the creation of an assessment district and conduct of a Proposition 218 majority protest procedure for the connection of Oak Ridge Mutual Water Company and portion of Via Del Sol Drive Area to the Aromas Water System;
- b. Authorize the RMA Director to execute an amendment No. 2 to Agreement with the Aromas Water District outlining the Agreement Terms for Funding of specified work and repayment via successful Proposition 218 Assessment District; and,
- c. Authorize, should Assessment District fail, the County funds provided to Aromas Water District will be deemed a County Contribution without repayment.

Attachments: [Attachment A March 27 2012 Board Order](#)

[Attachment B December 12 2012 Letter from Aromas Water District](#)

23. Adopt a Resolution:
- a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
- b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
- c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
- d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion. (ADDED VIA ADDENDUM)

Attachments: [Resolution](#)

[Location Map](#)

Supplemental / Addendum for Tuesday, January 15, 2013

24. **ADDENDUM**

Add to Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - f. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
 - (1) City of King City

Add to Other Board Matters

- 9.1 Consider and approve appointments of Board of Supervisor members to boards, committees and commissions for the Calendar Year 2013.

Add to 10:30 A.M. Scheduled Matters

- 12.1
 - a. Receive an oral update on the status of the Low Income Health Program application;
 - b. Receive an oral update on the development of Access Point for Health Care Services, a local program for uninsured in Monterey County;
 - c. Receive an oral summary overview of the County's preparation for implementation of Affordable Care Act in January 2014; and
 - d. Provide direction to staff on options delineated in Board Report.

Add to Consent Calendar - General Government

- 20.2
 - a. Approve amended response to the 2012 Monterey County Civil Grand Jury Interim Final Report No. 1; and
 - b. Direct the County Administrative Officer to file the approved amended response with the Presiding Judge of the Superior Court, County of Monterey, by January 23, 2013.

Add to Consent Calendar - Public Works

23. Adopt a Resolution:
 - a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs to a 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA;
 - b. Ratifying the execution of emergency contracts, purchase orders, and emergency actions taken by the Director of Public Works, or his designee, in response to the identified emergency (4/5th vote required);
 - c. Authorizing the Director of Public Works to terminate the emergency to repair the 48-inch culvert pipe across Carmel Valley Road near Laurel Drive, located in Carmel Valley, CA when all the improvements are complete; and
 - d. Authorizing the Director of Public Works to Accept the Improvements and file a Notice of Completion.

SUPPLEMENTAL**Change to Closed Session**

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

Correction Under Appointments

4. Reappoint to the Commission on Disabilities Mario Salazar representing Resources Management Agency Department as an ex-officio Department Heads and Stella Lauerman representing Easter Seals Central California, terms ending December 31, 2015. (Full Board)

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