

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, September 29, 2015

9:00 AM

**See separate agenda for other Board governed Agencies and
Special Districts.**

Board of Supervisors

*Chair Simón Salinas - District 3
Vice Chair Jane Parker - District 4
Supervisor Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor John M. Phillips - District 2*

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) 926 North Ardmore Avenue, LLC v. County of Los Angeles, et al. (Court of Appeal, Second Appellate District case no. B248536)
 - (2) Landwatch v. County of Monterey, et al. (Monterey County Superior Court case no. M109434)
 - (3) The Open Monterey Project v. County of Monterey, et al. (Monterey County Superior Court case no. M109441)
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez and Brette Neal
Employee Organization(s): All Units
 - d. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
(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 A.M. - 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. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution commending Linda Rotharmel, Administrative Secretary, on her retirement with 30 years of dedicated public service to Monterey County. (Supervisor Armenta)

Attachments: [Rotharmel Retirement Resolution](#)

4. Adopt Resolution congratulating Mary Hutton upon her 90th birthday and thanking her for her dedicated service to the Monterey County Free Libraries. (Full Board)

Attachments: [Hutton Ceremonial Resolution](#)

5. Adopt Resolution commending Edward A. Muniz, Management Analyst II for the Resource Management Agency- Public Works, for his dedicated service of more than 35 years to the County of Monterey upon his retirement. (Supervisor Parker)

Attachments: [Muniz Retirement Resolution](#)

Appointments

6. Appoint Raymond Torres to the In-Home Supportive Services Advisory Committee to fill an unscheduled vacancy with a term ending June 30, 2016. (Full Board)

Attachments: [Notification to Clerk - Torres](#)

- 6.1 Appoint Ramona Montoya to the Soledad Cemetery District to fill an unscheduled vacancy with a term ending February 1, 2016. (Supervisor Salinas)

Attachments: [Notification to Clerk - Montoya](#)

Other Board Matters

7. Board Comments
8. CAO Comments and Referrals

Attachments: [Referrals 092915](#)

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. Receive a presentation on the East-West Wing Renovation Project.

Attachments: [Board Report](#)
[East-West Wing Renovation Programming & Space Plans](#)

11. Adopt a Resolution to:
 - a. Establish a Road Fund Advisory Committee; and
 - b. Adopt the Road Fund Advisory Committee Bylaws.

Attachments: [Board Report](#)
[Attachment 1 - County Financial Policies FY 2014-15 Revision](#)
[Attachment 2 - Resolution and Committee Bylaws](#)
[Attachment 2A- Road Fund Advisory Committee Bylaws](#)
[Attachment 3 - Board Resolution No 80-12](#)

- 11.1 Report back to the Board of Supervisors regarding discussions with Monterey County Employees concerning proposals for the Election of Cash Out of Vacation /Annual Leave/ Paid Time Off (PTO) and provide direction to staff. (ADDED VIA ADDENDUM)

Attachments: [Board Report](#)
[Attachment A](#)

12:00 P.M. - Recess to Lunch

1:30 P.M. - Reconvene Monterey County Board of Supervisors

Roll Call

1:30 P.M. - Scheduled Matters

12. Adopt an ordinance to amend Chapter 2.04 of the Monterey County Code to permit the Board of Supervisors, and its standing and advisory committees, to hold regular meetings at locations other than the county seat (Salinas, California) (Referral 2015.03).

Attachments: [Board Report](#)
[Attachment 1 \(Exhibit A\)](#)
[Attachment 2 \(Exhibit B\)](#)

12.1

Public hearing to consider:

- a. Denying the appeal by Nina Beety of the Monterey County Planning Commission's adoption of a Mitigated Negative Declaration and approval of a Combined Development Permit (Elkhorn Slough National Estuarine Research Reserve /PLN100351);
- b. Certifying that the County has considered the Mitigated Negative Declaration adopted by the California Department of Fish and Wildlife; and
- c. Approving the Combined Development Permit consisting of: 1) a Coastal Development Permit to allow oak woodland and freshwater habitat restoration within 100 feet of an environmentally sensitive habitat; and 2) a Coastal Development Permit to allow the removal of 1,225 existing Eucalyptus trees (ranging in size from 6 to over 37 inches in diameter).
- d. Adopting a Mitigation Monitoring and Reporting Plan.
(Appeal of the Combined Development Permit Approval - PLN100351/ Elkhorn Slough National Estuarine Research Reserve, 1700 Elkhorn Road, Royal Oaks, North County Land Use Plan)

Attachments: [Board Report](#)
[Attachment A - Discussion](#)
[Attachment B - Draft Board Resolution](#)
[Attachment C - Notice of Appeal](#)
[Attachment D - Response to Appeal](#)
[Attachment E - Planning Commission Resolution No. 15-039](#)
[Attachment F - Vicinity Map](#)
[Attachment G - Mitigated Negative Declaration](#)

13. Item 13 renumbered to 11.1 and moved to 10:30 AM Scheduled Matters via the Supplemental.

14. (Continued from September 22, 2015)

- a. Receive, review and approve the Board of Supervisors Strategic Initiatives Policy Area Milestone Updates; and
- b. Provide direction to staff as appropriate.

Attachments: [A - Economic Development](#)
[B - Administration](#)
[C - Health & Human Services](#)
[D - Infrastructure](#)
[E - Public Safety](#)
[F - Presentation Slides](#)

14.1

Public Hearing to consider further continuance of public hearing regarding:

- a. Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7-01, SCH #20071212001) (“FEIR”); and
- b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with Land Watch Monterey County and The Open Monterey Project. (REF150010/General Plan Amendment No. 3) (ADDED VIA ADDENDUM)

Attachments: [Board Report](#)

Adjournment

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

15. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to the Professional and Call Coverage Services Agreement with Monterey Spine and Joint, PC, a California professional corporation to provide neurosurgery services at NMC effective October 1, 2015, extending the term by twenty-four months and adding \$500,000 for a revised not to exceed amount of \$1,750,000 for the full term of the Agreement October 1, 2014 to September 30, 2017; and
- b. Authorize the Deputy Purchasing Agent for NMC or his designee to sign up to three (3) amendments to this Agreement where the total amendments do not extend the term by more than twelve (12) months, do not exceed 10% of the original contract amount and do not significantly change the scope of work.

Attachments: [Board Report](#)
[Monterey Spine & Joint First Amendment.pdf](#)
[Monterey Spine & Joint Agreement.pdf](#)

16. Authorize Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute the First Amendment to the Professional Services Agreement with Ian Atkinson, M.D. to provide family medicine services at NMC effective October 1, 2015, extending the term to December 31, 2016 and adding \$100,000 for a revised not to exceed amount of \$200,000 for the full term of the Agreement November 1, 2014 to December 31, 2016.

Attachments: [Board Report](#)
[Ian Atkinson MD First Amendment.pdf](#)
[Ian Atkinson MD Agreement.pdf](#)

Health Department

17. a. Amend Fiscal Year (FY) 2015-16 Health Department Budget 4000-HEA003-8124 to delete one (1) 0.80 FTE Public Health Nurse II and add four (4) 0.20 FTE Public Health Nurse II to each of four (4) existing .80 FTE Public Health Nurse II positions as reflected in Attachment A; and
- b. Authorize the County Administrative Office to reflect approved changes in the FY 2015-16 Adopted Budget.

Attachments: [Board Report](#)
[Attachment A PHNII.docx](#)

18. Authorize the Director of Health to execute a no extension Amendment No. 1 to Mental Health Services Agreement A-12522 with Fred Finch Youth Center, effective June 1, 2015, to decrease Fiscal Year (FY) 2014-15 amount from \$50,472 to \$27,889 (a decrease of \$22,583); increase FY 2015-16 amount from \$50,472 to \$211,257 (an increase of \$160,785); for a revised total Agreement amount not to exceed \$289,618.

Attachments: [Board Report](#)
[FredFinch Amend No. 1 Draft_BH_20130701-20150630.pdf](#)
[FredFinch BH_20130701-20150630.pdf](#)

Department of Social Services

19. Approve and authorize the Director of the Department of Social Services to sign a Memorandum of Understanding (MOU) between the California Department of Child Support Services (CDCSS) and Monterey County Department of Social Services (DSS) for on-line access to the California Child Support Automated Systems (CCSAS) for a period of 36 months.

Attachments: [Board Report](#)
[CDCSS MOU](#)

General Government

20. a. Approve and authorize the Contract Purchasing Officer or his designee to sign Amendment Number 2 to the Contractual Agreement No. A 13-291 expanding the Scope of Work to include Investment and Financial Advisory Services, and to extend the Agreement for an additional two years between the County of Monterey and PFM Asset Management LLC (PFM), dated December 3, 2013, in an amount not to exceed \$300,000 a year under a new pricing methodology for the period October 1, 2015 through October 31, 2017.
- b. Authorize the Treasurer-Tax Collector to execute all necessary additional institutional standard financial documentation/authorizations with PFM and applicable financial institutions to facilitate performance under the Agreement as amended.

Attachments: [Board Report](#)
[PFM Agreement](#)
[PFM Amendment 1](#)
[Proposed Amendment 2](#)
[Exhibit A](#)

21. Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Tuesday, March 24, 2015, Tuesday, May 19, 2015 and Tuesday, June 2, 2015.

Attachments: [Board Report](#)
[BOS Draft minutes 2015-03-24](#)
[BOS Draft Minutes 2015-05-19](#)
[BOS Draft Minutes 2015-06-02](#)

22. Approve the Special Joint Meeting of the Board of Supervisors of the Monterey County Water Resources Agency and the Monterey County Water Resources Agency Board of Directors Draft Action Meeting Minutes for Tuesday, April 7, 2015.

Attachments: [Board Report](#)
[Spec Jt 2x Draft Minutes 04-07-15](#)

23. Approve the Draft Action Meeting Minutes for the Special Triple Joint Meeting of the Monterey County Board of Supervisors, the Board of Supervisors of the Water Resources Agency & the Water Resources Agency Board of Directors for Tuesday, October 21, 2014, Tuesday, December 9, 2014, Tuesday, February 10, 2015 and Tuesday, April 7, 2015

Attachments: [Board Report](#)
[3x Special Jt Meeting Draft Minutes 10-21-2014](#)
[3x Special Jt Meeting Draft Minutes 12-09-2014](#)
[3x Special Jt Meeting Draft Minutes 02-10-2015](#)
[3x Special Jt Meeting Draft Minutes 04-07-2015](#)

24. a. Approve and Authorize the Monterey County Library Director to enter into an Agreement with CENIC (Corporation for Education Network Initiatives in California) on behalf of the County of Monterey to connect Monterey County Free Libraries to the internet through the high speed CENIC network for a period of 5 years at the one-time cost of One Thousand Dollars (\$1,000.00).
b. Accept the non-standard terms and conditions contained in the Agreement, including but not limited to Liability and Indemnification Provisions pursuant to the recommendation of the Monterey County Library Director.

Attachments: [Board Report - MCFL contract with CENIC.pdf](#)
[CENIC - MCFL signed Master Agreement](#)

RMA - General

25. a. Approve a Professional Services Agreement with California Code Check, Inc. (CCC) to provide construction building inspection services for the California Flats Solar Project in South County, under Request for Qualifications (RFQ) #10336, in the amount of \$531,800 with the Contingency amount of \$250,000, for a total amount not to exceed \$781,800, for a term of October 1, 2015 through July 1, 2018; and

- b. Approve a Funding Agreement with California Flats Solar, LLC to allow funding to Monterey County for costs incurred by CCC to provide construction building inspection services for the California Flats Solar Project in South County, under RFQ #10336, in the amount of \$531,800 with the Contingency amount of \$250,000, and costs for County departments to provide services associated with construction building inspection services in the amount of \$218,200 with the County fee of \$3,424, for a total amount not to exceed \$1,003,424, for a term of October 1, 2015 through July 1, 2018; and
- c. Approve an increase in Appropriations and Estimated Revenues in the amount of \$316,976 for Fiscal Year 2015 - 2016 Adopted Budget for Fund 001-3000-8170-RMA011 Building Services where the Financing Source is Permit Revenue drawn down from the California Flats Solar Project Deposit Account 019-2611-CLFT (4/5 vote required); and
- d. Authorize the Auditor-Controller's Office to Amend the FY 2015-16 Building Services adopted budget, Fund 001, Appropriation Unit RMA011, to increase estimated revenue and appropriation by \$316,976 (4/5 vote required); and
- e. Authorize the Contracts/Purchasing Officer or his designee 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 Agreements amounts.

Attachments: [Board Report](#)

[Attachment 1 - PSA Agreement with California Code Check](#)

[Attachment 2 - California Flats Solar Funding Agreement](#)

- 26.
- a. Approve a Standard Agreement with BMI Imaging Systems, Inc. to provide microfiche digital conversion services for the Resource Management Agency (RMA) - Building Services in an amount not to exceed \$135,901, for a term from October 1, 2015 to October 1, 2016; and
 - b. Authorize the Contracts/Purchasing Officer or his designee to execute the Standard Agreement and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.

Attachments: [Board Report](#)

[Attachment A - Standard Agreement with BMI Imaging Systems, Inc.](#)

- 27.
- Adopt an ordinance adding Chapter 18.17 to the Monterey County Code to establish an expedited, streamlined permitting process for small residential rooftop solar energy systems in the unincorporated area of Monterey County.

Attachments: [Board Report](#)

[Ordinance](#)

RMA-Planning

- 28.
- a. Set a public hearing for October 13, 2015 at 1:30 PM to Consider County-initiated Notices of Non-Renewal for portions of thirteen (13) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or at the Property Owner's request.
 - b. Direct the Clerk of the Board of Supervisors to publish Notice of Hearing for the Public Hearing to take place on October 13, 2015 at 2:15PM, for County-initiated Notices of Non-Renewal for portions of thirteen (13) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Agricultural Preserve and Land Conservation Contract requirements and/or at the Property Owner's request.
(REF150064 - County initiated Notices of Non-Renewal 2016 - Portions of Williamson Act Agricultural Preserve Land Conservation Contracts)

Attachments: [Board Report](#)

[Attachment A - Notice of Public Hearing](#)

[Attachment B - List of potential County-initiated Notices of Non-Renewal](#)

- 29.
- a. Approve Amendment No. 3 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$314,723 to \$618,548 and the Contingency budget is increased by \$110,153 to \$233,069, for a total amount not to exceed \$851,617 to complete new additional tasks associated with the Mitigation Monitoring Reporting Program (MMRP) for the California Flats Solar Project Environmental Impact Report (EIR) (PLN120294) in South County, and extend the term to December 31, 2018; and
 - b. Approve Amendment No. 3 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$314,723 to \$618,548, the Contingency budget is increased by \$110,153 to \$233,069, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$854,787 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete new additional tasks associated with the MMRP for the California Flats Solar Project EIR (PLN120294) in South County, and extend the term to December 31, 2018; and
 - c. Authorize the Director of Planning to execute Amendment No. 3 to Professional Services Agreement No. A-12432, Amendment No. 3 to Funding Agreement No. A-12433 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.
(REF150085/Rincon Consultants, Inc. and PLN120294/EIR for the California Flats Solar Project, in South County)

- Attachments:** [Board Report](#)
[Attachment A - Summary of PSA and FA](#)
[Attachment B - Amendment No. 3 to PSA](#)
[Attachment C - Amendment No. 3 to FA](#)
[Attachment D - Reference Documents](#)

Addendum to Monterey County Board of Supervisors Agenda

30. Board of Supervisors Addendum for the meeting of Tuesday, September 29, 2015.

ADDENDUM

Add to Closed Session

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

Add to 10:30 A.M. - Scheduled Matters

- 11.1 Report back to the Board of Supervisors regarding discussions with Monterey County Employees concerning proposals for the Election of Cash Out of Vacation/Annual Leave/Paid Time Off (PTO) and provide direction to staff.

Add to 1:30 P.M. - Scheduled Matters

- 14.1. Public Hearing to consider further continuance of public hearing regarding:
a. Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7-01, SCH #20071212001)(“FEIR”); and
b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with Land Watch Monterey County and The Open Monterey Project. (REF150010/General Plan Amendment No. 3)

SUPPLEMENTAL

Removed from 1:30 P.M. - Scheduled Matters

13. Item renumbered to item 11.1 and moved to 10:30 AM Scheduled Matters.