

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, October 16, 2012

9:00 AM

Board of Supervisors

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

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.

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) Carmel Rio Road LLC v. County of Monterey (Monterey County Superior Court case no. M118773)
 - (2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875) (ADDED VIA ADDENDUM)
 - b. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of two public employees.
 - c. Pursuant to Government Code section 54957, the Board will confer regarding appointment to the position of the Health Officer.
 - d. Pursuant to Government Code section 54956.9(b), 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.

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. Approve Consent Calendar - Regular (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution honoring Cecil Bindel as recipient of the NAACP Steven E. Ross award. (Supervisor Potter)

Attachments: [Cecil Bindel Resolution](#)

4. Adopt Resolution declaring October 21, 2012-October 27, 2012 National Save for Retirement Week in Monterey County. (Supervisor Potter)

Attachments: [National Save for Retirement Week Resolution](#)

5. Adopt Resolution honoring Joseph Berlanga on the occasion of his retirement after 28 years of distinguished service with the County of Monterey, Department of Social and Employment Services. (Supervisor Potter)

Attachments: [Berlanga Joseph Resolution](#)

- 5.1 Adopt Resolution recognizing Mee Memorial Hospital's contributions to the community on their 50th anniversary. (Supervisor Salinas)

Attachments: [Mee Memorial Hospital Resolution](#)

- 5.2 Adopt Resolution honoring Harry Wiggins, Scoutmaster Boy Scout Troop 505 - Pajaro after 17 year of service to the community. (Supervisor Calcagno)
(REVISED RESOLUTION VIA SUPPLEMENTAL)

Attachments: [Harry Wiggins Resolution](#)

[Revised Harry Wiggins Resolution](#)

Appointments

6. Reappoint Salvador Vasquez to the Pajaro Valley Water Management Agency, term ending December 1, 2014. (Supervisor Calcagno)

Attachments: [Vasquez Notification to the Clerk](#)

7. Appoint Fernando Elizondo to the Community Action Commission, term ending July 1, 2015. (Supervisor Potter)

Attachments: [Elizondo Notification to the Clerk](#)

8. Appoint Angel H. Rivera to the Community Action Commission to fill unscheduled vacancy, term ending July 1, 2014. (Supervisor Potter)

Attachments: [Rivera Notification to the Clerk](#)

9. Appoint Susan Orman to the Commission on the Status of Women, term ending February 1, 2014. (Supervisor Calcagno)

Attachments: [Orman Notification to the Clerk](#)

10. Appoint Yvette Padilla to the Equal Opportunity Commission to fill unscheduled vacancy, term ending Pleasure of the Board. (Supervisor Calcagno)

Attachments: [Padilla Notification to the Clerk](#)

Other Board Matters

11. Board Comments

12. CAO Comments and Referrals

Attachments: [Referrals 101612](#)

13. 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

14. Consider adoption of an ordinance amending section 12.16.010 of the Monterey County Code to establish a four-way stop intersection at Portola Drive and Estoque Place in Toro Park Estates in the unincorporated area of the County of Monterey.

Attachments: [Ordinance](#)
[Location Map](#)
[Proposed Stop Intersection Map](#)

15. PLN120564 - Conduct a Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013
- a. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.
 - b. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of three (3) Contracts with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act

Program.

(PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009 and No. 69-017)

Attachments: [Attachment A Maps PLN120564](#)
[Attachment B Notice of Public Hearing](#)
[Attachment C Resolution PLN120564](#)
[Attachment D Notices of Non-Renewal](#)

12:00 PM Recess to Lunch and:

- 15.1 Monterey County Board of Supervisors and Monterey County Water Resources Agency Joint Leadership meeting. (Added Via Addendum)

Attachments: [Joint Board Leadership Agenda 10 16 12](#)

1:30 PM Reconvene - Monterey County Board of Supervisors

Roll Call

1:30 P.M. - Scheduled Matters

16. Consider process to amend the County's certified Local Coastal Program to apply Chapter 10.72 of the Monterey County Code requiring public ownership of desalination plants within the Coastal zone.
(Board Referral #2012.09)

Attachments: [Exhibit A - Board Memo and attachment](#)
[Exhibit B Board Referral](#)

17. a. Receive staff response to Board Referral #2012-10 regarding input from the agriculture community on the regulations for permitting of Ag wells; and
b. Refer the draft Well Ordinance and Administrative Guidelines back to the Agriculture Advisory Committee (AAC), which can utilize the existing AAC subcommittee to make recommendations. (Board Referral #2012.10)

Attachments: [Exhibit A - Letters](#)
[Exhibit B - AAC Minutes](#)
[Exhibit C - Board Referral](#)

18. a. Direct staff to study and propose changes to Title 1.22 of the County of Monterey Code to:
1. Reduce the use of an Administrative Law Judge to play a more limited, selective role in adjudicating certain code enforcement cases;
 2. Create a Hearing Officer role and/or appoint an Appeals Hearing Board of qualified individuals; and

3. Implement a progressive enforcement program that would include a more diligent approach to the use of administrative citations and follow-up with collections.
- b. Authorize staff to convene a group of code enforcement stakeholders to provide a forum for reviewing proposed changes to Title 1.2 prior to making recommendations to the Board.
- c. Direct staff to utilize the Nuisance Abatement Fund with reimbursements for abatement costs and administrative costs to be recovered through liens recorded against the property.

Attachments: [12-953 Attachment A - Memo](#)

Tour of the Monterey County Probation Department

Adjournment

In Memory of Carl Niizawa and Lloyd K. Daniel

Supplemental Sheet, Consent Calendar

Health and Social Services

19. Adopt a Resolution to:
 - a. Approve the transfer of the administrative organizational reporting structure of the Office for Employment Training from the Department of Social and Employment Services to the Economic Development Department;
 - b. Amend Personnel Policies and Practices Resolution No. 98-394 to re-title the classification of Economic Development/WIB Executive Director to Economic Development Director and amend Section A.10.1 Department Heads Designated as indicated in Attachment A;
 - c. Approve the re-titling of the Department of Social and Employment Services to the Department of Social Services; and
 - d. Authorize the County Administrative Officer and Auditor Controller to take the necessary action to program the Advantage system to implement these actions including the transfer of positions, appropriations and units as well as the accounting structure and levels of the appropriation control effective July 1, 2013 (4/5ths vote required).

Attachments: [ATT A~PPPR Rev Sec A.10.1.pdf](#)
[Resolution_OET Transfer.doc](#)
[Attachment 1-Current EDD Org Chart](#)
[Attachment 2-Draft EDD Org Chart](#)
[9-2010-OEDC Ltr](#)

Criminal Justice

20. Approve and authorize the Sheriff to submit a grant application to the Justice

Assistance Grant (JAG) Program through Board of State and Community Corrections (BSCC) for Marijuana Suppression Program grant funding for Federal Fiscal Year 2012-13.

21. a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding in the amount of \$105,000 with the Monterey Peninsula Unified School District for collaborative services with the Monterey High, Seaside High and Central Coast High School sites during FY 2012-2013; and
b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

Attachments: [MOU MPUSD Campus Probation Officer Program 2012-2013.pdf](#)

22. a. Approve and authorize the Contracts/Purchasing Officer to sign three (3) Memoranda of Understanding in the amounts of \$189,948, \$138,096, and \$160,915 with the Monterey County Office of Education for collaborative services with the Boronda Community School, the Silver Star Resource Center, Independent Study Program, and the Salinas/Warner Davis Community Schools during FY 2012-2013; and
b. Authorize the Contracts/Purchasing Officer to sign up to three (3) future amendments to each Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

Attachments: [MOU MCOE Boronda Community School 2012-2013.pdf](#)
[MOU MCOE Salinas Warner Davis Community School 2012-2013.pdf](#)
[MOU MCOE Silver Star Resource Center 2012-2013.pdf](#)

General Government

23. a. Ratify the Tiburon, Inc. Agreement for Extended Services executed in July, 1997 and actually used since that time for maintenance and support of the Computer Aided Dispatch system used by Monterey County Emergency Communications;
b. Approve and authorize an auto-renewal clause;
c. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications; and
d. Approve and authorize the Contracts / Purchasing Officer to issue Purchase Orders for the amounts identified in Exhibit A and B as specified each year of the term upon recommendation of the Director of Emergency Communications.

Attachments: [MontereyCountyESA060997.pdf](#)
[TiburonBillingFY13.pdf](#)

24. Item Deleted

25. a. Approve and authorize the Contracts / Purchasing Officer to sign a “License Agreement” with American Tower for the NGEN Radio System Project for a one year term beginning with equipment installation in an amount not to exceed \$11,142.84 for the first year and increases of 4% per year after the first one year term;
- b. Approve and authorize an auto-renewal clause as recommended by the Director of Emergency Communications;
- c. Approve payment of related fees as defined in the agreement upon recommendation of the Director of Emergency Communications; and
- d. Accept Non-Standard County Liability and Indemnification Provisions as recommended by the Director of Emergency Communications.

Attachments: [License Agreement](#)

26. Approve Board of Supervisors Regular Meeting Schedule for Calendar Year (CY) 2013.

Attachments: [BOS Meeting Schedule 2013 No Meeting](#)

27. a. Reject the single bid for the grounding work proposed for the Information Technology, Radio Communications site located on Mount Toro;
- b. Approve the revised Plans and Specifications for the Mount Toro Grounding Project No. 5108, Bid Package No. 10395; and
- c. Authorize the Contracts/Purchasing Officer to Advertise the *Notice to Contractors* in *The Californian*.

Attachments: [Complete Bid Packet #10395](#)

[Bid10395 Exhibit A B C](#)

[Project Map](#)

28. Approve the Action Minutes for the Board of Supervisor’s meetings of Tuesday, September 11, 2012; Tuesday, September 18, 2012, Friday, September 28, 2012.

Attachments: [BOS Draft Minutes 9-11-12](#)

[Draft BoS Minutes 9-18-12](#)

[Draft BOS Minutes 9-28-12](#)

- 28.1 a. Ratify the Agreement with The Data Center for Tax Bill Printing and Distribution Services per Request for Proposal (RFP) # 10307 which was signed by the Contracts/Purchasing Officer on 07/05/11, a total amount not to exceed \$100,000 per fiscal year and a term from 07/05/11 through 06/30/14 with two additional one year options to extend; and,
- b. Authorize the Contracts/Purchasing Officer to sign future Amendments to the Agreement which do not significantly alter the scope of work and do not exceed 10% of the original Agreement annual cost. (Added via Addendum)

Attachments: [DataCenterMYA](#)

RMA - Public Works

29. Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc.; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Crack Seal 2012 Project, Contract No. 12-551225, performed by Graham Contractors, Inc.

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

30. Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Blanco Rd Class II Bikeway Project, Project No. 11-869365, State Project EA 05-4A2794L, Federal Aid Project No. RPSTPLE-5944(106) performed by Monterey Peninsula Engineering.

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

31. Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Slurry Seal 2012 Project, Contract No. 12-551222, performed by Valley Slurry Seal Company.

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

32. a. Approve the Request to CPUC Staff for Authorization to Alter Highway-Rail Crossing Pursuant to General Order 88-B Agreement with the California Public Utilities Commission and the California Department of Transportation for the Far Sighted Investments of Monterey, LLC Project for intersection improvements required for compliance with Condition of Approval No.17 of Development Permit No. PLN100620, located at 22250 Somavia Road, Salinas, in the Greater Salinas Area Plan; and
- b. Authorize the Director of Public Works to execute the Request to CPUC Staff for Authorization to Alter Highway-Rail Crossing Pursuant to General Order 88-B Agreement.

Attachments: [Request to CPUC Staff for Authorization to Alter Highway-Rail Crossing Pursuar](#)
[Vicinity Map](#)

33.

BOARD OF SUPERVISORS

Supplemental / Addendum for Tuesday, October 16, 2012

ADDENDUM

Add Under Closed Session

1. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal Counsel regarding existing litigation:
(2) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
- d. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

Add Under Consent - General Government

- 28.1 a. Ratify the Agreement with The Data Center for Tax Bill Printing and Distribution Services per Request for Proposal (RFP) # 10307 which was signed by the Contracts/Purchasing Officer on 07/05/11, a total amount not to exceed \$100,000 per fiscal year and a term from 07/05/11 through 06/30/14 with two additional one year options to extend; and
- b. Authorize the Contracts/Purchasing Officer to sign future Amendments to the Agreement which do not significantly alter the scope of work and do not exceed 10% of the original Agreement annual cost.

Add to Lunch Recess

- 15.1 Monterey County Board of Supervisors & Monterey County Water Resources Agency Joint Board Leadership meeting

Add Under Adjournment

Adjourn in Memory of Lloyd K. Daniel

SUPPLEMENTAL

Revision Under Ceremonial Resolutions

5.2 Revised Resolution Submitted Adopt Resolution honoring Harry Wiggins, Scoutmaster Boy Scout Troop 505 - Pajaro after 17 year of service to the community. (Supervisor Calcagno)

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