



Monterey County

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

Action Minutes - Draft 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

Tuesday, September 11, 2012

9:00 AM

See separate agendas for the Monterey County Water Resources Agency and East Garrison Community Services District.

9:00 A.M. - Call to Order

Roll Call

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

Additions and Corrections for 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) Martin Sanchez, et al. v. Jack Robert Hudson, et al., and related cross-actions (Monterey County Superior Court case no. M108880)
 - (2) Keep Fort Ord Wild v. County of Monterey, et al. (Monterey County Superior Court case no. M114961)
 - (3) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
 - (4) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
 - (5) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
 - b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Equal Opportunity Officer.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Kimberley Moore and Brette Neal
Employee Organizations: Units D, E, G, P, X, and Z

CLOSED SESSION REPORT:

There were no reportable actions for items 1.a. (1) through (5) and 1.b.

CLOSED SESSION REPORT: Item 1.c.: The Board conferred with labor negotiators Kim Moore and Brette Neal regarding Units D, E, G, P, X, and Z and approved changes to the time off regarding winter recess consistent with other bargaining units.

10:30 AM Reconvene

Roll Call

Present: Charlie Steves, Interpreter

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

Pledge of Allegiance

The Pledge of Allegiance was led by Supervisor Potter.

- 14. Welcome Home Troops Ceremony and Reception

The Board of Supervisors commended Monterey County residents serving in the United States Armed Forces and awarded Monterey County medals and quilts to: Sergeant Jason Edlin, United States Marine Corp; Specialist Jeanne O'Brien, United States Army; Sergeant Jose Perez, United States Army; Sergeant Jeffrey Quenga, United States Air Force; Sergeant Ivan Romero, United States Army; Petty Officer Brian Sukala, United States Navy; Sergeant Kevin Tavares, United States Army; Master Chief Bret Westerman, United States Navy.

Additions and Corrections

There were no additions or corrections.

Consent Calendar- (See Supplemental Sheet)

- 2. Approve Consent Calendar-Regular (See Supplemental Sheet, items 18 through 41).

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas to approve the Consent Calendar-Regular. ALL AYES

Ceremonial Resolutions

- 3. Adopt Resolution proclaiming the month of September 2012 as "Hunger Action Month" in Monterey County. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-245 be adopted. ALL AYES

4. Adopt Resolution honoring James C. Bogan as the recipient of the State of California 27th Assembly District 2012 “Veteran of the Year” Award. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-246 be adopted. ALL AYES

5. Adopt Resolution recognizing the week of September 17 - 23, 2012 as the 225th national celebration of “Constitution Week”. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-247 be adopted. ALL AYES

6. Resolution honoring Monterey County Free Libraries as the recipient of the Monterey County Historical Society Community Historic Award. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that Resolution 12-248 be adopted. ALL AYES

Appointments

7. Reappoint John Pedevilla; Suzanna Avalos and Margot Turner to the Gonzales Cemetery District, terms ending April 14, 2016. (Supervisor Salinas)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES

8. Appoint Bertha Gonzalez to the Community Restorative Justice Commission, term ending December 31, 2014. (Supervisor Calcagno)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES

9. Appoint Charmaine Scott to the Housing Authority of the County of Monterey, term ending September 11, 2014. (Supervisor Potter)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES

10. Reappoint Jim Felton to the Housing Advisory Committee, term ending August 26, 2014. (Supervisor Parker)

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES

- 10.1 Correct the expiration term of Salvador Vasquez of the Pajaro Valley Water Management Agency from December 1, 2014 to December 1, 2012. (Full Board) ADDED VIA ADDENDUM

A motion was made by Supervisor Jane Parker, seconded by Supervisor Fernando Armenta, that this Appointment be approved. ALL AYES

Other Board Matters

11. Board Comments

Supervisor Parker advised new dates for her Hot Topics meetings will be available on her website and on a print-out on the dais. She announced Coastal Clean-up Day this Saturday. She will be participating at the Fort Ord Dunes State Beach with Mayor Delgado and hopefully a cast of hundreds, and encouraged the public to sign up. She also announced she will be conducting another walk on the former Fort Ord next week with Botanist Bruce Delgado and Mayor Felix Bachofner.

12. CAO Comments and Referrals

County Administrative Officer Dr. Lew Bauman announced the following referrals:

- 1) The Board's decision to join the Monterey Peninsula Regional Water Authority; that item is on this afternoon's agenda. (Potter)
- 2) Request staff review application of new ordinance in role of the land use plan and update process in coastal planning and implementation and land use process. (Potter)
- 3) Consider including public ownership of desalination plants; the ordinance regulating this in our local coastal plans; staff has provided a memo as an initial response. (Parker)

13. General Public Comment

Sylvia Huerta, with Charlie Steves, Interpreter; Aurora Contreras with Interpreter; Wes Morrill; Sydney Scott, Mark Reed; Larry Parrish; Phil Livermore; Eric Peterson; Maxwell Green.

12:00 PM Recess to Lunch

1:30 PM Reconvene - Monterey County Board of Supervisors

Roll Call

Present: Charlie Steves, Interpreter

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

1:30 P.M. - Scheduled Matters

15. Public hearing to consider:
- a. Denial of an appeal by Susan Pearson from the decision of the Director of the County Resource Management Agency-Planning Department granting a Design Approval (Bouhaja/PLN120220) for the following additions to an

existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence;

b. Finding the project categorically exempt pursuant to CEQA Guidelines Section 15301 (e); and

c. Approval of the Design Approval consisting of the following additions to an existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence.

(Appeal of Design Approval - PLN120220, Bouhaja, 26052 Highway 1, Carmel, Carmel Area Land Use Plan, Coastal Zone)

Mark Thompson addressed the Board on behalf of the Applicant.

Susan Pearson, Appellant, addressed the Board.

Public comment: Richard Lawston

Conducted a public hearing;

Upon the motion by Supervisor Potter, seconded by Supervisor Armenta, adopted Resolution No. 12-255:

a. Denial of an appeal by Susan Pearson from the decision of the Director of the County Resource Management Agency-Planning Department granting a Design Approval (Bouhaja/PLN120220) for the following additions to an existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence;

b. Finding the project categorically exempt pursuant to CEQA Guidelines Section 15301 (e); and

c. Approval of the Design Approval consisting of the following additions to an existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence; d. added condition of approval that hours of construction will be Monday through Friday from 8:00 a.m. to 5 p.m.

(Appeal of Design Approval - PLN120220, Bouhaja, 26052 Highway 1, Carmel, Carmel Area Land Use Plan, Coastal Zone)

- 16.** Response to Board of Supervisors referral regarding the request of the Monterey Peninsula Mayors that the County become a member of the Monterey Peninsula Regional Water Authority.

Public comment: Richard Fedick; Julie Engell; Bill Hood; Rob Watson; Ed Mitchell

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas, that this Item be approved. ALL AYES

- 17.** Approve the transfer of General Fund Contingency funds, in the amount of \$83,300, for costs related to FY 2012-2013 payment of the pro-rata share of the cost to allow the County to become an ex-officio or full member of the Monterey Peninsula Regional Water Authority. (4/5th vote required)

A motion was made by Supervisor Dave Potter, seconded by Supervisor Simón Salinas that this item be approved. ALL AYES

Adjournment

In Memory of Morgan Stock

Supplemental Sheet, Consent Calendar

Health and Social Services

18. a. Approve and authorize the Director of Health to sign a three fiscal year term (FY 2012-13, 2013-14 and 2014-15) Mental Health Services Agreement with Summitview Child and Family Services for the provision of mental health services in the annual amount of \$52,805, for a total of \$158,415, for the period July 1, 2012 through June 30, 2015; and
b. Authorize the Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) of the annual amount, which does not significantly alter the scope of work or result in an increase to General Fund Contribution.

Approved - Agreement No. A-12314

19. a. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Business Technology Analyst IV with the recommended salary range of \$6,083 - \$8,303;
b. Reclassify and reallocate a Business Technology Analyst III to Business Technology Analyst IV, Health Department Budget 4000, HEA12-8140; and
c. Authorize the County Administrative Office to incorporate the approved changes in the FY 2012-13 Adopted Budget.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, adopting Resolution No. 12-249 to: a. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Business Technology Analyst IV with the recommended salary range of \$6,083 - \$8,303;

**b. Reclassify and reallocate a Business Technology Analyst III to Business Technology Analyst IV, Health Department Budget 4000, HEA12-8140; and
c. Authorize the County Administrative Office to incorporate the approved changes in the FY 2012-13 Adopted Budget.. ALL AYES**

20. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an agreement with Door to Hope, Inc. for \$281,801 for the period July 1, 2012 through June 30, 2013 for the provision of perinatal substance abuse prevention and intervention services to Monterey County children and their families;
b. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign the First 5 Monterey County FY 2012-13 Agreement to Distribute Funds in the amount of \$36,194 as the

County's match; and

c. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to (3) amendments to these agreements where the total amendments do not exceed 10% of the original contract amounts, and do not significantly change the scopes of work

Approved - Agreement No. A-12345

21. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with McWilliams- Mailliard Technology Group, Inc. for \$25,040 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2012 - June 30, 2014, including non-standard Mutual Indemnification in Exhibit A-1, sections 9.2 and 9.3; and
- b. Authorize the Director of the Department of Social & Employment Services, 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. (AGREEMENT; EXHIBIT A; PAGE 5 ADDED VIA SUPPLEMENTAL)

Approved - Agreement No. A-12316

Criminal Justice

22. a. Authorize the Contracts/Purchasing Officer to sign a multi-year Grant Agreement with First 5 Monterey County in the amount of \$330,000 for the Probation Department's Child Advocate Program during Fiscal Years 2012-15; and
- b. Authorize the Contracts/Purchasing 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.

Approved - Agreement No. A-12318

23. a. Authorize the Auditor Controller to transfer funding in the amount of \$80,000 from the CAO's budget to Probation's budget for the Monterey County Adult Placement program during FY 2012-13 (4/5ths vote required); and
- b. Authorize the CAO's Office to add 1.0 FTE Probation Aide to Department 2550-Probation.

Approved

24. a. Authorize the Contracts/Purchasing Officer to sign the Professional Service Agreement with Jim Guy, dba "Introspect" for Inmate Assessment and Intervention Programs at the Monterey County Sheriff's Office, Custody Operations Bureau, in the amount of \$167,004 per fiscal year for a three (3) fiscal year period beginning July 1, 2012 through June 30, 2015; and

b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

Approved - Agreement No. A-12318

25. a. Authorize the Contracts/Purchasing Officer to sign Amendment No.1 with Central Valley Toxicology for the Sheriff's Office to increase the agreement amount by \$126,000 for a revised total not to exceed amount of \$180,000 and to renew the agreement by extending the term through June 30, 2014; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

Approved - Agreement No. A-12319

26. a. Authorize the Contracts/Purchasing Officer to sign Amendment No.1 with Norman A. Traub Associates, for internal affairs investigative services, to extend the term one (1) additional year and to increase the agreement amount by \$45,000 for a revised total amount not to exceed the sum of \$65,000; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments to this agreement where the amendments do not significantly change the scope of work.

Approved - Agreement No. A-12089

27. a. Authorize the Contracts/Purchasing Officer to sign the Professional Service Agreement with Diocese of El Camino for religious programs at the Monterey County Sheriff's Office, Custody Operations Bureau, in the amount of \$59,143.92 per fiscal year for a three (3) fiscal year period of July 1, 2012 through June 30, 2015; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

Approved - Agreement No. A-12320

General Government

28. Adopt Resolution to:
a. Approve the Records Retention and Disposition Schedule for the Litigation Records of the Office of County Counsel; and
b. Authorize the County Counsel to destroy records after the retention periods in accordance with the approved Schedule. (4/5 vote required.)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor

Simón Salinas, to Adopt Resolution No. 12-250 to:

- a. Approve the Records Retention and Disposition Schedule for the Litigation Records of the Office of County Counsel; and**
- b. Authorize the County Counsel to destroy records after the retention periods in accordance with the approved Schedule. (4/5 vote required.) ALL AYES**

- 29.** a. Approve the County GIS-based Internet Mapping Public Access Policy; and
b. Authorize Information Technology staff to implement the Policy as a County Service.

Approved

- 30.** Approve the 2012-13 Secured Roll Tax Rates.

Approved

- 31.** a. Accept the recommendation of the Monterey County Fish and Game Commission to award a \$1,500 grant to Marine Life Studies to be used for printing educational material handed out to attendees on Whale Watching Boats; and
b. Approve distribution of Fish and Game grant funds in the amount of \$1,500 for the specified Marine Life Studies grant project for Fiscal Year 2012-2013.

Approved

- 32.** Approve and authorize the County Administrative Officer, to Execute the Memorandum of Understanding between Monterey County and the Superior Court of California, County of Monterey (the Courts) for the provisioning of certain services.

Approved - Agreement No. A-12321

- 33.** Approve the transfer of General Fund Contingency funds, in the amount of \$52,500, for costs related to the following:
1. Prepare a gang violence strategic plan and conduct a Board/department head workshop related to gang violence and AB 109 realignment issues; and
2. Provide for further implementation of the County's performance management program, "Managing for Results," through links to the County's web page and preparation of an annual report. (4/5ths vote required)

Approved

- 34.** a. Approve and authorize Tom Shepherd, Deputy Chief Park Ranger/Operations Manager to sign one (1) Standard Grant Agreement with the Department of Boating and Waterways for a new patrol boat (Agreement #12-204-755 for \$80,000);
b. Authorize the Auditor-Controller's office to increase estimated revenues and appropriations totaling \$80,000 in Appropriation Unit PAR004 (4/5 vote); and
c. Authorize the Contracts/Purchasing Officer to approve purchase up to the

approved grant amount \$80,000 respectively.

Approved - Agreement No. A-12322

35. Authorize the Auditor-Controller to amend the FY 2012-13 Office of Emergency Services Homeland Security Grant Fund 024 CAO024 Budget to increase estimated revenue and appropriation in the amount of \$755,931 (4/5th vote required).

Approved

RMA - Planning

36. Approve a process for public participation in long range planning actions in the County's coastal zone, including amending ordinances applicable in coastal areas and updating the County's certified Local Coastal Program. (Coastal Ordinances/LCP Process, Board Referral 2012.08, Coastal Zone)

Approved

RMA - Public Works

37. a. Accept a Grant of Public Utility Easement over a portion of APN 031-161-022 ("East Garrison Parcel C, Historic Buildings Site") from the County of Monterey, as Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and construction of utility connections in conjunction with the East Garrison Development Project on the former Fort Ord;
- b. Authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation for the Grant of Public Utility Easement; and
- c. Authorize the Director of Public Works to submit the executed Grant of Public Utility Easement to the County Recorder for recordation.

Approved

38. a. Accept a Grant of Public Utility Easement over a portion of APN 031-164-130 ("East Garrison Parcel A, Library Site") from the County of Monterey, as Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and construction of utility connections in conjunction with the East Garrison Development Project on the former Fort Ord;
- b. Authorize the Chair to execute the Certificate of Acceptance and Consent to Recordation for the Grant of Public Utility Easement; and
- c. Authorize the Director of Public Works to submit the executed Grant of Public Utility Easement to the County Recorder for recordation.

Approved

39. a. Approve Amendment No. 1 to the Professional Services Agreement with

Fonseca/McElroy Grinding Company, Inc., to continue to allow on-call rental of a fully operated, fueled and maintained asphalt grinding machine at various locations in the County as directed by the County of Monterey, Resource Management Agency - Department of Public Works and include on-call rental of a fully operated, fueled and maintained paver machine, in the amount of \$130,000 for a total amount not to exceed \$200,000, and extend the term to June 30, 2013; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-12323

40.

a. Approve Amendment No. 4 to Professional Services Agreement No. A-11286 with Wood Rodgers, Inc., to include the second phase of work (Phase 2) associated with completion of environmental documentation and construction plans, specifications and engineer's estimate for revised trail alignment for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 866865, in the amount of \$428,422.00 for a total amount not to exceed \$1,732,577.79, and extend the term to June 30, 2014; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to Professional Services Agreement No. A-11286 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

Approved - Agreement No. A-11286

41.

Introduce, waive the reading, and set September 25, 2012, at 10:30 a.m., as the date and time to consider adoption of an ordinance amending section 12.12.010 of the Monterey County Code to decrease an existing speed limit on a portion of Reservation Road in the unincorporated area of the County of Monterey from 55 miles per hour to 50 miles per hour. The 50 miles per hour limit will apply from milepost 0.82 generally southeast to a point 685 feet southeast of the centerline of East Garrison Drive (milepost 1.72).

Approved