

# **Monterey County**

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



## **Meeting Agenda - Final-revised**

**Tuesday, February 3, 2015**

**9:00 AM**

### **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) People of the State of California v. Atlantic Richfield Company, et al. (Sixth District Court of Appeal case no. H040880)
    - (2) Evergreen Financial Group v. County of Monterey, et al. (Monterey County Superior Court case no. M129621)
    - (3) Jesse Hernandez v. County of Monterey, et al. (United States District Court case no. CV-13-2354-PSG)
  - b. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.
  - c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:  
Property: Concession Agreement regarding Mazda Raceway at Laguna Seca  
Agency Negotiator(s): Nick Chiulos, Assistant County Administrative Officer  
Negotiating Parties: Gill Campbell, General Manager of SCRAMP  
Under negotiation: Price and Terms  
  
*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 Consent Calendar (See Supplemental Sheet)

**Ceremonial Resolutions**

3. Adopt Resolution honoring Probation Services Manager Kathy Foxworthy upon her retirement from the Monterey County Probation Department after more than 23 years of dedicated county service. (Full Board)

**Attachments:** [Foxworthy Retirement Resolution](#)

**Appointments**

4. Appoint Molly Evans to the Commission on the Status of Women for a term ending February 1, 2018. (Supervisor Potter)

**Attachments:** [Evans Notification to Clerk](#)

- 4.1 Reappoint Don Rochester and Cosme Padilla to the Monterey County Planning Commission for terms ending January 23, 2019. (Supervisor Phillips) (ADDED VIA ADDENDUM)

**Attachments:** [Notification to Clerk - Rochester](#)  
[Notification to Clerk - Padilla](#)

**Other Board Matters**

5. Board Comments
6. CAO Comments and Referrals

**Attachments:** [Referrals 020315](#)

7. 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**

8. Receive a report on Public Safety Realignment from the Probation Department for the period covering 10/01/11 through 06/30/14.

**Attachments:**    [Board Report](#)  
[Public Safety Realignment Report Revised 12-9-2014](#)

**12:00 PM Recess to Lunch - Continued Closed Session****1:30 PM Reconvene****Roll Call****1:30 P.M. - Scheduled Matters**

9. Receive a presentation from Dover, Kohl & Partners on the Regional Urban Design guideline (RUDG) development for the former Fort Ord on standards for road design, setbacks, building height, landscaping, signage, and other matters of visual importance.

**Attachments:**    [Board Report](#)

10. Consider continuance of a public hearing to February 10, 2015 for:
- a. Adoption of a resolution to certify the Final Environmental Impact Report and adopt associated Findings of Fact and a Statement of Overriding Considerations for the California Flats Solar Project;
  - b. Adoption of a resolution to approve a Use Permit to allow the construction of a 280 Megawatt solar generating facility on an approximately 3,000 acre site including: photovoltaic (PV) solar modules, two substations (approximately 6 acres each), a switching station (approximately 6 acres), a 4,000 square foot operations and maintenance building, an approximately 155 acre utility corridor, other infrastructure needed to serve the proposed project and grading of approximately 880,000 cubic yards of cut and 880,000 cubic yards of fill.; and to adopt a Mitigation Monitoring and Reporting Plan; and
  - c. Adoption of an Ordinance to approve a Development Agreement between the County of Monterey and California Flats Solar, LLC and to authorize the Chair of the Board to execute the Development Agreement.
- (PLN120294/California Flats, southeastern corner of Monterey County, approximately 7 miles southeast of Parkfield, South County Area Plan)

**Attachments:**    [Board Report](#)

11. Public hearing to consider adopting a resolution to:
- a. Rescind the Board of Supervisors approval of a Combined Development Permit pursuant to Resolution No. 14-259 which denied an appeal by Evergreen Financial Group of the Venkatesh application approved by the Zoning

Administrator, and approved a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling; 2) a Coastal Development Permit to allow development within 750 feet of an archaeological resource; and 3) Design Approval; and

b. Find the project Categorically Exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301(e); and

c. Confirm the findings on the appeal and approve a Design Approval for a new 1,938 square foot residential addition to a 3,808 square foot single family dwelling, including an attached 18' 5.5" tall privacy wall.

(Combined Development Permit - PLN130706/Venkatesh, 173 Spindrift Road, Carmel, Carmel Land Use Plan)

**Attachments:** [Board Report](#)

[Attachment A - Discussion](#)

[Attachment B - Draft Board Resolution](#)

[Attachment C - Notice of Appeal](#)

[Attachment D - ZA Resolution No. 14-022](#)

[Attachment E - Vicinity Map](#)

[Attachment F - Letter from Gary Patton](#)

[Attachment G - Board Resolution No. 14-259](#)

[Attachment H - LUAC Minutes](#)

## **Adjournment**

*Adjourn in Memory of Chuck Warner*

**Supplemental Sheet, Consent Calendar****Health Department**

12. a. Approve delegation of authority to the Director of Health to execute a six month Facility Use Agreement (January 28, 2015 to June 30, 2015) with Interim, Inc. for the Behavioral Health Bureau to provide clinical consultation, counseling and support groups, wellness groups and activities for transition age youth, adults and their families at a suite of space located at Pajaro Street Wellness Center located at 339 Pajaro, Salinas, CA.
- b. Accept recommendation of Director of Health to accept a non-standard indemnity provision and liability for reasonable repairs.
- c. Authorize the Director of Health to approve up to three future amendments to this Agreement where the amendments do not significantly change the services to be provided.

**Attachments:** [Board Report](#)

[Interim\\_FacilityUseAgmt\\_FY2014-FY2015\\_STT\\_BHB.pdf](#)

**Criminal Justice**

13. Authorize advance step placement of Tracy Brown at Step 7 of the Chief Deputy Sheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

**Attachments:** [Board Report](#)

14. Authorize advance step placement of Galen Bohner at Step 7 of the Undersheriff salary range effective December 31, 2014 in accordance with Personnel Policies and Practices Resolution (PPPR) #98-394, Sections A.1.11.1 and A.1.11.5.

**Attachments:** [Board Report](#)

**General Government**

15. Approve and authorize the Assessor to enter into a Two Year Agreement on Behalf of Monterey County for a Petroleum and Geothermal Property Sales Study between California Assessor's Association Members and Harold W. Bertholf, Inc.

**Attachments:** [Board Report](#)

[Agreement](#)

16. Approve the use of Toro Park on July 5, 2015 for a function held by Christ the King Church in compliance with Monterey County Code 14.12.130.



**Attachments:** [Board Report](#)

17. Authorize acceptance of work and file a combined Notice of Completion for the second and fourth quarters of the annual maintenance of interior Park roadways at Laguna Seca Recreation Area for calendar year 2014, Bid No. 10465.

**Attachments:** [Board Report](#)

[Notice of Completion - Monterey Peninsula Engineering 2014.pdf](#)

[Certificate of Completion - Monterey Peninsula Engineering 2014.pdf](#)

18. Approve the use of San Lorenzo Park on May 24, 2015 for a function held by Full Gospel Church in compliance with Monterey County Code 14.12.130.

**Attachments:** [Board Report](#)

19. a. Approve & authorize the Contracts / Purchasing Officer to sign a Memorandum of Understanding between County of Monterey and City and County of San Francisco and the included Grant Assurances Document (Appendix B), to receive funds in the amount of \$1,050,000 as partial payment for the purchase of a Computer Aided Dispatch System for the Emergency Communications Department (\$1,000,000) and the purchase of a Joint Information Center Mobile Support Kit for the Office of Emergency Services (\$50,000);
- b. Approve non-standard terms and conditions based on the recommendation of the Director of the Department of Emergency Communications; and
- c. Approve & authorize the Contracts / Purchasing Officer to sign up to three (3) future amendments to the Memorandum of Understanding where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

**Attachments:** [Board Report](#)

[2014 UASI MOU - Monterey final revised 120514](#)

20. a. Receive a report on the Schilling Place Utilization Project Update from the County Administrative Office;
- b. Approve the Schilling Place architectural design and engineering costs in the amount of \$491,238; and
- c. Approve and authorize the Auditor-Controller to increase appropriations (404-3000-8174-6613) and revenue (404-3000-8174-6613) by \$491,238 financed by Operating Transfer. (4/5th Vote Required)

**Attachments:** [Board Report](#)

[Schilling Place Utilization Project Update - 02-03-2015](#)

21. Receive a report on the Governor's 2015-16 Proposed Budget.

**Attachments:** [Board Report](#)

[Attachment - State Budget Impacts - 01-28-15](#)

22. a. Approve and authorize to amend the adopted budget for the County Administrative Office, Contracts and Purchasing (Budget Unit 8047), Appropriation CAO002 to add one (1) Buyer II position; (4/5th Vote Required)
- b. Approve and authorize an increase of appropriations in CAO002, County Administrative Office, Contracts and Purchasing by \$38,000, offset by an Interfund Reimbursement of \$38,000 from AUD006, Capital Project Automation; and (4/5th Vote Required)
- c. Approve and authorize the County Administrative Office and the Auditor-Controller to incorporate the position changes in the FY 2014-15 Adopted Budget. (4/5th Vote Required)

**Attachments:** [Board Report](#)

23. Adopt Resolution to approve the amendments to the Conflict of Interest Code of the Salinas Valley Memorial Healthcare System.

**Attachments:** [Board Report](#)

[Draft Resolution](#)

[Conflict of Interest Code - strikeout version](#)

[Conflict of Interest Code - clean version](#)

[Approval Document](#)

## **RMA - Planning**

24. a. Approve Amendment No. 2 to Professional Services Agreement No. A-12432 with Rincon Consultants, Inc. where the Base budget is increased by \$56,530 to \$303,825 and the Contingency budget is increased by \$19,786 to \$122,916, for a total amount not to exceed \$426,741 to complete additional work related to response to comments for the Draft Environmental Impact Report (EIR) and new tasks related to review of the Administrative Final EIR and Appendix to the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the term to September 30, 2015; and
- b. Approve Amendment No. 2 to Funding Agreement No. A-12433 with California Flats Solar, LLC where the Base budget is increased by \$56,530 to \$303,825, the Contingency budget is increased by \$19,786 to \$122,916, and the County Contract Administration Fee is unchanged at \$3,170, for a total amount not to exceed \$429,911 to allow funding to Monterey County for costs incurred by Rincon Consultants, Inc. and County departments to complete additional work related to response to comments for the Draft EIR and new tasks related to review of the Administrative Final EIR and Appendix to the EIR for the California Flats Solar Project (PLN120294) in South County, and extend the term to September 30, 2015; and
- c. Authorize the Director of Planning to execute Amendment No. 2 to Professional Services Agreement No. A-12432, Amendment No. 2 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.

(REF150001/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. 2 to PSA](#)

[Attachment C - Amendment No. 2 to FA](#)

[Attachment D - Reference documents for PSA](#)

[Attachment E - Reference documents for RA](#)

- 25.** Monterey County Board of Supervisors Addendum Agenda for Tuesday, February 3, 2015.

#### ADDENDUM

##### Add Under Appointments

- 4.1 Reappoint Don Rochester and Cosme Padilla to the Monterey County Planning Commission for terms ending January 23, 2019. (Supervisor Phillips)

Continue Closed Session during Lunch

Adjourn in Memory of Chuck Warner