

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, September 1, 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.

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Resource Management Agency Director.
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding four matters of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding discipline, dismissal, or release of a public employee.
 - d. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators:
 - (1) Property: Concession Agreement regarding Mazda Raceway at Laguna Seca
Agency Negotiator(s): Lew Bauman, County Administrative Officer
Negotiating Parties: Sports Car Racing Association of the Monterey Peninsula
Under negotiation: Price and Terms
 - (2) Property: APN 161-251-010-000
Agency Negotiator(s): Leslie J. Girard, Chief Assistant County Counsel
Negotiating Parties: Cypress Community Church
Under negotiation: Price and Terms
 - e. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) California Utilities Services v. County of Monterey, et al. (Monterey County Superior Court case no. M130665)
 - f. Pursuant to Government Code section 54957(b)(1), the Board will confer regarding appointment to the position of Natividad Medical Center Chief Executive Officer.

g. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:

(1) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - NMC CEO

(2) Designated representatives: Lew Bauman, County Administrative Officer and Charles McKee, County Counsel

Employee Organization(s): Unrepresented Unit - RMA Director

(3) Designated representatives: Manuel Gonzalez, Assistant CAO and Brette Neal

Employee Organization(s): A, B, C, D, E, F, G, H, J, K, L, N, R, S, V, X, Y, and Z

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.

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution proclaiming the month of September 2015 as Childhood Cancer Awareness Month in Monterey County. (Full Board)

Attachments: [Jacob's Heart Childhood Cancer Awareness Month](#)

4. Adopt resolution proclaiming the month of September 2015 as National Food Safety Education Month in Monterey County. (Full Board)

Attachments: [Food Safety Education Month Ceremonial Resolution](#)

Other Board Matters

5. Board Comments
6. CAO Comments and Referrals

Attachments: [Referrals 090115](#)
[Revised Referrals 090115](#)

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 from the County Debt Manager regarding the Certificates of Participation issuance for the 2015 Public Facilities Financing.

Attachments: [Board Report](#)
[Monterey County Series 2015 COPs_Final \(Revised\)](#)

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**

- 8.1 Public hearing to consider adopting a resolution to:
- a. Deny the appeal by James Ross Riley from the Planning Commission's adoption of a Mitigated Negative Declaration and approval of an application by Tanimura and Antle Fresh Foods, Inc. for a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd., Spreckels Community;
 - b. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan;
 - c. Approve a Combined Development Permit consisting of a General Development Plan, Administrative Permit and Design Approval to allow the construction of a 100 unit agricultural employee housing complex comprised of two bedroom apartment units and related facilities at 121 Spreckels Blvd.,

Spreckels Community; and
d. Deny the applicant's request for a waiver of application fees.
(Appeal of Combined Development Permit Approval - PLN150371/Spreckels Industrial Park, LLC, 121 Spreckels Blvd, Greater Salinas Area Plan (Tanimura and Antle Employee Housing Project))

Attachments: [Board Report](#)

[Attachment A - Discussion](#)

[Attachment B - Draft Resolution with recommended Conditions of Approval and](#)

[Attachment C - Notice of Appeal](#)

[Attachment D - Planning Commission Resolution](#)

[Attachment E - Vicinity Map](#)

[Attachment F - Initial Study-Mitigated Negative Declaration \(IS-MND\)](#)

[Attachment G - Correspondence from the Public](#)

Adjournment

Supplemental Sheet, Consent Calendar**Health Department**

9. Adopt the Monterey County Mental Health Services Act Fiscal Year 2014-15 through FY 2016-17 Three-Year Program and Expenditure Plan.

Attachments: [Board Report Mental Health Services Act.pdf](#)
[MHSA FY 2014-15 FINAL_DRAFT V3.pdf](#)

- 9.1 Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective October 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau as related to the Tobacco Retailer License permits pursuant to the attached Fee Schedule. (ADDED VIA ADDENDUM)

Attachments: [Board Report EH Fees.pdf](#)
[health tobacco Attachment 1- ProposedEH Fee Schedule - clean 082515 \(2\).pd](#)
[health tobacco Attachment 1a- ProposedEH Fee Schedule - strikethrough 08.25](#)
[ATTACHMENT 3 - Rationale for Fee Adjustment.docx](#)
[EH TRL Proposed Resolution Attachment 2.doc](#)

Criminal Justice

10. a. Approve a Memorandum of Understanding with the Monterey County Office of Education, reimbursing the Probation Department in the amount of \$160,915 for collaborative services for the Salinas Community School Program during FY 2015-16; and
b. Authorize the Chief Probation Officer to sign the MOU.

Attachments: [Board Report](#)
[MOU MCOE Salinas Community School FINAL KR FY 2015-2016](#)

11. a. Approve the Renewal and Amendment No. 1 to agreement with Rancho Cielo, Inc. in the amount of \$85,000 for a total aggregate of \$170,000, to support programs for at-risk and adjudicated youth, extending the term date through June 30, 2016; and
b. Authorize the Chief Probation Officer or designee to sign the Amendment.

Attachments: [Board Report](#)
[Rancho Cielo Agreement FY 15-16](#)

12. a. Approve the Memorandum of Understanding (MOU) between the Monterey County Probation Department and the Salinas Union High School District, reimbursing the Probation Department in the amount of \$580,562 for campus-based services provided by the Probation Department effective July 1, 2015 through June 30, 2016; and

b. Approve and authorize the Chief Probation Officer or designee to execute the MOU.

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

13. a. Approve the Renewal and Amendment to the agreement between the Monterey County Probation Department and First 5 Monterey County reimbursing the Probation Department in the amount of \$220,000 for a total aggregate of \$550,000, and extending the term date through June 30, 2017 for the Child Advocate Program; and
- b. Authorize the Chief Probation Officer or designee to sign the Amendment.

Attachments: [Board Report](#)
[First 5 Monterey County - CAP Program FY 2015-2017](#)

14. a. Approve and authorize the Contracts/Purchasing Officer or his designee to execute Amendment No.1 to the Professional Services Agreement by and between County of Monterey and Honeywell International, Incorporated to provide preventative maintenance and on call emergency services to the heating, ventilation, air conditioning and controls in the Public Safety Building and the Monterey County Jail, increasing the amount of the contract from \$357,920 to \$422,140;
- b. Authorize a modification of the County standard liability language as recommended by the Sheriff/Coroner; and
- c. Approve and authorize the Contracts/Purchasing Officer or his designee to approve one (1) future amendment to this Agreement where future amendment does not add more than \$75,000 to the Agreement, bringing the total not to exceed cost of the agreement to \$497,140; and which does not significantly change the scope of work.

Attachments: [Board Report](#)
[Amendment No.1](#)

General Government

15. a. Retroactively approve the Agreement with Biddle Consulting Group, Inc., in the amount of \$1,538 for the period January 1, 2015 to January 1, 2016;
- b. Accept the non-standard County Liability and Indemnification Provisions pursuant to the recommendation of the Director of Emergency Communications;
- c. Authorize the Contracts/Purchasing Officer to sign the Agreement with Biddle Consulting Group, Inc.; and
- d. Authorize the Contracts/Purchasing Officer to sign annual maintenance of the software and upgrades of the software Agreements and/or Agreement extensions under similar terms and conditions, with annual dollar amounts not to exceed 10% of the original amount, through January 1, 2020.

Attachments: [Board Report](#)
[Biddle-County Agreement](#)
[Biddle-County Agreement Exhibit A Scope of Services-Payment Provisions](#)
[Biddle-Exhibit B Critical Annual Maintenance Contract.pdf](#)
[Biddle-Exhibit C Critical End-User License Agreement.pdf](#)

16. Approve the 2015-16 Secured Roll Tax Rates.

Attachments: [BoardReport](#)
[2015-16 Secured Roll Debt Service Tax Rates](#)

17. a. Approve and authorize the Contracts/Purchasing Officer to sign a Radio Communication Site Lease Agreement with Salinas Valley Solid Waste Authority (SVSWA) for a five (5) year term in an amount not to exceed \$1.00 per year; and
b. Authorize the Director of Emergency Communications Department to approve three (3) additional five (5) year terms.

Attachments: [Board Report](#)
[SVSWA Radio Communication Site Lease Agreement.pdf](#)
[SVSWA Exhibit A Legal Description of Property.pdf](#)
[SVSWA Exhibit B Site Plan.pdf](#)
[SVSWA Exhibit C Equipment List.pdf](#)
[SVSWA Exhibit D Memorandum of Lease.pdf](#)
[SVSWA Exhibit E Insurance.pdf](#)

- 17.1 a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 14 regarding Integrity of Land Records in Monterey County; and
b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015. (ADDED VIA ADDENDUM)

Attachments: [Board Report](#)
[#14 2015 FINAL RESPONSE](#)

18. a. Approve and authorize the Contracts/Purchasing Officer to sign a County of Monterey Standard Agreement with DELTAWRX, LLC for project management and related services for the Monterey County Next Generation Radio System Project (NGEN) in an amount not to exceed \$240,000 for the period of July 15, 2015 through July 14, 2016; and
b. Approve and authorize the Contracts / Purchasing Officer to sign up to three (3) amendments to this agreement, where the total amendments do not exceed ten percent (10%) of the original contract amounts, and do not significantly change the scope of work upon approval of County Counsel and the Director of Emergency Communications provided that funds are available in the NGEN

Project Fund (EME002)

Attachments: [Board Report](#)
[DELTAWRX Standard Agreement.pdf](#)
[DELTAWRX Exhibit A Scope of Services.pdf](#)

- 18.1** Approve and authorize the Chair to sign a letter to Monterey County's State Legislative Representatives supporting legislation that would provide an exemption from the current Two Percent (2%) cap for the Transportation Agency for Monterey County to pursue a local sales tax measure for transportation, subject to voter approval in 2016. (ADDED VIA ADDENDUM)

Attachments: [Draft letter of support](#)

- 19.** Approve amending the County's Internal Revenue Code Section 125 Plan to add the Annual Leave/ Vacation/PTO Buy Back Plan as described as Appendix C of the Plan effective September 1, 2015.

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

- 19.1**
- a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 13 regarding the Monterey County Jail; and
 - b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.

Attachments: [Board Report](#)
[#13 2015 Jail FINAL Response Revised DRAFT mg \(2\)](#)
[Corrected #13 2015 Jail FINAL Response Revised DRAFT mg \(2\)](#)

RMA-Planning

- 19.2**
- a. Approve Amendment No. 1 to Professional Services Agreement No. A-12775 with Denise Duffy & Associates, Inc. to expand current tasks and to include the preparation of a Water Quality Assessment Report for completion of the Carmel River Floodplain Restoration and Environmental Enhancement Project in the Carmel Area Land Use Plan, in the amount of \$65,000 for a total amount not to exceed \$321,769, and extend the term to July 29, 2017; and
 - b. Authorize the Contracts/Purchasing Officer or his designee to execute Amendment No. 1 to Professional Services Agreement No. A-12775 and future amendments to the Agreement where the amendments do not significantly alter the scope of work or change the approved Agreement amount.
(Amendment - REF140048/Denise Duffy & Associates for Carmel River

Floodplain Restoration and Environmental Enhancement Project, in the Carmel Area Land Use Plan)

Attachments: [Board Report](#)
[Amendment No. 1 to the PSA with Denise Duffy & Associates](#)
[PSA with Denise Duffy & Associates for Carmel River Floodplain](#)

RMA-Public Works

- 20.
- a. Award a contract to Telfer Oil Company, the lowest responsible bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY16, Project No. 5516, in the total amount of \$280,262.27;
 - b. Approve the Performance and Payment Bonds executed and provided by Telfer Oil Company;
 - c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;
 - d. Authorize the Director of Public Works to execute the contract and subject to the terms of the Public Contract Code approve change orders to the contract that do not exceed 10% of the original contract amount and do not significantly change the scope of work; and
 - e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with Plans and Special Provisions for the construction of Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat FY16, Project No. 5516, performed by Telfer Oil Company.

Attachments: [Board Report](#)
[Contract for Telfer Oil Co](#)
[Bonds](#)
[Project Budget](#)
[Bid Summary](#)
[Location Map](#)

Addendum/Supplemental

21. Board of Supervisors Addendum/Supplemental Agenda for Tuesday, September 1, 2015.

ADDENDUM

Add to Consent Calendar - Health

- 9.1 Adopt a Resolution amending Article I.E. of the Monterey County Master Fee Resolution effective October 1, 2015, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau as related to the Tobacco Retailer License permits pursuant to the attached Fee Schedule.

Add to Consent Calendar - General Government

- 17.1 a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 14 regarding Integrity of Land Records in Monterey County; and
- b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.
- 18.1 Approve and authorize the Chair to sign a letter to Monterey County's State Legislative Representatives supporting legislation that would provide an exemption from the current Two Percent (2%) cap for the Transportation Agency for Monterey County to pursue a local sales tax measure for transportation, subject to voter approval in 2016.

SUPPLEMENTAL**Correction to Other Board Matters**

6. CAO Comments and Referrals - *Revised Referrals Submitted*

Correction to Consent Calendar - General Government

- 19.1 *Revised Attachment (See changes in gray highlights, pages 4 and 7)*
- a. Consider approval of the response to the 2014- 2015 Monterey County Civil Grand Jury Interim Final Report No. 13 regarding the Monterey County Jail; and
- b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by September 11, 2015.