

Monterey County

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



Action Minutes - Final

Tuesday, November 6, 2012

9:00 AM

See separate agenda for Monterey County Water Resources Agency/

**See item 45 for Supplemental/Addendum
Note: The Open Session starts at 10:00 A.M.**

Board of Supervisors

9:00 A.M. Call to Order

Supervisor Potter called the meeting 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

There were no additions or corrections 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) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875
 - (2) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
 - (3) John McCormick v. Monterey County, et al. (USDC CAND case no. CV12-04434EJD)
 - b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding four matters of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.

Public comment: Jeffrey M. Schaff

CLOSED SESSION REPORT: The Board took no reportable actions on items 1.a.(1) through (3).
- b. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding four matters of significant exposure to litigation.

CLOSED SESSION REPORT: The Board took no reportable actions.
- c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of a public employee.

CLOSED SESSION REPORT: The Board rejected the arbitrator's decision in this matter and will review the record themselves and come to a decision at a

future meeting.

10:00 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.

Additions and Corrections

Due to the need for immediate consideration by the Board of matters which arose after the posting of today's agenda, as provided in Section 54954.2 of the California Government Code the Board is asked to make the following additions and corrections:

Add to Ceremonial Resolutions

**7.1 Adopt Resolution commending Mayor Dennis Donohue for his dedicated service of 6 years to the City of Salinas and the County of Monterey.
(Supervisor Potter)**

Add to Consent Calendar – General Government

39.2 Authorize the CAO/Director of Emergency Services to respond to a request for assistance under the Emergency Management Assistance Compact by sending county personnel, equipment or commodities to areas affected by Hurricane Sandy.

Correction to Consent Calendar – Natividad Medical Center

Language corrected to 27. C. so it now reads as follows:

27. c. Each agreement for architectural services, utilizing the master agreement, shall not exceed \$100,000 of liability to NMC per project requiring architectural services. The NMC Purchasing Manager is authorized to approve up to two (2) future amendments to each individual agreement, where the amendments do not exceed 10% of those individual agreements. The total aggregate amount of liability to NMC per year for all agreements and amendments arising out of the master agreement for architectural services shall not exceed \$750,000 per year. No amendments shall significantly change the scope of services. The total aggregate amount of liability to NMC for all agreements and amendments arising out of the master agreement shall not exceed \$2,250,000. Any proposed amendments to an agreement under the master agreement which results in a contract amount that exceeds \$100,000 must be approved by the Board of Supervisors.

Continuation of Scheduled Items-Request for this item to be continued to January 15, 2013 at 1:30 P.M.

19. Public hearing to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating "green" building principles and practices into new development

in the unincorporated area of Monterey County. (Green Building Ordinance REF110058/County wide)

20. Continuation of Scheduled Items-Request for this item to be continued to December 4, 2012 at 1:30 P.M. (Lot Line Adjustment of Williamson Act Lands)

22. Continuation of Scheduled Items-Request for this item to be continued to January 29, 2013 at 1:30 P.M. (Minor and Standard Subdivision committee and processes)

Add Under Adjournment

Adjourn in Memory of James O. Johnson

A motion was made by Supervisor Jane Parker, seconded by Supervisor Salinas to approve the Additions and Corrections. ALL AYES

Consent Calendar- (See Supplemental Sheet)

Supervisors Parker pulled items 31 and 33.1 and commented on each item.

2. Approval of the Consent Calendar - Regular (See Supplemental Sheet)

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

Ceremonial Resolutions

3. Resolution recognizing the dedication of the new Hartnell College Veterans Center on November 9, 2012. (Supervisor Potter)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that Resolution 12-332 be adopted. ALL AYES

4. Resolution commending Tarpy's Roadhouse on the celebration of their 20th Year Anniversary. (Supervisor Potter)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that Resolution No. 12-333 be adopted. ALL AYES

5. Resolution honoring Frank Aguillon for his many years of service to the community while serving on the Veterans Cemetery Citizens Advisory Committee and the Monterey County Military & Veterans Advisory Commission. (Supervisor Calcagno)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that Resolution No. 12-334 be adopted. ALL AYES

6. Resolution honoring Shelby L. Jackson as a Monterey County Military and Veterans Services Advisory Commission's "Veteran of the Year" for 2012. (Supervisor Parker)

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that Resolution No. 12-335 be adopted. ALL AYES

7. Resolution honoring Joe Gunter as a Monterey County Military and Veterans Services Advisory Commission's "Veteran of the Year" for 2012. (Supervisor Parker)
A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that Resolution No. 12-336 be adopted. ALL AYES
- 7.1 Adopt Resolution honoring Dennis Donohue upon his retirement as Mayor of the City of Salinas. (Supervisor Potter)
A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, that this Ceremonial Resolution be added to the agenda. ALL AYES
A motion was made by Supervisor Louis Calcagno, seconded by Supervisor Jane Parker, that Resolution No. 12-337 be adopted. ALL AYES

Appointments

8. Appoint Lynne Semeria to the Carmel Highlands Fire Protection District to fill unscheduled vacancy, term ending June 30, 2014. (Supervisor Potter)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES
9. Appoint Jason Wittmann to the San Lucas County Water District to fill unscheduled vacancy, term ending December 1, 2013. (Supervisor Salinas)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES
10. Appoint Dr. Fernando R. Elizondo to the Natividad Medical Center Board of Trustees, term ending June 30, 2015. (Full Board)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES
11. Appoint Olivia Quezada to the In-Home Supportive Services Advisory Committee to fill unscheduled vacancy, term ending June 30, 2013. (Full Board)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES
12. Appoint Michael Bennett to the In-Home Supportive Services Advisory Committee to fill unscheduled vacancy, term ending June 30, 2013. (Full Board)
A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES
13. Appoint Francis W. White, Jr. to the Area Agency on Aging Advisory Council, term ending January 1, 2015. (Full Board)
A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, that this Appointment be approved. ALL AYES

Other Board Matters

14. Board Comments
- Supervisor Armenta wished everyone a Happy Veteran's Day and advised he will be at the Veterans Parade this year.
- Supervisor Potter thanked Supervisor Armenta for acting as Chair in his absence as well as his colleagues for their support while he dealt with his mother's health issues.

15. CAO Comments and Referrals
- There were no CAO comments or referrals.

16. General Public Comment
- There was no public comment.

10:30 A.M. - Scheduled Matters

- 16.1 Receive a written update on Monterey County's Low Income Health Plan (LIHP) "Via Care" and its Medically Indigent Adult Program from the CEO of Natividad Medical Center (NMC) and the Director of Health.
- Public comment: Kathy Reese Goldencrantz; Art Schuyler; Deborah Nevarez; Cesar Lara; Mario Torres**
- A motion was made by Supervisor Jane Parker, seconded by Supervisor Simón Salinas, to receive and file the update on Monterey County's Low Income Health Plan (LIHP);**
- a. Approved recommended Option A, to continue the "start up" of a new LIHP for Monterey County, then the MOE level of approximately 13 M dollars should be lowered to 3.37 M dollars. If the DHS or CMS so not allow this change, then the LIHP shouldn't be started;**
- b. Approved recommended Option B, to continue the "startup" of a new LIHP for Monterey County, then our LIHP application should have its standard language modified as given to us by DHS and CMS to declare that "No costs associated with services to the LIHP population or CPEs generated for the LIHP shall be used as consideration for Realignment discussion or reduction(s) in subsequent years." If DHS or CMS does not allow this application language change, then the LIHP shouldn't be started;**
- c. Approved recommended Option D, the Director of Health and the CEO of NMC or their designees will meet with the In Home Supportive Services workers to invite them to come to the County Clinics or the NMC Clinics for their medical care needs; and**
- d. Directed staff to return in December with updates. ALL AYES**
17. a. Receive and accept the FY 2011-12 Budget End-of-Year Report from the County Administrative Office; and
- b. Approve recommended actions as outlined in the FY 2011-12 Budget End

of Year Report.

A motion was made by Supervisor Louis R. Calcagno, seconded by Supervisor Simón Salinas, to receive and accept FY 2011-12 Budget End of Year Report and approve recommended actions as outlined in the report. ALL AYES

12:00 PM Recess to Lunch

1:30 P.M. 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

1:30 P.M. - Scheduled Matters

18.

- a. Consider adoption of a resolution to approve Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County in order to adjust collection rates as shown in Exhibit 1 “Approved Rates and Charges” of Amendment No. 2 effective January 1, 2013, to implement a rate adjustment as required by contract for services provided by USA Waste of California, Inc., dba Carmel Marina Corporation; and
- b. Approve and authorize the Director of Health to execute Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Jane Parker, to: a. adopt Resolution No. 12-338 approving Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation; and b. approve and authorize the Director of Health to execute Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County. 4-0 (Supervisor Armenta Absent)

19.

Public hearing to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating “green” building principles and practices into new development in the unincorporated area of Monterey County.
(Green Building Ordinance - REF110058/County-wide)

Public comment: Joe Vierra

Public hearing was opened and a motion was made by Supervisor Parker, seconded by Supervisor Salinas, to continue this item to January 15, 2013 at 1:30 p.m. 4-0 (Supervisor Armenta Absent)

- 20.
- a. Approving a Lot Line Adjustment of Williamson Act Lands to increase Parcel B (Assessor's Parcel Number 223-042-022-000 and 223-042-025-000) from 30.76 acres to 30.91 acres and decrease Parcel A (Assessor's Parcel Number 223-042-008-000) from 525.12 acres to 524.97 acres owned by Silverado Monterey Vineyards LLC. Parcel B is within Williamson Act Agricultural Preserves per Land Conservation Contract No. 73-032.A.2, owned by Harkins Road Building Limited Partnership; and
 - b. Authorizing the Chair to execute new or amended Land Conservation Contract, in order to rescind a portion of the existing Land Conservation Contract as applicable to the reconfigured lots only and simultaneously execute new or amended Land Conservation Contract for the reconfigured lots between the County and the Property Owners of Record, reflecting the new legal description, current ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and
 - c. Directing the Clerk of the Board to record the new or amended Contract concurrently with the recordation of the Certificates of Compliance for the reconfigured Williamson Act parcels.
- (Lot Line Adjustment - PLN090248 / Harkins Road Building Limited Partnership, 32501 & 33155 Gloria Road, Gonzales, Central Salinas Valley Area Plan)

Public hearing opened and a motion was made by Supervisor Salinas, seconded by Supervisor Parker, to continue this item to December 4, 2012 at 1:30 p.m. 4-0 (Supervisor Armenta Absent)

- 21.
- Conduct a Public hearing to consider adoption of Resolution related to the Yanks Air Museum Project to:
- a. Consider an Addendum (Addendum No. 2) to the previously certified Environmental Impact Report (EIR No. 95-01) for the Yanks Air Museum;
 - b. Approve a Lot Line Adjustment of Williamson Act Lands within Agricultural Preserve No. 71-41 and related Amendment to Land Conservation Contract No. 71-41 as applicable to the reconfigured parcels;
 - c. Approve Amendment to Agricultural Conservation Easement Agreement and Deed;
 - d. Approve Second Amendment to Agricultural Buffer Easement Deed;
 - e. Adopt Findings and Evidence as required to support the proposed Lot Line Adjustment of Williamson Act Lands and said Amendments, as applicable to the reconfigured parcels; and
 - f. Authorize the Chair of the Board to execute Amendments to said instruments; and
 - g. Direct the Clerk of the Board to record the Amendments to said instruments

concurrently with the recordation of the Certificates of Compliance for the reconfigured parcels.

(Lot Line Adjustment: PLN120376 / Charles F. Nichols and Judith A. Nichols, Trustees of the Nichols Family Trust, U/D/T May 19, 1966; Highway 101 at Thorne Road, easterly of Highway 101 and northerly of the City of Greenfield, Greenfield area, Central Salinas Valley Area Plan.)

Public comment:Christine Kemp

Motion by Supervisor Salinas, seconded by Supervisor Calcagno, and: Conducted a public hearing, noting: a correction to title of resolution, corrections to the MOU between the City of Greenfield and the County of the annexation date from April 25, 200 to April 25, 2012 throughout the document, and corrections in the Resolution on page 13, Finding No. 11: reference to "Finding No. 10 below" should read "Finding No. 12 below"; Adopted Resolution No. 12-339 related to the Yanks Air Museum Project to:

- a. Consider an Addendum (Addendum No. 2) to the previously certified Environmental Impact Report (EIR No. 95-01) for the Yanks Air Museum; b. Approve a Lot Line Adjustment of Williamson Act Lands within Agricultural Preserve No. 71-41 and related Amendment to Land Conservation Contract No. 71-41 as applicable to the reconfigured parcels;**
- c. Approve Amendment to Agricultural Conservation Easement Agreement and Deed;**
- d. Approve Second Amendment to Agricultural Buffer Easement Deed;**
- e. Adopt Findings and Evidence as required to support the proposed Lot Line Adjustment of Williamson Act Lands and said Amendments, as applicable to the reconfigured parcels;**
- f. Authorize the Chair of the Board to execute Amendments to said instruments; and**
- g. Direct the Clerk of the Board to record the Amendments to said instruments concurrently with the recordation of the Certificates of Compliance for the reconfigured parcels.**

(Lot Line Adjustment: PLN120376 / Charles F. Nichols and Judith A. Nichols, Trustees of the Nichols Family Trust, U/D/T May 19, 1966; Highway 101 at Thorne Road, easterly of Highway 101 and northerly of the City of Greenfield, Greenfield area, Central Salinas Valley Area Plan.) 4-0 (Supervisor Armenta Absent)

22.

- a. Receive report from the Resource Management Agency-Planning Department regarding the Planning Commission's recommendation to the Board of Supervisors regarding draft ordinances (inland and coastal) to dissolve the Minor and Standard Subdivision Committees and change the process for consideration of applications for subdivisions and lot line adjustments.
- b. For REF100014 (Non-Coastal Ordinance)
 1. Find the proposed Ordinance statutorily exempt from CEQA; and
 2. Adopt an Ordinance to amend Title 19 (non-coastal subdivision ordinance) and Title 21 (non-coastal zoning ordinance) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated inland area of the County of Monterey. Changes to the process include dissolution of the County of Monterey's Minor and Standard Subdivision Committees, elimination of the Director of

Planning's authority to decide upon minor subdivisions and lot line adjustments, and designation of the Monterey County Planning Commission as the appropriate authority to consider applications for subdivisions and lot line adjustments in the inland unincorporated area of the County.

c. For REF120004 (Coastal Ordinance)

Adopt Resolution to:

1. Find the proposed Ordinance statutorily exempt from CEQA; and
2. Adopt a resolution of intent to adopt an Ordinance amending Title 19 (coastal subdivision ordinance) and Title 20 (Monterey County Coastal Implementation Plan, Parts 1, 2, 3 and 4) of the Monterey County Code to change the process for consideration of applications for subdivisions and lot line adjustments in the unincorporated coastal zone of the County, including dissolving the County of Monterey's Minor and Standard Subdivision Committees, designating the Monterey County Planning Commission as the appropriate authority to consider applications for minor subdivisions and lot line adjustments in the coastal zone, and updating the lot line adjustment and filing standards in coastal Title 19 to conform to changes in state law; and
3. Certify that the Ordinance is intended to be carried out fully in conformity with the Coastal Act; and
4. Direct staff to transmit the proposed ordinance to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review.

[REF100014 (Non-Coastal) and REF120004 (Coastal), Ordinances for the Elimination for the Minor and Standard Subdivision Committees]

Mike Novo, Planning Director requested this matter be continued to January 23, 2013.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Louis R. Calcagno, that this item be continued to January 29, 2013. 4-0 (Supervisor Armenta Absent)

Adjournment

In Memory of Joe Berlanga, Charles Griffith and James O. Johnson

APPROVED:

**DAVE POTTER, CHAIR
BOARD OF SUPERVISORS**

ATTEST:

**BY: _____
GAIL T. BORKOWSKI
CLERK OF THE BOARD**

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

23. Adopt a Resolution:
- a. Accepting the Certificate of Completion for Outpatient Expansion 2nd Floor-Building 200 for Natividad Medical Center, located at 1441 Constitution Blvd., Salinas, CA 93906, Project No. 8842, Bid Package No. 10317; and
 - b. Authorizing the Assistant Administrator of Operations & Support Services to execute and record the Notice of Completion. (AMENDMENT 1 AND NOTICE OF COMPLETION SUBMITTED VIA SUPPLEMENTAL)
- A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-340 (Construction No. 2011-018):**
- a. Accepting the Certificate of Completion for Outpatient Expansion 2nd Floor-Building 200 for Natividad Medical Center, located at 1441 Constitution Blvd., Salinas, CA 93906, Project No. 8842, Bid Package No. 10317; and b. Authorizing the Assistant Administrator of Operations & Support Services to execute and record the Notice of Completion. ALL AYES**
24.
 - a. Authorize proceeding with a contract in the total amount of \$479,100 to Otto Construction the lowest responsible and responsive base bidder, for the Natividad Medical Center (NMC) Radiology Equipment Replacement Project No 9600-12 Bid NMC-1005, for the period October 1, 2012 through June 30, 2013; and
 - b. Authorize approval of the Performance and Payment Bonds executed and provided by Otto Construction; and
 - c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change order; and
 - d. Authorize the Purchasing Manager at NMC to execute the contract and subject to the terms of the Public Contract Code, approve change order to the contract that do not exceed 10% of the original contract amount, and do not significantly change the scope of work.

Approved - Agreement No. A-12346; Construction No. 2012-010

25. Approve the proposed amendment to the Conflict of Interest Code of the Hospital Department (Natividad Medical Center) of Monterey County.

Approved

26.
 - a. Approve the Request for Qualifications (RFQ) #9600-42 for the Natividad Medical Center (NMC) Signage Master Plan Program Analysis per the scope of services described in the RFQ and;
 - b. Approve the Purchasing Manager for Natividad Medical Center (NMC) to release the RFQ to the public on or about December 13, 2012.

Approved

27. a. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to enter into a Master Agreement pursuant to the Request for Qualifications (RFQ #9600-25) for Architectural Services (Projects under \$100,000) at NMC.
- b. Authorize the Purchasing Manager for NMC to execute contracts pursuant to RFQ #9600-25 for Architectural Services (Projects under \$100,000) with Kasavan Architects, Reel Grobman & Associates, The Stinnett Group, LLP and Wald Ruhnke and Dost for a total aggregate amount of \$2,250,000 over three years (or \$750,000 per fiscal year) for all contracts issued under the Master Agreement for the period November 1, 2012 to June 30, 2015.
- c. Authorize the Purchasing Manager for NMC to approve up to two (2) future amendments to all contracts pursuant to Master Agreement, RFQ #9600-25 where the amendments do not exceed 10% of the original Master Agreement amount and do not significantly change the scope of services or result in an increase in County General Fund Contribution.

Approved - Agreement No. A-12347 (Kasavan); A-12348 (Reel Grobman); A-12349 (Stinnett Group); A-12350 (Wald Ruhnke & Dost)

28. Adopt a Resolution to Amend the Personnel Policies and Practices Resolution No. 98-394 to Revise Section A.12.7: On Call Pay for Physicians, as Indicated in Attachment A.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to adopt Resolution No. 12-341 to Amend the Personnel Policies and Practices Resolution No. 98-394 to Revise Section A.12.7: On Call Pay for Physicians, as Indicated in Attachment A. ALL AYES

Health and Social Services

29. Approve and authorize the Director of Health or designee to execute, on behalf of the County of Monterey, grant applications and agreements, and any amendments thereto, for continued Beach Act Grant and Beach Sanitation Grant funding administered by California State Water Resources Control Board.

Approved - Agreement No. A-122269

30. a. Authorize the Contracts/Purchasing Officer to approve and sign a Professional Services Agreement with James Stubblefield, M. D., for the period of December 01, 2012 through November 30, 2015 for Medical Director services for the Emergency Medical Services Agency, in the amount of \$80,100 for Fiscal Year (FY) 2012-13, \$80,100 for FY 2013-14, and \$80,100 for FY 2014-15, for a total Agreement amount of \$240,300 upon receipt of all required and updated documents and certificates of professional liability insurance; and,
- b. Authorize the Contracts/Purchasing Office to approve up to two future

amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original amount and do not significantly change the scope of work or result in an increase in the County General Fund Contribution; and,

c. Authorize the modification of the County standard insurance requirements pertaining to General Liability Insurance, Business Automobile Liability Insurance, Workers Compensation Insurance, and Professional Liability Insurance.

Approved - Agreement No. A12351

- 31.** Approve the Monterey County Commission on the Status of Women Annual Report Fiscal year 2011-2012.

Approved

- 32.** a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with Mexican American Opportunity Foundation (MAOF) to facilitate the exchange of confidential information in order to provide Child Care Payment services to CalWORKs customers for the period July 1, 2012 through June 30, 2014; 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 that do not significantly change the scope of work.

Approved - Agreement No. A-12352

- 33.** a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign the Social Solutions ETO (Efforts to Outcomes) Software Sub-License Agreement with Child & Family Policy Institute of California for the purpose of tracking information related to the Family-to-Family Initiative and the California Connected by 25 Initiative; and
b. Authorize the Director of the Department of Social & Employment Services, or his designee, to sign all future amendments and updates to this Agreement that do not significantly change the licensing terms and conditions.

Approved - Agreement No. A-12453

- 33.1** a. Authorize the Chair of the Monterey County Board of Supervisors to sign an agreement with the Superior Court of California, County of Monterey concerning the administration and maintenance of the Dispute Resolution Programs Act (DRPA) in Monterey County.
b. Approve the Board Resolution that delegates administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey; for purposes of dispute resolution program administration, approve an amount not to exceed 10% of the annual revenue of the DRPA Trust Fund, as provided by Section 469 of the California Business and Professions Code, which shall be

used to finance the administration of the program.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta, to: a. Authorize the Chair of the Monterey County Board of Supervisors to sign an agreement with the Superior Court of California, County of Monterey concerning the administration and maintenance of the Dispute Resolution Programs Act (DRPA) in Monterey County; and b. Adopt Resolution No. 12-342 that delegates administration of the DRPA Trust Fund to the Superior Court of California, County of Monterey; for purposes of dispute resolution program administration, approve an amount not to exceed 10% of the annual revenue of the DRPA Trust Fund, as provided by Section 469 of the California Business and Professions Code, which shall be used to finance the administration of the program. ALL AYES

Criminal Justice

34. a. Authorize the Auditor-Controller to increase revenues \$7,931,442 and appropriations \$9,555,720 in Special Revenue Fund 022 and 023 for multiple departments in Fiscal Year 2012-13 for AB109 program reimbursements (4/5ths vote required); and
- b. Authorize the Auditor-Controller to increase revenues and appropriations in Special Revenue Fund 022 by \$155,775 in Fiscal Year 2012-13 for the District Attorney and Public Defender legal services account (4/5ths vote required); and
- c. Authorize the Auditor-Controller to increase revenues and appropriations in Special Revenue Fund 022 by \$3,071,990 in Fiscal Year 2012-13 for Probation Department AB118 program revenue (4/5ths vote required).

Approved

General Government

35. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements under the terms and conditions of RFP #10349 between the County of Monterey and Leyva's Towing LLC, Miller's Towing, PDP Investment Inc. dba P & R Towing, and U.S.A. Towing Inc. for the provision of towing services for County owned vehicles for an initial term of three years, effective from the date of execution through and including September 1, 2015, in an amount not to exceed the aggregate amount of \$300,000 for the initial term.

Approved - Agreement No. A-12355 (Leyva's Towing); A-12356 (Miller's Towing); A-12357 (PDP Investment Inc. dba); A-12358 (U.S.A. Towing)

36. Approve and authorize amendments to the Conflict of Interest Code of the Information Technology Department.

Approved

37. Approve the Memorandum of Understanding (MOU) for Monterey County

Probation Association Units M and N for the period July 1, 2011 through June 30, 2013.

Approved - Agreement No. A-12359

- 38.** Accept the FY 2010/11 and 2011/12 Annual Report from the Monterey County Fish and Game Advisory Commission.

Approved

- 39.**
- a. Introduce, waive reading, and set December 4, 2012 at 1:30 p.m. to consider adoption of an ordinance of the County of Monterey, State of California, amending Section 5.32 of the Monterey County Code as it relates to the Documentary Transfer Tax to reflect current law regarding the recognition of transfer of ownership rights in realty; and
 - b. Direct the Clerk of Board to publish the summary five days prior to set date of December 4, 2012 and within 15 days of adoption in The Salinas Californian.

Approved

- 39.1**
- a. Approve and authorize the Director of Information Technology to execute on behalf of the County of Monterey an Oracle Public Sector Technical Support Services Agreement between the County of Monterey and Oracle for the period of October 26, 2012 through October 25, 2015 for the yearly provision of technical support/maintenance of Oracle database server software used by the Monterey County Water Resources Agency in a total aggregate amount within this period not to exceed \$17,497;
 - b. Accept non-standard language in the Agreement provided by the vendor as recommended by the Director of Information Technology; and
 - c. Authorize the Auditor/Controller's Office to issue payments on a yearly basis not to exceed the total aggregate amount as requested by the Director of Information Technology. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-12360

- 39.2**
- Adopt Resolution to:
Authorize the CAO/Director of Emergency Services to respond to a request for assistance under the Emergency Management Assistance Compact by sending county personnel, equipment or commodities to areas affected by Hurricane Sandy.

**A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 12-343 to:
Authorize the CAO/Director of Emergency Services to respond to a request for assistance under the Emergency Management Assistance Compact by sending county personnel, equipment or commodities to areas affected by Hurricane Sandy. ALL AYES**

RMA - Planning

40. a. Set a public hearing for December 4, 2012 at 1:30 p.m., to consider 2013 applications to establish one (1) Agricultural Preserve (“AgP”) and three (3) Farmland Security Zones (“FSZ”) and Contracts (hereafter, “Applications”) as set forth in the proposed Board Order (Attachment “A”).
- b. Direct the Clerk of the Board of Supervisors to publish Notice of Hearing for the Public Hearing to take place on December 4, 2012 at 1:30 p.m., to consider 2013 applications to establish one (1) Agricultural Preserve (“AgP”) and three (3) Farmland Security Zones (“FSZ”) and Contracts (hereafter, “Applications”) as set forth in the proposed Board Order (Attachment “A”). (PLN120585 - /Williamson Act Contract Applications - 2013, County-wide)
- Approved**

RMA - Public Works

41. a. Receive a report on United States Postal Service’s Intelligent Mail Barcode system; and
- b. Approve updating the County’s Mail Services machinery with the new Intelligent Mail Barcode system to allow for the continuation of discounts for full-service mailings by January 2013.

Approved

42. Adopt a Resolution:
- a. Accepting the Certificate of Completion for construction of the Jail Restroom Renovation-1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, performed by Tombleson, Inc.; and
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Jail Restroom Renovation-1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, performed by Tombleson, Inc.

A motion was made by Supervisor Simón Salinas, seconded by Supervisor Fernando Armenta to adopt Resolution No. 12-344:

- a. Accepting the Certificate of Completion for construction of the Jail Restroom Renovation-1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, performed by Tombleson, Inc.; and**
- b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Jail Restroom Renovation-1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, performed by Tombleson, Inc. ALL AYES (Construction No. 2012-001)**

43. a. Approve Amendment No. 4 to Professional Services Agreement No. A-12166 with HMC Architects to provide additional tasks associated with architectural and technical master planning services and include preparation of an Environmental Impact Report to address California Environmental

Quality Act requirements and to support the County's efforts in meeting the specific conditional award requirements pursuant to the \$36,295,000 State grant for expansion of the Criminal Justice Complex located at 1414 Natividad Road, Salinas, CA, in the amount of \$528,945, plus a ten percent (10%) contingency amount of \$52,895, for a total amount not to exceed \$876,384, and extend the term to March 15, 2014; and

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to Professional Services Agreement No. A-12166 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

Approved - Agreement No. A-12166

44.

a. Approve Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 with Kitchell/CEM, Incorporated to continue consultant management services to complete the requirements for final Assembly Bill 900 Phase II funding approval for the Jail Housing Addition Project No. 8812 and to complete the 20 E. Alisal Street 2nd Floor Tenant Improvements Project No. 8787, in the amount of \$284,550 for a total amount not to exceed \$384,550 for a term to February 6, 2014;

b. Approve addition of two positions (Project Executive and Senior Project Manager) to Kitchell/CEM, Incorporated Hourly Rates schedule (Exhibit A);

c. Ratify Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 as of September 10, 2012; and

d. Authorize the Contracts/Purchasing Officer to execute Modification and Amendment No. 1 to Professional Services Agreement MYA #3000*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount. (ADDED VIA ADDENDUM)

Approved