

# Monterey County

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



## Meeting Agenda - Final-revised

**Tuesday, September 25, 2012**

**9:00 AM**

**See separate agendas for the Monterey County Water Resources  
Agency and Successor Agency to the Monterey County  
Redevelopment Agency**

### **Board of Supervisors**

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

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901. As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

**ALTERNATE AGENDA FORMATS:** If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

**CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS:** These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

**CONSENT CALENDAR:** These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

**TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA:** Walk to the rostrum and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

**TO ADDRESS THE BOARD DURING PUBLIC COMMENT:** Please complete a Speaker Request Form, available on the rostrum, and submit it to the Clerk of the Board before the commencement of that agenda item. Public comments shall not pertain to matters on the agenda.

**DOCUMENT DISTRIBUTION:** Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

**INTERPRETATION SERVICE POLICY:** The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for translation assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un interprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies. The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting. Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

**NOTE: All agenda titles related to numbered items are live web links. Click on the title to be directed to the corresponding Board Report.**

## **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(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) Gordon and Sandra Steuck v. County of Monterey, et al. (Monterey County Superior Court case no. M117451)
    - (3) Aguajito Property Owners Association, et al. v. County of Monterey, et al.; Gordon and Sandra Steuck, Real Parties in Interest (Monterey County Superior Court case no. M119247)
    - (4) Fernando Ramirez v. County of Monterey (Monterey County Superior Court case no. M109647)
    - (5) Daniel J. Mitchell, et al. v. County of Monterey (United States District Court, Northern District of California, case no. 5:08-cv-01166-JW)
  - b. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
    - (1) Abelardo Zambrano, Consuelo L. de Zambrano, Elpidia Llamas, and Maria A. Vargas-Manzo
    - (2) Mickey, Michelle, Mikayla and Jonathan Helms
  - c. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

*Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.*

## **10:30 AM Reconvene**

**Roll Call****Pledge of Allegiance****Additions and Corrections**

*The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

**Consent Calendar- (See Supplemental Sheet)**

2. Approve Consent Calendar - Regular (See Supplemental Sheet, items 17 through 35)

**Ceremonial Resolutions**

3. Adopt Resolution honoring Cardinale Moving & Storage, Inc. on their 40th Anniversary. (Supervisor Calcagno)  
  
**Attachments:** [Cardinale Resolution](#)
4. Adopt Resolution proclaiming October 5 through October 21, 2012 as “Binational Health Week” in Monterey County. (Supervisor Potter)  
  
**Attachments:** [Binational Health Week Resolution](#)
5. Adopt Resolution recognizing and congratulating Jesse Herrera, LCSW, Behavioral Health Services Manager II upon his retirement from the Monterey County Health Department after sixteen (16) years of public service. (Supervisor Potter)  
  
**Attachments:** [Jesse Herrera Resolution](#)
6. Adopt Resolution to recognize Ofelia Sanchez for her over 36 years of service as an Eligibility Worker for the County of Monterey Department of Social and Employment Services. (Supervisor Potter)  
  
**Attachments:** [Sanchez Resolution](#)

**Appointments**

7. Appoint Tom Adams to the Carmel Valley Recreation & Park District, term ending November 30, 2015. (Full Board)  
  
**Attachments:** [Adams Notification to the Clerk](#)
8. Reappoint Ken Scherpinski to the Monterey County Workforce Investment Board, term ending September 1, 2015. (Full Board)

**Attachments:** [Schripinski Notification to the Clerk](#)

9. Reappoint Tina Rosa to the Youth Council Monterey County Workforce Investment Board, term ending July 27, 2014. (Full Board)

**Attachments:** [Rosa Notification to the Clerk](#)

10. Appoint Dr. Eduardo Ochoa to the Economic Development Committee to fill an unscheduled vacancy, term ending Pleasure of Board. (Full Board)

**Attachments:** [Ochoa Notification to the Clerk](#)

### **Other Board Matters**

11. Board Comments

12. CAO Comments and Referrals

**Attachments:** [Referrals 092512](#)

13. General Public Comments

*This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board of Supervisors. Board members may respond briefly to statement made or questions posed. They may ask a question for clarification; make a referral to staff for factual information, or request staff to report back to the Board at a future meeting.*

### **10:30 A.M. - Scheduled Matters**

14. Consider adoption of an ordinance amending section 12.12.010 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).

**Attachments:** [Ordinance](#)  
[Redline Ordinance](#)  
[Location Map](#)  
[Proposed Speed Reduction Map](#)

### **12:00 PM Recess to Lunch and:**

**Joint Meeting of the Monterey County Board of Supervisors and Natividad  
Medical Center Board of Trustees**

### **Roll Call**

**Closed Session**

15. Closed Session under Government Code section 54950, relating to the following items:
- a. Pursuant to Government Code section 54957, the Boards will provide a performance evaluation for the Natividad Medical Center CEO  
*Continuance of Closed Session may be held at any time during the joint meeting.*

**Scheduled Matter**

16. Natividad Medical Center Annual Report: Accomplishments Fiscal Year 2012

**Attachments:** [NMC Annual Report 2012 6112.ppt](#)

**Adjournment of the Joint Meeting of the Board of Supervisors and Natividad Medical Center Board of Trustees****Supplemental Sheet, Consent Calendar****Natividad Medical Center**

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the First Amendment to the Professional Services Agreement (A-11862) with John Schatz MD to provide cardiology services at NMC, extending the Agreement from October 1, 2012 to September 30, 2013 and adding \$268,000 for a revised total Agreement amount not to exceed \$536,000 in the aggregate.
- Attachments:** [SCHATZ FIRST AMENDMENT](#)
- 18.
- a. Authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute atwo-year External Peer Review Services Agreement with AllMed Healthcare Management (AllMed) to provide external peer review services to NMC for a total of \$20,000 for the period October 1, 2012 to September 30, 2014, with an automatic renewal for successive one year terms thereafter unless terminated; and
  - b. Authorize the Purchasing Manager of NMC to exercise the automatic renewal clause to extend the Agreement for three additional one-year terms, by executing up to three (3) future amendments, each of which does not increase the aggregate liability of the Agreement by more than ten percent (10%) of the current aggregate liability of \$20,000, does not significantly alter the scope of work, and does not result in an increase to the General Fund Contribution.

**Attachments:** [ALLMED](#)

**Health and Social Services**

19. a. Amend FY 2012-13 Health Department Budget 4000, to transfer a filled 1.0 FTE Department Information Systems Coordinator (DISC) from HEA005-8117 to HEA003-8124; and,  
b. Direct the County Administrative Office to incorporate approved changes into FY 2012-13 Health Department Budget 4000, HEA005-8117 and HEA003-8124 to reflect the position transfer. (4/5th vote required)

**Attachments:** [Exhibit A FY2013 DISC Transfer docx.docx](#)

20. a. Approve and authorize the Director of Health to sign a Mental Health Services Agreement (May 1, 2012-June 30, 2012, FY 2012-13 and FY 2013-14) with Milhous Children's Services for the provision of mental health services in the amount of \$21,609 for FY 2011-12, \$128,237 for FY 2012-13 and \$128,237 for FY 2013-14, for a total of \$278,083, for the period May 1, 2012 through June 30, 2014; 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.

**Attachments:** [FINAL Milhous FY 2011-14 Agreement .docx](#)

21. Approve and authorize the Emergency Medical Services (EMS) Agency Director to sign and execute a Paramedic Service Provider Agreement with City of Carmel-by-the-Sea to provide paramedic services in the County of Monterey.

**Attachments:** [Exhibit A Carmel Paramedic.pdf](#)  
[Agreement with Carmel resolution 8-7-12.pdf](#)

**Criminal Justice**

22. a. Authorize the Auditor-Controller to amend the FY 2012-13 budget for the District Attorney, DIS001, Unit 8063, in support of AB 109, criminal justice realignment, by increasing the revenues and appropriations by \$77,888 (4/5ths vote required) and;  
b. Authorize the County Administrative Office to create one new position in the District Attorney's Department (2240), for a Legal Secretary.

**Attachments:** [AB 109 FY 2012-13](#)

23. a. Authorize the Auditor-Controller to increase revenues and appropriations totaling \$4,500,278 in multiple departments in Fiscal Year 2012-13 from the State AB109 Public Safety Realignment (4/5ths vote required); and  
b. Authorize the CAO's Office to add 7.0 FTE positions in Probation's Budget PRO001; 2.0 FTE in Sheriff's Office Budget SHE003; and 1.0 FTE in Health



Department's Budget HEA012, for a total of 10 new positions.

**Attachments:** [AB109 Budget FY 12-13 Attachment A.xls](#)

## **General Government**

24. Approve and authorize the Contracts/Purchasing Officer to increase the County Master Agreement with Manpower Inc./California Peninsula, Robert Half International, Inc., Spherion Staffing LLC, and Select Staffing for the provision of temporary staffing services for the County of Monterey by the total annual amount of \$1,500,000 for an aggregate annual amount of \$3,500,000 for all Agreements on an as-needed basis.

25. a. Approve and authorize the Contracts and Purchasing Officer to sign an Agreement with Charles Nechtem Associates, Inc. for the provision of an Employee Assistance Program for the County of Monterey per Request for Proposal (RFP) #10309, with the initial Agreement term beginning November 1, 2012 through September 30, 2015, including the option to extend the Agreement for up to three (3) additional one (1) year periods in an amount not to exceed \$810,000 for the term of the contract; and  
b. Authorize the Contracts and Purchasing Officer to sign future Amendments to the Agreement where the Amendments do not significantly change the scope of work or cause an increase in the Agreement annual rates of more than ten percent (10%).

**Attachments:** [09-25-12-HR-BENEFITS-rpt ATT A-Agreement-Approve Agreement with Charles](#)

26. Authorize the Registrar of Voters to assign any worker of the Elections Department the duty to administer voter registration in the County of Monterey.

27. Approve and authorize the Contracts/Purchasing Officer to execute Amendment No. 3 of Agreement #11606 with The Lipman Company (TLC) for benefits administration services, extending the term of the Agreement to September 30, 2013 on a month to month basis and increasing the amount of the contract by \$25,000 to a total of \$150,000.

**Attachments:** [09-25-12-HR-BENEFITS-rpt ATT A-TLC PSA-Amendment 3.doc](#)  
[09-25-12-HR-BENEFITS-rpt ATT B-history-TLC PSA-Amendment 3.doc](#)

28. a. Approve the Acquisition and Rehabilitation Loan Agreement, Acquisition and Rehabilitation Promissory Note and Deed of Trust for the County's Neighborhood Stabilization Program 3;  
b. Authorize the Interim Director of Economic Development or the Director of Economic Development to make minor changes to the loan documents as necessary to implement the program; and  
c. Authorize the Interim Director of Economic Development or the Director of Economic Development to execute the loan documents.

**Attachments:** [Acquisition Loan Agreement](#)  
[Acquisition Promissory Note](#)  
[Deed of Trust](#)

29. a. Approve assignment of Monterey County's 2012 allocation from the California Debt Limit Allocation Committee (CDLAC) to California Rural Homebuyers Fund Authority (CRHMFA) Homebuyers Fund (CHF) for inclusion in their Mortgage Revenue Bond financing for the Mortgage Credit Certificate (MCC) program and authorizing and consenting to all CHF 2012 and 2013 Programs; and
- b. Authorize the County Administrative Officer to send a letter to the California Debt Limit Allocation Committee requesting the assignment and certifying that the use is consistent with the County's adopted Housing Element.

**Attachments:** [Letter of Assignment of County's CDLAC Allocation](#)  
[Attachment K - Housing Element Certification Form](#)  
[CHF materials regarding MCC Program](#)

### **RMA - Planning**

30. a. Approve the Parcel Map for the Ramirez/Lopez/Moya Minor Subdivision of a 1.18 acre parcel into 4 parcels of 11,524 square feet, 12,446 square feet, 13,009 square feet, and 14,382 square feet each; and
- b. Direct the Clerk of the Board to submit the Parcel Map, the Indemnification Agreement, the Permit Approval Notice, and the Deed Restriction to the County Recorder for filing.
- (Parcel Map - PC93018/Lopez Et Al, 40 Las Lomas Drive, Royal Oaks, North County Land Use Plan, Coastal Zone)

**Attachments:** [Attachment A - Cover Letter](#)  
[Attachment B - Parcel Map](#)  
[Attachment C - Vicinity Map](#)  
[Attachment D - Parcel Map Guarantee](#)  
[Attachment E - Property Tax Clearance Cert](#)  
[Attachment F - Indemnification Agreement](#)  
[Attachment G - Permit Approval Notice](#)  
[Attachment H - Deed Restriction](#)

### **RMA - Public Works**

31. a. Authorize the placement of Mr. Robert K. Murdoch at Step 4 of the Public Works Director salary range in accordance with Personnel Policies and Practices Resolution No. 98-394, as updated January 7, 2009, Section A.1.11.1, Non-Elected Unit Y Salary Steps, General Provisions; and
- b. Authorize the County Administrative Officer to approve reasonable moving

expenses, not to exceed \$10,000 per the Personnel Policies and Practices Resolution, Section A.49.3 Employee Relocation/Moving Allowance, subject to IRS regulations.

- 32.**
- a. Accept a Grant of Public Utility Easement over a portion of APN 031-161-023 (“East Garrison Parcel D”) from the Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and constructing, maintaining, using, and operating utility connections in conjunction with the East Garrison Development Project on the former Fort Ord;
  - b. Approve and 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.

**Attachments:** [Grant of Public Utility Easement](#)  
[Vicinity Map](#)

- 33.**
- a. Accept a Grant of Public Utility Easement over a portion of APN 031-164-129 from UCP East Garrison, LLC, a Delaware limited liability company for purpose of ingress and egress, and constructing, maintaining, using, and operating 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.

**Attachments:** [Grant of Public Utility Easement](#)  
[Vicinity Map](#)  
[Resolution of Members of UCP East Garrison LLC](#)

- 34.**
- a. Approve an increase to Agreement No. A-12172 with William A. Thayer Construction, Inc., for the 1410 Natividad Refurbish Kitchen, Project No. 8532, Bid Package No. 10238, not to exceed \$48,371, for a total contract value of \$792,481;
  - b. Authorize a contingency not to exceed \$4,500 to provide funding for future approved contract change orders;
  - c. Approve a project budget increase of \$55,000 for the 1410 Natividad Rd Refurbish Kitchen, Project No. 8532; Bid Package No. 10238; and
  - d. Authorize a reallocation of funds in the amount of \$55,000 within Fund 401, Unit 8184, from Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345 to the 1410 Natividad Refurbish Kitchen, Project No. 8532, Bid Package No. 10238.

**Attachments:** [Project Budget](#)  
[Change Order 7](#)  
[Location Map](#)

35. Approve Change Order No. 03 to Agreement No. A-12209 with Tombleson, Inc. for the Jail Restroom Renovation - 1410 Natividad Rd, Project No. 8546, Bid Package No. 10345, in the amount of \$4,098.03, for a total contract value of \$72,161.

**Attachments:** [Project Budget](#)  
[Memorandum dated August 7, 2012](#)  
[Agreement between the County of Monterey and Tombleson Incorporated](#)  
[Location Map](#)

36. Supplemental for Tuesday, September 25, 2012

**SUPPLEMENTAL**

**CORRECTION**

**Joint Meeting of the Monterey County Board of Supervisors and Natividad Medical Center Board of Trustees**

**Scheduled Matter**

16. **This item is corrected to Scheduled Matter**  
Natividad Medical Center Annual Report: Accomplishments Fiscal Year  
2012

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