

MONTEREY COUNTY



BOARD OF SUPERVISORS

Fernando Armenta
Louis R. Calcagno
Simón Salinas
Jane Parker
Dave Potter

1st District
2nd District
3rd District
4th District (Chair)
5th District (Vice-Chair)

Lew C. Bauman
County Administrative Officer

Charles J. McKee
County Counsel

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ACTION MINUTES MONTEREY COUNTY BOARD OF SUPERVISORS MONTEREY COUNTY WATER RESOURCES AGENCY

TUESDAY, MAY 3, 2011
9:00 A.M.

9:00 A.M.

ROLL CALL

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

1. 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.

Add to Closed Session

2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
 - (6) Eduardo Lorenzana v. County of Monterey, et al. (MCSC case no. M111479)

Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

CLOSED SESSION

2. 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 regarding existing litigation:
 - (1) LandWatch Monterey County v. County of Monterey (MCSC case no. M109434)
 - (2) The Open Monterey Project v. Monterey County Board of Supervisors (MCSC case no. M109441)

- (3) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (MCSC case no. M109442)
- (4) Salinas Valley Water Coalition, et al. v. County of Monterey (MCSC case no. M109451)
- (5) Save Our Peninsula Committee v. County of Monterey, et al. (MCSC case no. M110694)

CLOSED SESSION REPORT: The Board heard an update from counsel on items 1, 2, 3, 4, and 5.

- (6) Eduardo Lorenzana v. County of Monterey, et al. (MCSC case no. M111479) (Added via Additions/Corrections)

CLOSED SESSION REPORT: The Board authorized retention of conflicts counsel in this matter.

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

- (1) Designated representatives: Keith Honda and Dianne Dinsmore
Employee Organizations: All Units

CLOSED SESSION REPORT: The Board provided direction to the labor negotiators on how to proceed.

- c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding one matter of significant exposure to litigation. (Added via Addendum)

CLOSED SESSION REPORT: The Board heard an update on the matter and directed counsel on how to proceed in eventually bringing this matter to the Board in open session.

ROLL CALL

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.
Interpreter: Constanza Williams

- 3. Pledge of Allegiance led by County Administrative Officer Lew Bauman.
- 4. Additions and Corrections: The Clerk of the Board announced agenda corrections and proposed additions which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.
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:

Removed from Regular Consent – Natividad Medical Center

- 19. a. Adopt Resolution finding that there was sufficient cause to take action on an emergency basis for mold remediation in patient rooms at Natividad Medical Center (NMC) (Contractor- Disaster Kleenup), and;

- b. Ratify the execution of the purchase order and emergency actions taken by the NMC Contract/Purchasing Officer in response to the identified emergencies. (4/5ths vote required)

Correction to Regular Consent – General Government

21. Correction Page 1 of Article 1.e

Item #8 was changed to read *Temp Food Facility Master with Distribution Carts/Booth* instead of *TFF Master with Distribution Carts/Booth*

Correction Page 2 of Article 1.e

Item #13.d was changed to \$133 instead of \$130

Item #13.d through 13.m was changed to read *Per/Yr* instead of *Each/Yr*

Correction to Page 4 of Article 1.e

Item 24.f was changed to read *Temp Food Facility – Free Sample with Nonperishable, commercially prepackaged/free samples, beverages* instead of *TFF Free Sample with (Nonperishable, commercially prepackaged/free samples, beverages.*

Correction to Page 15 of Article 1.e

Item E.1.d was changed to read *Per Event* instead of *Each/Yr*

Correction to Title Under Regular Consent – Building Department

- 40.1 a. Approve Amendment No. 2 to the Professional Services Agreement with California Code Check for plan check, inspection and related services where the total amount not to exceed is increased from \$165,000.00 to not to exceed \$285,000.00 to accommodate the increased number of plan checks that need to be accomplished.

Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES

5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

Supervisor Calcagno pulled item 40 (later clarified as item 40.1).

Supervisor Salinas pulled item 45. Yaz Emrani responds to questions on 45.

Supervisor Parker pulled item 21.

Motion by Supervisor Salinas, seconded by Supervisor Calcagno to approve Consent Calendar – Regular, with the exception of items 40, 45 and 21. ALL AYES

Motion by Supervisor Salinas, seconded by Supervisor Potter to reconsider approval of Consent Calendar – Regular, with the exception of 40, 45 and 21. ALL AYES

Motion by Supervisor Salinas, seconded by Supervisor Potter to approve Consent Calendar – Regular, with the exception of item 40.1. ALL AYES

Recessed

Convened as the Board of Directors of the Pajaro County Sanitation District

PAJARO COUNTY SANITATION DISTRICT

ROLL CALL

Present: Directors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

6. CONSENT CALENDAR - Pajaro County Sanitation District (See Supplemental Sheet)
Motion by Director Potter, seconded by Director Armenta. ALL AYES

Adjourned

Convened as Board of Supervisors of the Monterey County Water Resources Agency

MONTEREY COUNTY WATER RESOURCES AGENCY

ROLL CALL

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

7. CONSENT CALENDAR - Monterey County Water Resources Agency (See Supplemental Sheet)
Motion by Supervisor Calcagno, seconded by Supervisor Salinas. ALL AYES

Adjourned

Reconvened as the Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

RESOLUTIONS 8 through 15.2 heard concurrently

8. Adopted **Resolution No. 11-125** declaring May 9 through May 15, 2011 as Bike Week in Monterey County. (Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
9. Adopted **Resolution No. 11-127** proclaiming Foster Care Month, May 2011. (Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
10. Adopted **Resolution No. 11-118** honoring Renee Bailey upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

11. Adopted **Resolution No. 11-119** honoring Becky Botello upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
12. Adopted **Resolution No. 11-120** honoring Eva Rasul upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
13. Adopted **Resolution No. 11-121** honoring Kim Stemler upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
14. Adopted **Resolution No. 11-122** honoring Juanita Sanchez upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
15. Adopted **Resolution No. 11-123** honoring Michelle Slade upon her selection as one of six Outstanding Women of Monterey County for 2011. (Full Board/ Chair Parker)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
- 15.1 Adopted **Resolution No. 11-124** proclaiming the week of May 15 through May 21, 2011 as National Public Works Week. (Chair Parker) (Added via Addendum)
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES
- 15.2 Adopted **Resolution No. 11-126** honoring Natividad Medical Center during National Hospital Week. (Chair Parker) Added via Addendum
Motion by Supervisor Potter, seconded by Supervisor Armenta. ALL AYES

OTHER BOARD MATTERS

16. Board Comments
 - Supervisor Armenta announced he attended Asian Festival Ceremony and it provided him with the opportunity to meet and greet many of homeless population members of the community. He also announced he and Chair Parker attended the 11th Annual Monterey County/Santa Cruz Central Labor Council dinner last Friday in Monterey. This evening a representative from the Federal Secretary of Interior will be at Sherwood Hall from 7-9 pm tonight to review historic sites where Cesar Chavez had the greatest impact. Supervisor Armenta announced tomorrow is annual Veteran's Appreciation Day at the One-Stop Center beginning at 9:00 a.m. He reminded everyone about the Annual Memorial Day Ceremony at the Monterey County Veterans' site on Laurel and more detailed information is available through his office.

17. CAO Comments and Referrals: None.
18. Public Comment
Juan Flores with interpreter; Gabino Urueta with interpreter; Nancy Beety.

12:00 P.M. RECESS TO LUNCH- CONTINUED CLOSED SESSION

1:30 P.M. RECONVENE

SCHEDULED MATTERS

ROLL CALL

Present: Supervisors Parker (Chair), Armenta, Calcagno, Salinas, and Potter.

S-1 Opened public hearing and continued to January 10, 2012

Public hearing to consider:

- a. Appeal by Warren Wayland from the Planning Commission's decision denying the application for a Combined Development Permit (Wayland/PLN070366) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 38-acre parcel into four parcels of 9.7 acres, 5.3 acres, 9.3 acres, 5.2 acres and a remainder parcel of 8.8 acres; 2) Use Permit for development on slopes in excess of 25 percent for roadway improvements; 3) Use Permit for development in a visually sensitive area ("VS" District); and 4) Use Permit to allow the removal of an estimated 39 oak trees; and
- b. Appeal by Susan Merrill from the Planning Commission's decision denying the application for a Combined Development Permit (Merrill/PLN070376) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 37.8 acre parcel into three parcels of 10.5 acres, 13.8 acres, 7.5 acres and a remainder parcel of 6.0 acres; and 2) Use Permit for development in a visually sensitive area ("VS" District). (Appeal, PLN070366/Wayland Minor Subdivision, 24975 Boots Road, Monterey) (Appeal, PLN070376/Merrill Minor Subdivision, 24915 Boots Road, Monterey)

[Continued from March 29, 2011 hearing]

Public comment: Mike Weaver; Tina Stolich; Hans Jongens.

Motion by Supervisor Calcagno, seconded by Supervisor Salinas granting applicant's request and continued the public hearing to January 10, 2012, noting the applicant's attorney waived appeal time, as this matter is continued to a date certain. 3-2 (Supervisors Potter and Parker dissented)

- S-2 Continued the public hearing on an Ordinance to Regulate the Keeping of Roosters in Specified Residential Districts and the Limited Agricultural District to June 21, 2011. (PD070731 / County of Monterey)

Motion by Supervisor Potter, seconded by Supervisor Salinas. ALL AYES

Action on item 40.1 (See item for motion)

CLOSED SESSION REPORT: (See 2 a-c)

**ADJOURNMENT
In Memory of Timothy William Madden**

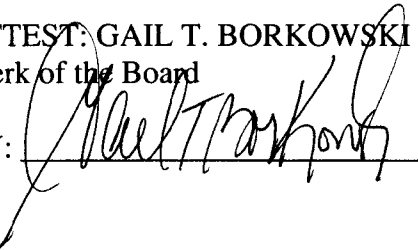
APPROVED:



JANE B. PARKER, CHAIR
BOARD OF SUPERVISORS

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

BY:



(Supplemental)

CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

19. ~~a. Adopt Resolution finding that there was sufficient cause to take action on an emergency basis for mold remediation in patient rooms at Natividad Medical Center (NMC) (Contractor Disaster Kleenup), and;~~
~~b. Ratify the execution of the purchase order and emergency actions taken by the NMC Contract/Purchasing Officer in response to the identified emergencies. (4/5ths vote required) (Removed during Additions/Corrections)~~

HEALTH AND SOCIAL SERVICES

20. Adopted **Resolution No. 11-128** issuing a report pursuant to Government Code Section 65858(d) describing the measures taken by the County to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 5160 and its extension, Ordinance No. 5163, temporarily prohibiting, with limited exceptions, the acceptance and processing of water well applications and issuance of water well permits on parcels less than 2.5 acres within a portion of the California American Water Company - Monterey District Main System service area within the unincorporated County, pending the County's consideration of additional well regulations.
21. Adopted **Resolution No. 11-138** amending Article I.e. of the Monterey County Master Fee Resolution effective July 1, 2011, to adjust certain fees relating to oversight and services provided by the Health Department's Environmental Health Bureau pursuant to the attached Fee Schedule, with corrections as noted in Additions and Corrections.
22. a. Amended Fiscal Year (FY) 2010-11 Health Department Budget 4000, HEA003-8128, to reallocate a vacant 1.0 FTE Principal Office Assistant to a 1.0 FTE Accounting Technician;
b. Authorized the Auditor-Controller to amend adopted FY 2010-11 Health Department Budget 4000, HEA003-8128, to reflect the change in position count as outlined in the attached Board Order; and
c. Directed the County Administrative Office to incorporate approved changes into FY 2010-11 Health Department Budget 4000, HEA003-8128, to reflect change in position count. (4/5ths vote required)
23. **Agreement No. A-11976**
a. Approved and authorized the Director of Health to sign a three fiscal year term Mental Health Services Agreement (July 1, 2011 to June 30, 2014) with Davis Guest Home, Inc. for provision of mental health services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$739,125 for Fiscal Year (FY) 2011-12, \$739,125 for FY 2012-13, and

\$739,125 for FY 2013-14 for a total Agreement amount of \$2,217,375, to replace Agreement A-11196; and

- b. Authorized the Director of Health, to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.

24. **Agreement No. A-11977**

- a. Approved and authorized the Director of Health to sign a three fiscal year term Mental Health Services Agreement (July 1, 2011 to June 30, 2014) with CF Merced Behavioral, LLC dba Country Villa Merced Behavioral Health Center for provision of mental health services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$718,714 for Fiscal Year (FY) 2011-12, \$718,714 for FY 2012-13, and \$718,714 for FY 2013-14 for a total Agreement amount of \$2,156,142; to replace Agreement A-11273; and

- b. Authorized the Director of Health, to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.

25. **Agreement No. A-11978**

- a. Approved and authorized the Director of Health to sign a three fiscal year term Mental Health Services Agreement (July 1, 2011 to June 30, 2014) with MJM Home Care for mental health board and care services for Monterey County residents in the amount of \$65,700 for Fiscal Year (FY) 2011-12, \$65,700 for FY 2012-13, and \$65,700 for FY 2013-14 for a total Agreement amount of \$197,100; to replace Agreement A-11220 which expires June 30, 2011; and

- b. Authorized the Director of Health, to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.

26. **Agreement No. A-11979**

- a. Approved and authorized the Director of Health to sign a three fiscal year term Mental Health Services Agreement (July 1, 2011 to June 30, 2014) with Beverly Health and Rehabilitation Services, Inc. dba Golden Living Center San Jose for provision of mental health services for Monterey County adult residents with severe psychiatric disabilities in the amount of \$902,641 for Fiscal Year (FY) 2011-12, \$902,641 for FY 2012-13, and \$902,641 for FY 2013-14 for a total Agreement amount of \$2,707,923; to replace Agreement A-11181; and

- b. Authorized the Director of Health, to sign up to three future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the annual amount and do not significantly change the scope of work or result in an increase in County General Fund Contribution.

27. **Agreement No. A-11980**
- a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 with Alisal Union School District to provide congregate meals to seniors in Salinas adding \$35,800, increasing the total contract amount to \$125,800, for the period July 1, 2010 through June 30, 2011;
 - b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work; and
 - c. Authorized the Auditor-Controller to amend appropriations and estimated revenues in the amount of \$35,800 for SOC 010, Department of Social & Employment Services - Area Agency on Aging for Fiscal Year 2010-11. (4/5ths vote required)
28. **Agreement No. A-11981**
- a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 with Meals on Wheels of the Salinas Valley, adding \$64,371 for equipment and services for the home-delivered meal program, increasing the total contract amount to \$349,973 for the period July 1, 2010 through June 30, 2011;
 - b. Authorized the Director of the Department of Social and Employment Services, or his designee; to sign up to three (3) amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work; and
 - c. Authorized the Auditor-Controller to amend appropriations and estimated revenues in the amount of \$64,371 for SOC010, Department of Social & Employment Services - Area Agency on Aging for Fiscal Year 2010-11. (4/5ths vote required)
29. **Agreement No. A-11982**
- a. Approved and authorized the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No. 1 with Meals on Wheels of the Monterey Peninsula to provide congregate and home-delivered meals, and disease prevention/health promotion services to seniors, adding \$65,950 and increasing the total contract amount to \$440,017 for the period July 1, 2010 through June 30, 2011;
 - b. Authorized the Director of the Department of Social and Employment Services, or his designee, to sign up to three (3) amendments to this agreement where the total amendments do not exceed ten percent (10%) of the original contract amount, and do not significantly change the scope of work; and
 - c. Authorized the Auditor-Controller to amend appropriations and estimated revenues in the amount of \$65,950 for SOC010, Department of Social & Employment Services - Area Agency on Aging for Fiscal Year 2010-11. (4/5ths vote required)

CRIMINAL JUSTICE

30. Approved and authorized the District Attorney to sign and submit seven applications, including any extensions or amendments thereof, for continued funding for Fiscal Year (FY) 2011-12 from State agencies for the District Attorney's Office Victim Assistance Unit and Prosecution Programs as identified in the Board Order.
31. Approved an amendment to the bylaws of the Community Restorative Justice Commission.

GENERAL GOVERNMENT

32. Approved Action Minutes for the Board of Supervisors' meetings of Tuesday, March 1, 2011, Tuesday, March 15, 2011, Tuesday, March 22, 2011, and Tuesday, March 29, 2011.
33.
 - a. Approved Amendment No. 1 to the Contractual **Agreement No. A-07625** between the County of Monterey and Megabyte Systems Inc. increasing the maintenance and support under the agreement and decreasing the net cost for annual maintenance and services to \$305,938.18 for fiscal year 2011-2012; and
 - b. Authorized the County Assessor-Clerk-Recorder to execute the Amendment on behalf of the County.
34. Approved and authorized the Contracts/Purchasing Officer to sign Amendment No. 4 to the Professional Services Agreement with the law firm of Duane Morris & Associates, increasing the total amount of the contract from \$250,000 to \$325,000, and extending the expiration date from December 31, 2011 to December 31, 2012, for risk management legal consulting and support services.
35. Authorized the Auditor-Controller to transfer \$227,778 from General Fund Contingencies to increase appropriations in Department 1080 Equal Opportunity Office, Unit 8066, Appropriations Unit EQU001. (4/5ths vote required)
36. Authorized the Chair to sign Amendment No. 3 to **Agreement No. A-11162** with Gallina, LLP in an amount not to exceed \$170,333 to perform audits of the following: 2010-11 General Purpose Financial Statements, Single Audit, the 2010-11 Redevelopment Agency Financial Statements, the 2010-11 Pajaro County Sanitation District Financial Statements, the Public Improvement Corporation, the Treasury Oversight Committee, the Monterey County Financing Authority and the First 5 Grants awarded to Monterey County.
37.
 - a. Approved and authorized the Contracts/Purchasing Officer to sign Enhancement Proposal EP:32936B to an existing non-standard Agreement for Extended Service with Tiburon, Inc. for a term of May 1, 2011 through June 30, 2011 in an amount not to exceed \$15,145 for improvements to the

- Computer Aided Dispatch System (CAD) subject to minor, non-substantive changes agreeable to the County and approved by County Counsel; and
- b. Approved and authorized the Contracts/Purchasing Officer to sign future Enhancement Proposals up to \$100,000 per fiscal year upon approval of County Counsel and Director of Emergency Communications provided that costs are budgeted in department appropriations for that fiscal year.

38. **Agreement No. A-11983**

- a. Approved Management Agreement between Urban Park Concessionaires, doing business locally as “Monterey Lakes Recreation Company”, Monterey County, and the Monterey County Water Resources Agency to manage the resort businesses at both Lake Nacimiento and Lake San Antonio effective May 11, 2011 through October 31, 2012;
- b. Authorized the Chair of the Monterey County Board of Supervisors to sign the Agreement on behalf of the County; and
- c. Authorized the Director of Parks to review, approve, and execute any documents and procedures consistent with the terms and necessary for the ongoing management operation under the Agreement, including the Vehicle/Vessel Lease document.

RMA - PLANNING DEPARTMENT

39. **Agreement Nos. A-11974; A-11975**

- a. Approved the Professional Services Agreement for the term March 21, 2011 through May 31, 2011 with Hexagon Transportation Consultants, Inc. (A-11974) to provide peer review of the Traffic Study Report for the Paraiso Hot Springs Resort Development in Soledad (PLN040183), for a total amount not to exceed \$8,250;
- b. Approved the Funding Agreement for the term March 21, 2011 through May 31, 2011 with Thompson Holdings, LLC (A-11975) to provide peer review of the Traffic Study Report for the Paraiso Hot Springs Resort Development in Soledad (PLN040183), for a total amount not to exceed \$8,250; and
- c. Authorized the Director of Planning to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts. (REF110022/Hexagon Transportation Consultants, Inc., County-wide)

40. a. Approved Amendment No. 3 to Professional Services **Agreement No. A-11684** with EcoSystems West Consulting Group where the Base Budget of \$49,964 is increased by \$64,165, for a total amount not to exceed \$114,129 to include 2011 Piperia Plan Studies and California Environmental Quality Act (CEQA) review for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN100138) in Pebble Beach, for a term through June 30, 2012;
- b. Approved Amendment No. 3 to Reimbursement Agreement No. A-11411 with The Pebble Beach Company where the Base Budget of \$49,964 is

increased by \$64,165 to \$114,129 with no change to the County Surcharge of \$2,500, for a total amount not to exceed \$116,629 to allow reimbursement to Monterey County for costs incurred by EcoSystems West Consulting Group and the County Planning Department to include 2011 Piperia Plan Studies and CEQA review for The Pebble Beach Company's Del Monte Forest Preservation and Development Plan (PLN100138) in Pebble Beach, for a term through June 30, 2012; and

- c. Authorized the Director of Planning to execute Amendment No. 3 to Professional Services Agreement No. A-11684, Amendment No. 3 to Reimbursement Agreement No. A-11411 and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts. (PD060822/EcoSystems West Consulting Group, County-wide)

RMA - BUILDING DEPARTMENT

- 40.1 a. Approved Amendment No. 2 to the Professional Services Agreement with California Code Check for plan check, inspection and related services where the total amount not to exceed is increased from \$165,000.00 to not to exceed \$285,000.00 to accommodate the increased number of plan checks that need to be accomplished.
- b. Authorized the Contracts/Purchasing Officer to execute said Amendments as well as future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

(Title Correction during Additions/Corrections)

Motion by Supervisor Calcagno, seconded by Supervisor Salinas to approve item 40.1. ALL AYES

RMA - PUBLIC WORKS

41. Adopted **Resolution No. 11-135**:
 - a. Finding that there was sufficient cause to take actions on an emergency basis to implement necessary repairs at the Monterey County Adult Detention Facility, located at 1410 Natividad Road, Salinas, California, for Collapsed Kitchen Drain (Contractors: Petty Plumbing and Hough Construction); D Wing Men's Rehabilitation Showers Sewer Repair (Contractors: Hough Construction and Castroville Plumbing); Pods E & F Standing Water (Contractors: William A. Thayer Construction, Disaster Kleenup Specialists, and M3 Environmental Consulting); and E Dorm Ceiling Repair & Mold Remediation (Contractors: Disaster Kleenup Specialists, Hough Construction, and Superior Automatic Sprinkler); and
 - b. Ratifying the execution of purchase orders and emergency actions taken by the Contracts/Purchasing Officer in response to the identified emergencies. (4/5ths vote required)

42. Approved and authorized the Chair of the Board to execute the Real Property Purchase Agreement (APN 133-013-065) in the amount of \$1,000 for the purchase of an Easement consisting of 0.009 acre (47.52 sq. ft.) for Road Right-of-Way for the construction of the Blackie Road Safety Improvements Project No. 08-140665.
43. **Adopted Resolution No. 11-136:**
 - a. Extending a Private Purpose Franchise Agreement to ExxonMobil Oil Corporation (formerly Mobil Oil Corporation) for a period of ten (10) years which is specified to be from May 17, 2011 through May 16, 2021;
 - b. Authorizing the Clerk of the Board to submit a copy of the resolution extending the Private Purpose Franchise Agreement and a copy of Resolution No. 00-271 to the County Auditor-Controller for annual billing; and
 - c. Authorizing the County Auditor-Controller to allocate all fees collected through this franchise to the General Fund.
44. **Adopted Resolution No. 11-137:**
 - a. Extending a Private Purpose Franchise Agreement to Mobil Pacific Pipeline Company for a period of ten (10) years which is specified to be from May 17, 2011 through May 16, 2021;
 - b. Authorizing the Clerk of the Board to submit a copy of the resolution extending the Private Purpose Franchise Agreement and a copy of Resolution No. 00-272 to the County Auditor-Controller for annual billing; and
 - c. Authorizing the County Auditor-Controller to allocate all fees collected through this franchise to the General Fund.
45. Acting on behalf of County Service Area 75 - Chualar:
 - a. Set a Public Hearing on May 24, 2011, at 10:30 a.m. to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 - Chualar;
 - b. Directed that a report of delinquent fees be prepared; and
 - c. Directed Public Works that notice of the hearing be mailed to the landowners listed in the report not less than 10 days prior to the date of the hearing.
46. **Agreement No. A-11976; Construction No. 20011-001**
 - a. Awarded a contract to Top Grade Construction, Inc., the lowest responsible Base bidder, for the Davis Road Overlay Project, Contract No. 11-141065 in the total amount of \$1,077,740;
 - b. Approved the Performance and Payment Bonds executed and provided by Top Grade Construction, Inc.;
 - c. Authorized a contingency not to exceed ten percent (10%) of the Contract amount to provide funding for approved contract change orders; and
 - d. Authorized 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 ten percent (10%) of the original contract amount and do not significantly change the scope of work.

47. **Adopted Resolution No. 11-133:**
- a. Accepting the Certificate of Completion for construction of the San Jerardo Water System Project, Project No. 09-859968; and
 - b. Authorizing the Director of Public Works to execute and record the Notice of Completion.

PAJARO COUNTY SANITATION DISTRICT

48. Acting as the Board of Directors of the Pajaro County Sanitation District:
- a. Set a Public Hearing on May 24, 2011, at 10:30 a.m. to hear the report of delinquent accounts and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for the Pajaro County Sanitation District;
 - b. Directed that a report be prepared of delinquent fees for the Pajaro County Sanitation District; and
 - c. Directed Public Works that notice of the hearing be mailed to the landowners listed on the report not less than 10 days before the hearing.

MONTEREY COUNTY WATER RESOURCES AGENCY

49. **Agreement No. A-11984**
- a. Approved Management Agreement between Urban Park Concessionaires, doing business locally as “Monterey Lakes Recreation Company”, Monterey County, and the Monterey County Water Resources Agency to manage the resort businesses at both Lake Nacimiento and Lake San Antonio effective May 11, 2011 through October 31, 2012;
 - b. Authorized the Chair of the Board of Supervisors of the Monterey County Water Resources Agency to sign the Agreement on behalf of the Water Resources Agency; and
 - c. Authorized the Director of Parks to review, approve, and execute any documents and procedures consistent with the terms and necessary for the ongoing management operation under the Agreement, including the Vehicle/Vessel Lease document.

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