

Monterey County

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



Meeting Agenda - Final-revised

Tuesday, May 12, 2015

9:00 AM

**See separate agendas for Board of Supervisors governed Agencies
and Special Districts.**

Board of Supervisors

*Chair Simón Salinas - District 3
Vice Chair Jane Parker - District 4
Supervisor Dave Potter - District 5
Supervisor Fernando Armenta - District 1
Supervisor John M. Phillips - District 2*

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

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

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

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

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

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

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

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

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

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

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

9:00 A.M. - Call to Order

Roll Call

Additions and Corrections for Closed Session

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

Closed Session

1. Closed Session under Government Code section 54950, relating to the following items:
 - a. Pursuant to Government Code section 54956.9(d)(1), the Board will confer with legal counsel regarding existing litigation:
 - (1) Landwatch Monterey County v. County of Monterey, et al. (Monterey County Superior Court case no. M109434)
 - (2) The Open Monterey Project v. Monterey County Board of Supervisors, et al. (Monterey County Superior Court case no. M109441)
 - (3) Deputy Sheriffs' Association of Monterey County v. Scott Miller, et al., (U.S. District Court case no. 5:14-cv-04128)
 - (4) Appeal of Claim for Short Term Disability Benefits by a Public Employee
 - b. Pursuant to Government Code section 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.
 - c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
 - (1) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Kimberley Moore, Assistant Director of Human Resources
Unit(s): ~~F, J, Q and V~~ (REVISED VIA SUPPLEMENTAL)
 - (2) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Brette Neal, Human Resources Manager
Units: A, D, E, F, G, H, J, K, S, X and Y (ADDED VIA ADDENDUM)
 - d. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.
(ADDED VIA ADDENDUM)

Continuance of Closed Session to be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

10:30 A.M. - Reconvene**Roll Call****Pledge of Allegiance****Additions and Corrections**

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

Consent Calendar- (See Supplemental Sheet)

2. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution proclaiming the week of May 16 through May 22, 2015 as National Safe Boating Week. (Full Board)

Attachments: [National Safe Boating Week Ceremonial Resolution](#)

4. Adopt Resolution proclaiming the month of May as Mental Health Awareness Month in Monterey County. (Full Board)

Attachments: [Mental Health Awareness Month Ceremonial Resolution](#)

5. Item Deleted

Other Board Matters

6. Board Comments
7. CAO Comments and Referrals

Attachments: [Referrals 051215](#)

8. General Public Comment

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

10:30 A.M. - Scheduled Matters

- 9.
- a. Conduct a Public Hearing to take comments on the draft Urban County Action Plan for Fiscal Year 2015-2016 and proposed allocation of funds;
 - b. Approve the Fiscal Year 2015-2016 Action Plan containing recommendations for funding of projects and programs;
 - c. Authorize the Director of Economic Development to submit the Fiscal Year 2015-2016 Action Plan to HUD and to execute any and all other necessary HUD documents;
 - d. Authorize the Director of Economic Development to execute contracts and any and all other necessary and associated documents in regard to the allocations for projects and programs; and
 - e. Approve an allocation of Urban County Community Development Block Grant funds for Fiscal Year 2015-2016 of \$896,616.

Attachments: [Board Report](#)
[Draft Annual Action Plan for Fiscal Year 2015-16](#)

- 9.1
- a. Receive an update on the draft Marina-Salinas Multimodal Corridor Plan; and
 - b. Provide input to the Transportation Agency of Monterey County (TAMC). (Marina-Salinas Multimodal Corridor Plan - REF150027, County-wide, Categorically Exempt per CEQA Guidelines Sections 15060 (c) (3) and 15378 [Information Only])

Attachments: [Board Report](#)
[Attachment A-TAMC Report](#)
[Attachment B-Draft Marina/Salinas Multimodal Corridor Plans](#)

12:00 PM Recess to Lunch**1:30 PM Reconvene - Monterey County Board of Supervisors****Roll Call****1:30 P.M. - Scheduled Matters**

- 10.
- Public Hearing to consider further action on:
- a. Addendum No. 3 to the Final Environmental Impact Report for the 2010 Monterey County General Plan together with (#7-01, SCH #20071212001) (“FEIR”); and
 - b. Amendments to the 2010 Monterey County General Plan to implement litigation settlement agreements with LandWatch Monterey County and The Open Monterey Project.
(REF150010/General Plan Amendment No. 3)

Attachments: [Board Report](#)
[Attachment A - 4-28-15 Board Report](#)

11. Public hearing continued from April 14, 2015 to consider adopting a resolution to:
- a. Deny the appeal by Paul and Linda Flores from the Planning Commission's decision to deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after-the-fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees; and the Planning Commission's decision to find incomplete the Design Approval application to allow the construction of a single family dwelling and accessory dwelling unit (ADU) until full site restoration has been completed;
 - b. Find the project Statutorily Exempt per Public Resources Code Section 21080(b)(5) and Section 15270(a) of the CEQA Guidelines; and
 - c. Deny a Combined Development Permit (Flores/PLN140300) consisting of: 1) Use Permit to allow after-the-fact removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees and 3) Design Approval to allow the construction of a 7,200 square foot single family dwelling and 1,200 square foot accessory dwelling unit (ADU). (Appeal - PLN140300/Flores, 564 Monhollan Road, Carmel, Greater Monterey Peninsula Area Plan)

Attachments: [Board Report](#)
[Attachment A-Project Discussion](#)
[Attachment B-Draft Board Resolution](#)
[Attachment C-Notice of Appeal](#)
[Attachment D-Planning Commission Resolution No. 15-010](#)
[Attachment E-Planning Commission Staff Report \(January 28, 2015\)](#)

Adjournment

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

12. a. Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) to execute an Agreement with Mobile Instrument Service and Repair Inc. for Repair and Maintenance of Surgical Instruments at NMC for an amount not to exceed \$270,000 for the period May 12, 2015 through May 11, 2018; and
b. Authorize the Deputy Purchasing Agent for NMC to execute up to three (3) future Amendments to the Agreement which do not significantly alter the scope of work and do not cause an increase of more than ten percent (10%) of the original cost of the Agreement per each Amendment.

Attachments: [Board Report](#)

[Mobile Instrument Service and Repair Agreement.pdf](#)

13. a. Approve and Amend Personnel Policies and Practices Resolution No. 98-394, Appendix A, to Adjust the Salary Range for the Classification of: Rehabilitative Services Manager; and
b. Direct the Monterey County Human Resources Department to Implement the Changes in the Advantage HRM System.

Attachments: [Board Report](#)

[Resolution - Adjust Rehab Svcs Mgr Salary.pdf](#)

Health Department

14. a. Authorize the Contracts/Purchasing Officer to execute 340B Prime Vendor Program, Participant Agreement with Cardinal Health 110, LLC and Cardinal Health 411, Inc. ("Cardinal") for the purchase of discounted outpatient pharmaceuticals for the Monterey County Health Department, for an amount not to exceed \$30,000, in the period of April 28, 2015 through August 31, 2018; and
b. Authorize the Contracts/Purchasing Officer to execute Apexus LLC, 340B Prime Vendor Participation Agreement ("Apexus"), for the period April 28, 2015 through April 30, 2016, and which shall automatically renew for additional one year terms, unless terminated earlier upon ninety days' written notice.
c. Accept the non-standard contract provisions in the Cardinal and Apexus Agreements as recommended by the Director of Health; and
d. Authorize the Contracts Purchasing Officer to approve up to three future amendments to the Cardinal Health 110, LLC and Cardinal Health 411, Inc. Agreement where the amendments do not exceed 10% of the annual amount and do not significantly change the scope of services.

Attachments: [Board Report](#)

[Apexus Prime Vendor Agreement.pdf](#)

[Apexus Prime Participant Agreement.pdf](#)

Department of Social Services

15. a. Approve the Area Agency on Aging 2015-16 Area Plan Update; and
b. Authorize the Chair of the Board of Supervisors to sign the Area Plan Transmittal Letter

Attachments: [Board Report](#)
[AAA Area Plan Update 2015-16 042815](#)

16. Approve and authorize the Director of Department of Social Services, or his designee, to execute standard funding agreements and amendments for continued funding from state agencies for designated programs on behalf of the County for the period February 1, 2015 through December 31, 2016.

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

Criminal Justice

17. a. Approve the transfer of \$5,700 from the Juvenile Ward Trust Fund 020 to Fund 001, Department 2550-Probation for the purchase of recreational equipment, audio visual equipment and property boxes for juveniles in the Monterey County Youth Center and Juvenile Hall; and
b. Approve and authorize the Auditor-Controller to increase FY 2014-15 estimated revenues and appropriations totaling \$5,700 in Department 2550-Probation, Budget Units 8163-Juvenile Hall and 8164-Youth Center (4/5th vote required).

Attachments: [Board Report](#)
[Juvenile Ward Fund Details FY 14-15](#)

General Government

18. Approve and Authorize the Contract/Purchasing Officer to sign Amendment Number 8 to the Contractual Agreement No. A-07625 between the County of Monterey and the Megabyte Systems Inc. to implement the additional year of maintenance for the Megabyte Property Tax System for the fiscal year 2015-16 at a 0.8% COLA increase from the current annual rate not to exceed \$2,617.

Attachments: [Board Report](#)
[Amendment No. 8](#)
[Original Contract](#)
[Amendment Nos. 1-7](#)

19. Approve and authorize the write off of \$29,429.27 in delinquent principal, and to forgo collection of approximately \$8,100 in interest and late fees, as of May

5, 2015, on a Small Business Revolving Loan Fund loan made to Craig Heath, doing business as Castroville Ace Hardware, as uncollectible debt.

Attachments: [Board Report](#)

- 20.
- a. Approve and authorize an operating transfer of \$183,773.32 from the Information Technology Department (ITD), Fund 001, Unit 8436, Appropriation Unit INF002, to the NGEN Project Fund 405, Unit 8426, Appropriation Unit EME002, and the transfer of a fixed asset from the NGEN Project to ITD; and
 - b. Approve and authorize an increase of appropriations and estimated revenue in the Information Technology Department 1930 Fund 001-INF002-8436 in the amount of \$187,773.32 (4/5th vote required)

Attachments: [Board Report](#)

[Interdepartmental Agreement ECD.ITD](#)

[BOS Agreement No A-11897 File ID 14-144](#)

- 21.
- Set June 2, 2015 at 9:00 A.M. or thereafter for a public hearing to consider adoption of the Fiscal Year 2015-16 Appropriation Limits pursuant to Article XIII B of the California Constitution.

Attachments: [Board Report](#)

[Appropriation Limits - 15-16](#)

- 22.
- a. Approve and authorize the Contracts/Purchasing Officer to execute a fifteen-year Lease Agreement with WLKST Partners, LP, for 4,857 square feet of space located at 65 West Carmel Valley Road, Carmel Valley, California, for use by the Monterey County Free Libraries, Carmel Valley Branch;
 - b. Direct the Auditor-Controller to make lease payments of \$5,965.00 per month, effective July 1, 2015, and in accordance with the terms of the agreement; and
 - c. Authorize the Contracts/Purchasing Officer to make minor revisions to the Lease Agreement if deemed to be in the best interest of the County.

Attachments: [Board Report](#)

[Lease Agreement](#)

[Location Map](#)

- 23.
- Adopt Resolution to:
- a. Approve the Record Retention Schedule for the Assessor and the County Clerk/Recorder Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
 - b. Authorize the Assessor-County Clerk-Recorder or designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for the Assessor and the County Clerk/Recorder Department.

Attachments: [Board Report](#)
[Attachment A Draft Resolution](#)
[Attachment B ACCR Records Retention Schedule](#)

- 24.** Approve the Monterey County Board of Supervisors Draft Action Meeting Minutes for the following dates: Tuesday, January 27, 2015, Tuesday, February 3, 2015, Tuesday, March 3, 2015, Tuesday, March 10, 2015, Tuesday, April 7, 2015 and Tuesday, April 14, 2015.

Attachments: [Board Report](#)
[BOS Draft Action Minutes 01-27-2015](#)
[BOS Draft Action Minutes 02-03-2015](#)
[BOS Draft Action Minutes 03-03-2015](#)
[BOS Draft Action Minutes 03-10-2015](#)
[BOS Draft Action Minutes 04-07-2015](#)
[BOS Draft Action Minutes 04-14-2015](#)

- 24.1**
- a. Receive and accept the FY 2014-15 Financial Status Report through March 2015 for Parks General Fund 001; and
 - b. Approve and authorize the Auditor-Controller to amend the Parks Department FY 2014-15 Adopted Budget, Fund 001, Department 7500, Appropriation PAR001, to increase estimated revenue and appropriation by \$538,590 (4/5th vote required).

Attachments: [Board Report](#)
[Parks Fund 001 Q3 FYTD 2014-15 Financial Status Report.pdf](#)

- 24.2**
- a. Receive and accept the FY 2014-15 Financial Status Report through March 2015 for Parks Enterprise Fund 452; and
 - b. Approve and authorize the Auditor-Controller to release \$300,000 from the Laguna Seca Track Maintenance and Repairs Assignment - Fund 001 Balance Sheet Account 3129 and increase \$300,000 in appropriations in General Fund CAO Other Financing Uses - Fund 001 Department 1050 Appropriation CAO017 Unit 8038. Transfer \$300,000 from General Fund CAO Other Financing Uses - Fund 001 Department 1050 Appropriation CAO017 Unit 8038 Object 7614 to Parks Fund 452 Department 7500 Appropriation PAR004 Unit 8391 Object 5940 (4/5th vote required).

Attachments: [Board Report](#)
[Parks Fund 452 Q3 FYTD 2014-15 Financial Status Report.pdf](#)

RMA-Planning

- 25.**
- a. Ratify approval of an award from the California Ocean Protection Council for a grant in the amount of \$150,000 for “Collaborative Efforts to Assess Sea level Rise (SLR) Impacts and Evaluate Policy Options for the Monterey Bay Coast”;

- b. Ratify the authorization by the RMA Director, or his designee, to accept, administer, and execute documents to secure these funds from the California Ocean Protection Council;
- c. Ratify the approval of a sub-recipient agreement with Coastal Conservation and Research to undertake the grant work program;
- d. Approve an increase in appropriations and estimated revenue in the amount of \$50,000 in the FY 2014-15 Adopted Budget RMA Planning 001-3000-8172-RMA001 where the financing source is from grant reimbursements(4/5 vote required); and
- e. Authorize the Auditor Controller to modify the FY 2014-15 Adopted Budget to reflect the approved increases in appropriations and estimated revenue. (Climate Adaptation Planning Grant/REF130044)

Attachments: [Board Report](#)
[Attachment A - Grant Agreement](#)
[Attachment B - Sub-Recipient Agreement](#)

25.1

Adopt a Resolution:

- a. Certifying that the Board has considered the Environmental Impact Report for the Monterey County Government Center and the Supplemental Environmental Impact Report for the East and West Wings Renovation Project;
- b. Adopting Findings for project approval pursuant to the California Environmental Quality Act;
- c. Authorizing the East and West Wing and Administration Building tenant improvements and modular removal at the Government Center Facility located at 230 Church Street and 168 West Alisal Street, and modular removal at 111 West Alisal Street, Salinas; and
- d. Adopting a Mitigation Monitoring and Reporting Program. (REF140014/East/West Wing Improvements and Modular Removal, Government Center, Salinas) (ADDED VIA ADDENDUM)

Attachments: [Board Report](#)
[Attachment A - Resolution](#)
[Attachment B - Certified EIR](#)
[Attachment C - Certified Supplemental EIR](#)

RMA-Public Works

26.

Adopt Resolution to:

- a. Accept the 2014 Mileage of Maintained County Roads annual report; and
- b. Direct the Director of Public Works to forward said Resolution and tabulations to the California Department of Transportation.

Attachments: [BoardReport](#)
[Resolution](#)
[Attachment 1 Summary Sheet 2104 Mileage of Maintained County Roads](#)

27. Adopt Resolution to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020.

Attachments: [Board Report](#)
[Resolution](#)
[Location Map](#)

28. a. Award a contract to Granite Rock Company, the lowest responsible bidder, for the construction of the River Road Overlay project, Project No. 1724, with the bid amount of \$1,469,668;
b. Approve the Performance and Payment Bonds executed and provided by Granite Rock Company;
c. Authorize a contingency (not to exceed 10% of the contract amount) to provide funding for approved contract change orders;
d. Authorize the Director of Public Works to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed the 10% of the original contract amount, and do not significantly change the scope of work; and
e. Authorize the Director of Public Works to execute a Certificate of Completion and record a Notice of Completion with the County Recorder when he determines that the contract is complete in all respects in accordance with the Plans and Special Provisions for the construction of the River Road Overlay project, Project No. 1724, performed by Granite Rock Company.

Attachments: [Board Report](#)
[Project Budget](#)
[Bid Summary](#)
[Contract for Public Work](#)
[Performance Bond](#)
[Payment Bond](#)
[Location Map](#)

Addendum/Supplemental

29. Monterey County Board of Supervisors Addenda for the meeting of Tuesday, May 12, 2015.

SUPPLEMENTAL

Revise under Closed Session

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

(1) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Kimberley Moore, Assistant Director of Human Resources
Unit(s): ~~F, J, Q and V~~ (REVISED VIA SUPPLEMENTAL)

ADDENDUM

Add to Closed Session

1. c. (2) Designated representatives: Manuel Gonzalez, Interim Director of Human Resources and Brette Neal, Human Resources Manager
Units: A, D, E, F, G, H, J, K, S, X and Y (ADDED VIA ADDENDUM)

d. Pursuant to Government Code section 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of potential initiation of litigation. (ADDED VIA ADDENDUM)

Add to Consent Calendar - RMA Planning

25.1 Adopt a Resolution:

- a. Certifying that the Board has considered the Environmental Impact Report for the Monterey County Government Center and the Supplemental Environmental Impact Report for the East and West Wings Renovation Project;
- b. Adopting Findings for project approval pursuant to the California Environmental Quality Act;
- c. Authorizing the East and West Wing and Administration Building tenant improvements and modular removal at the Government Center Facility located at 230 Church Street and 168 West Alisal Street, and modular removal at 111 West Alisal Street, Salinas; and
- d. Adopting a Mitigation Monitoring and Reporting Program. (REF140014/East/West Wing Improvements and Modular Removal, Government Center, Salinas) (ADDED VIA ADDENDA)