Monterey County

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

Meeting Agenda - Final-revised

Tuesday, September 11, 2012
9:00 AM

See separate agendas for the Monterey County Water Resources Agency and East Garrison Community Services District.

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
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) Keep Fort Ord Wild v. County of Monterey, et al. (Monterey County Superior Court case no. M114961)
      (3) County of Monterey v. California-American Water Company (San Francisco Superior Court case no. CGC-12-521875)
      (4) Application of California-American Water Company (U210W) for Approval of the Monterey Peninsula Water Supply Project: Application 12-04-019
      (5) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)

   b. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Equal Opportunity Officer.

   c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
      (1) Designated representatives: Kimberley Moore and Brette Neal
          Employee Organizations: Units D, E, G, P, X, and Z

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

10:30 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 18 through 41).

Ceremonial Resolutions

3. Adopt Resolution proclaiming the month of September 2012 as “Hunger Action Month” in Monterey County. (Supervisor Potter)
   
   Attachments: Hunger Action Month Resolution

4. Adopt Resolution honoring James C. Bogan as the recipient of the State of California 27th Assembly District 2012 “Veteran of the Year” Award.
   (Supervisor Potter)

   Attachments: James C. Bogan Resolution

5. Adopt Resolution recognizing the week of September 17 - 23, 2012 as the 225th national celebration of “Constitution Week”. (Supervisor Potter)

   Attachments: Constitution Week 2012 Resolution

6. Resolution honoring Monterey County Free Libraries as the recipient of the Monterey County Historical Society Community Historic Award. (Supervisor Calcagno)

   Attachments: Monterey County Free Library Resolution

Appointments

7. Reappoint John Pedevilla; Suzanna Avalos and Margot Turner to the Gonzales Cemetery District, terms ending April 14, 2016. (Supervisor Salinas)

   Attachments: Pedevilla Notification to the Clerk
   Avalos Notification to the Clerk
   Turner Notification to the Clerk

8. Appoint Bertha Gonzalez to the Community Restorative Justice Commission, term ending December 31, 2014. (Supervisor Calcagno)

   Attachments: Gonzalez Notification to the Clerk

9. Appoint Charmaigne Scott to the Housing Authority of the County of Monterey, term ending September 11, 2014. (Supervisor Potter)
10. Reappoint Jim Felton to the Housing Advisory Committee, term ending August 26, 2014. (Supervisor Parker)

10.1 Correct the expiration term of Salvador Vasquez of the Pajaro Valley Water Management Agency from December 1, 2014 to December 1, 2012. (Full Board) ADDED VIA ADDENDUM

Other Board Matters

11. Board Comments

12. CAO Comments and Referrals

13. 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 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 Matter

14. Welcome Home Troops Ceremony and Reception

12:00 PM Recess to Lunch and Continued Closed Session

1:30 PM Reconvene - Monterey County Board of Supervisors

Roll Call

1:30 P.M. - Scheduled Matters

15. Public hearing to consider:
a. Denial of an appeal by Susan Pearson from the decision of the Director of the County Resource Management Agency-Planning Department granting a Design Approval (Bouhaja/PLN120220) for the following additions to an existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence;
b. Finding the project categorically exempt pursuant to CEQA Guidelines Section 15301 (e); and  
c. Approval of the Design Approval consisting of the following additions to an existing 2,034 square foot one-story residence: a new 489 square foot second story bedroom addition, a new 308 square foot attached garage, and 151 square foot storage area attached to the new garage, with colors and materials to match existing residence.  
(Appeal of Design Approval - PLN120220, Bouhaja, 26052 Highway 1, Carmel, Carmel Area Land Use Plan, Coastal Zone)  

Attachments:  
Attachment 1 - Discussion  
Attachment 2 - Draft Resolution Conditions & Sketch  
Attachment 3 - Notice of Appeal  
Attachment 4 - Design Approval Application  
Attachment 5 - Vicinity Map  
Attachment 6 - Correspondence  

16.  
Response to Board of Supervisors referral regarding the request of the Monterey Peninsula Mayors that the County become a member of the Monterey Peninsula Regional Water Authority.  

Attachments:  
Regional Water Authority BOS Referral  
Letter from Monterey Peninsula Regional Water Authority  

17.  
Approve the transfer of General Fund Contingency funds, in the amount of $83,300, for costs related to FY 2012-2013 payment of the pro-rata share of the cost to allow the County to become an ex-officio or full member of the Monterey Peninsula Regional Water Authority. (4/5th vote required)  

Attachments:  
Regional Water Authority Budget action 9-11-12.doc  

Adjournment  
In Memory of Morgan Stock  

Supplemental Sheet, Consent Calendar  

Health and Social Services  

18.  
a. Approve and authorize the Director of Health to sign a three fiscal year term (FY 2012-13, 2013-14 and 2014-15) Mental Health Services Agreement with Summitview Child and Family Services for the provision of mental health services in the annual amount of $52,805, for a total of $158,415, for the period July 1, 2012 through June 30, 2015; 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.
19. Amend Personnel Policies and Practices Resolution No. 98-394 to add the classification of Business Technology Analyst IV with the recommended salary range of $6,083 - $8,303; reclassify and reallocate a Business Technology Analyst III to Business Technology Analyst IV, Health Department Budget 4000, HEA12-8140; and authorize the County Administrative Office to incorporate the approved changes in the FY 2012-13 Adopted Budget.

20. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an agreement with Door to Hope, Inc. for $281,801 for the period July 1, 2012 through June 30, 2013 for the provision of perinatal substance abuse prevention and intervention services to Monterey County children and their families; approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign the First 5 Monterey County FY 2012-13 Agreement to Distribute Funds in the amount of $36,194 as the County’s match; and authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to these agreements where the total amendments do not exceed 10% of the original contract amounts, and do not significantly change the scopes of work.

21. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with McWilliams-Mailliard Technology Group, Inc. for $25,040 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2012 - June 30, 2014, including non-standard Mutual Indemnification in Exhibit A-1, sections 9.2 and 9.3; and authorize the Director of the Department of Social & Employment Services, or his designee, to sign up to three (3) amendments to this agreement where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work. (AGREEMENT; EXHIBIT A; PAGE 5 ADDED VIA SUPPLEMENTAL)

22. Authorize the Contracts/Purchasing Officer to sign a multi-year Grant
Agreement with First 5 Monterey County in the amount of $330,000 for the Probation Department’s Child Advocate Program during Fiscal Years 2012-15; and
b. Authorize the Contracts/Purchasing Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

**Attachments:** First 5 Monterey County SIGNED 2012-2015

23. a. Authorize the Auditor Controller to transfer funding in the amount of $80,000 from the CAO’s budget to Probation’s budget for the Monterey County Adult Placement program during FY 2012-13 (4/5ths vote required); and
b. Authorize the CAO’s Office to add 1.0 FTE Probation Aide to Department 2550-Probation.

24. a. Authorize the Contracts/Purchasing Officer to sign the Professional Service Agreement with Jim Guy, dba “Introspect” for Inmate Assessment and Intervention Programs at the Monterey County Sheriff’s Office, Custody Operations Bureau, in the amount of $167,004 per fiscal year for a three (3) fiscal year period beginning July 1, 2012 through June 30, 2015; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

**Attachments:** Agreement for Professional Services Introspect

25. a. Authorize the Contracts/Purchasing Officer to sign Amendment No.1 with Central Valley Toxicology for the Sheriff’s Office to increase the agreement amount by $126,000 for a revised total not to exceed amount of $180,000 and to renew the agreement by extending the term through June 30, 2014; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

**Attachments:** Amendment No 1 Central Valley Toxicology

26. a. Authorize the Contracts/Purchasing Officer to sign Amendment No.1 with Norman A. Traub Associates, for internal affairs investigative services, to extend the term one (1) additional year and to increase the agreement amount by $45,000 for a revised total amount not to exceed the sum of $65,000; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments to this agreement where the amendments do not significantly change the scope of work.

**Attachments:** Amendment No 1 Norman A. Traub Associates
27. a. Authorize the Contracts/Purchasing Officer to sign the Professional Service Agreement with Diocese of El Camino for religious programs at the Monterey County Sheriff’s Office, Custody Operations Bureau, in the amount of $59,143.92 per fiscal year for a three (3) fiscal year period of July 1, 2012 through June 30, 2015; and
b. Authorize the Contracts/Purchasing Officer to sign future amendments without further approval by the Board of Supervisors, provided that any such amendments, either individually or cumulatively with other such amendments, shall be limited to minor changes.

Attachments: Agreement for Professional Services The Episcopal Church

General Government

28. Adopt Resolution to:
   a. Approve the Records Retention and Disposition Schedule for the Litigation Records of the Office of County Counsel; and
   b. Authorize the County Counsel to destroy records after the retention periods in accordance with the approved Schedule. (4/5 vote required.)

Attachments: resolution.bos.for091112
             retentionschedule.exhA.for091112

29. a. Approve the County GIS-based Internet Mapping Public Access Policy; and
   b. Authorize Information Technology staff to implement the Policy as a County Service.

Attachments: Attachment 1 policy draft 081712
             Attachment 2 Liability Disclaimer 081712
             Attachment 3 data sets 081712

30. Approve the 2012-13 Secured Roll Tax Rates.


31. a. Accept the recommendation of the Monterey County Fish and Game Commission to award a $1,500 grant to Marine Life Studies to be used for printing educational material handed out to attendees on Whale Watching Boats; and
   b. Approve distribution of Fish and Game grant funds in the amount of $1,500 for the specified Marine Life Studies grant project for Fiscal Year 2012-2013.

Attachments: Abridged Minutes of MoCo FGC Meeting 8-14-2012.docx

32. Approve and authorize the County Administrative Officer, to Execute the Memorandum of Understanding between Monterey County and the Superior Court of California, County of Monterey (the Courts) for the provisioning of certain services.
33. Approve the transfer of General Fund Contingency funds, in the amount of $52,500, for costs related to the following:
1. Prepare a gang violence strategic plan and conduct a Board/department head workshop related to gang violence and AB 109 realignment issues; and
2. Provide for further implementation of the County’s performance management program, “Managing for Results,” through links to the County’s web page and preparation of an annual report. (4/5ths vote required)

34. a. Approve and authorize Tom Shepherd, Deputy Chief Park Ranger/Operations Manager to sign one (1) Standard Grant Agreement with the Department of Boating and Waterways for a new patrol boat (Agreement #12-204-755 for $80,000);
   b. Authorize the Auditor-Controller’s office to increase estimated revenues and appropriations totaling $80,000 in Appropriation Unit PAR004 (4/5 vote); and
   c. Authorize the Contracts/Purchasing Officer to approve purchase up to the approved grant amount $80,000 respectively.

35. Authorize the Auditor-Controller to amend the FY 2012-13 Office of Emergency Services Homeland Security Grant Fund 024 CAO024 Budget to increase estimated revenue and appropriation in the amount of $755,931 (4/5th vote required).

RMA - Planning

36. Approve a process for public participation in long range planning actions in the County’s coastal zone, including amending ordinances applicable in coastal areas and updating the County’s certified Local Coastal Program.
(Coastal Ordinances/LCP Process, Board Referral 2012.08, Coastal Zone)

RMA - Public Works

37. a. Accept a Grant of Public Utility Easement over a portion of APN 031-161-022 (“East Garrison Parcel C, Historic Buildings Site”) from the County of Monterey, as Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and construction of 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:**  
Vicinity Map  
Grant of Public Utility Easement

### 38.

a. Accept a Grant of Public Utility Easement over a portion of APN 031-164-130 ("East Garrison Parcel A, Library Site") from the County of Monterey, as Successor Agency to the Redevelopment Agency of the County of Monterey, for purpose of ingress and egress, and construction of 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

### 39.

a. Approve Amendment No. 1 to the Professional Services Agreement with Fonseca/McElroy Grinding Company, Inc., to continue to allow on-call rental of a fully operated, fueled and maintained asphalt grinding machine at various locations in the County as directed by the County of Monterey, Resource Management Agency - Department of Public Works and include on-call rental of a fully operated, fueled and maintained paver machine, in the amount of $130,000 for a total amount not to exceed $200,000, and extend the term to June 30, 2013; and  
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**Attachments:**  
Amendment No. 1 to Professional Services Agreement between County of Monterey and Fonseca McElroy Grinding Company inc  
County of Monterey Agreement for Professional Services

### 40.

a. Approve Amendment No. 4 to Professional Services Agreement No. A-11286 with Wood Rodgers, Inc., to include the second phase of work (Phase 2) associated with completion of environmental documentation and construction plans, specifications and engineer’s estimate for revised trail alignment for the Monterey Bay Sanctuary Scenic Trail - Moss Landing Segment, Project No. 866865, in the amount of $428,422.00 for a total amount not to exceed $1,732,577.79, and extend the term to June 30, 2014; and  
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to Professional Services Agreement No. A-11286 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.
Introduce, waive the reading, and set September 25, 2012, at 10:30 a.m., as the date and time to 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).

Attachements: Draft Ordinance
Redline Ordinance
Location Map
Proposed Speed Reduction Map

ADDENDUM/SUPPLEMENTAL 09-11-21

Add Under Appointments
10.1 Correct the expiration term of Salvador Vasquez of the Pajaro Valley Water Management Agency from December 1, 2014 to December 1, 2012. (Full Board)

SUPPLEMENTAL

CORRECTION

Under Consent - Health & Social Services
21. Revised Agreement: Exhibit A, Page 5 attached
   a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with McWilliams- Mailliard Technology Group, Inc. for $25,040 to provide license and subscriptions to the AACTS software for Adult Protective Services staff for the period July 1, 2012 - June 30, 2014, including non-standard Mutual Indemnification in Exhibit A-1, sections 9.2 and 9.3; 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 where the total amendments do not exceed 10% of the original contract amount, and do not significantly change the scope of work