Monterey County

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

Meeting Agenda - Final-revised

Tuesday, October 15, 2013

9:00 AM

Board of Supervisors

Chair Fernando Armenta - District 1
Vice-Chair Louis R. Calcagno - District 2
Supervisor Simón Salinas - District 3
Supervisor Jane Parker - District 4
Supervisor Dave Potter - District 5
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 AM 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(d)(1), the Board will confer with legal counsel regarding existing litigation:
   (1) Charles Vold and Juan Polanco v. Natividad Medical Center, et al. (Monterey County Superior Court case no. M122108)

b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
   (1) Designated representatives: James May and Brette Neal
   Employee Organizations: All Units

c. Pursuant to Government Code section 54957(b)(1), the Board will provide a performance evaluation for the County Counsel.

d. Pursuant to Government Code sections 54956.9(d)(2) and 54956.9(d)(4), the Board will confer with legal counsel regarding one matter of significant exposure to litigation and/or potential initiation of litigation.

e. Pursuant to Government Code section 54956.9(e)(3), the Board will confer with legal counsel regarding liability claims against the County of Monterey.
   (1) City of Carmel-by-the-Sea
   (2) City of Del Rey Oaks
   (3) City of Gonzales
   (4) City of King City
   (5) City of Marina
   (6) City of Monterey
   (7) City of Pacific Grove
   (8) City of Salinas
   (9) City of Sand City
(10) City of Seaside
(11) City of Soledad

f. Pursuant to Government Code sections 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to 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 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. Approval of Consent Calendar (See Supplemental Sheet)

Ceremonial Resolutions

3. Adopt Resolution proclaiming October 2013 as “Disability Employment Awareness Month” in Monterey County. (Supervisor Armenta)

   Attachments: Disability Employment Awareness Month Resolution

Appointments

4. Appoint Elisa M. Lagana, DPM to the Area Developmental Disabilities Board VII for a term ending January 1, 2016. (Supervisor Armenta)

   Attachments: Lagana Notification to Clerk

5. Appoint Sandy Fuerte to the Equal Opportunity Advisory Commission, term is concurrent with the Supervisors term. (Supervisor Armenta)

   Attachments: Fuerte Notification to Clerk

6. Appoint Pushpa Iyer to the Domestic Violence Coordinating Council, term ending January 1, 2016. (Supervisor Parker)

   Attachments: Iyer Notification to Clerk
Other Board Matters

7. Board Comments

8. CAO Comments and Referrals

   Attachments:  Referrals 101513

9. 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

9.1 Public Hearing to consider:
   a. County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2014;
   b. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of two (2) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner’s consent.
   c. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of two (2) Contracts with the County Recorder on or before November 1, 2013 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.
   (REF130093 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-087 and No. 68-094) (ADDED VIA ADDENDUM)

   Attachments:  Attachment A - County-wide Non-Renewal Map and individual Aerial Photo Map
                  Attachment B - Notice of Public Hearing
                  Attachment C - [Proposed] Resolution
                  Attachment D - [Proposed] County-initiated Notices

10. a. Receive, review and approve the Managing for Results (MFR) Fiscal Year (FY) 2012-2013 Annual Report; and
    b. Provide direction to staff as appropriate.

   Attachments:  2012-2013 Managing For Results Annual Report

Adjournment
Supplemental Sheet, Consent Calendar

Natividad Medical Center

11. Approve and authorize a Release from Liability and Hold Harmless Agreement between the County of Monterey and the City of Salinas to temporarily enter and utilize the property at Natividad Medical Center Building 700 and / or Building 740 to conduct SWAT Team training exercises.

Attachments: NMC SWAT Training Agreement Rev.pdf

12. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute an Agreement with Nuance Communications Inc. for Dragon Medical 360 Edition Network Software/Hardware, Licensing, Installation, Training and Maintenance Services at NMC in an amount not to exceed $792,755 for the period October 15, 2013 to August 31, 2016.

Attachments: Nuance Communications Inc

Health Department

13. a. Approve and authorize the Contracts/Purchasing Officer to execute a five year Lease Agreement, effective October 1, 2013, with Shelter Outreach Plus, a non-profit 501 (c) (3) public benefit corporation, for approximately 1,596 rentable square feet of space located at 299 12th Street, in Marina, California, aka County of Monterey Integrated Health Care Services for the provision of homeless services to individuals and families; and

b. Authorize the extension of the Lease Agreement for one additional five (5) year period under the same terms and conditions, and make minor revisions to the Lease Agreement if deemed by the Contracts/Purchasing Officer to be in the best interests of the County.

Attachments: BRA 13-238 Lease.pdf

Criminal Justice

14. a. Approve and authorize the Chief Probation Officer to sign the Memorandum of Understanding with the Monterey County Office of Education for the High Risk Youth Education and Public Safety Program - Through and Beyond Program to receive funds in the amount of $185,909 from July 1, 2013 through June 30, 2014; and

b. Authorize the Chief Probation 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: MCOE - Through and Beyond Grant 2013-2014.pdf
General Government

15. a. Approve and authorize the Contracts/Purchasing Officer to sign Master Agreements with La Sirenita Tree Service, New Image Landscape Company, South Bay Tree Care, Inc., Urban Lumberjacks, Inc., Topes Tree Service, Tree Tek Co., and West Coast Arborists, Inc., for the provision of tree pruning and tree removal services to the County of Monterey for the term of the date of signing through and including June 30, 2016, including the option to extend the Agreements for two (2) additional one (1) year periods, with an annual aggregate amount of not to exceed $1,000,000 for all Agreements issued under RFP #10428 in accordance with the terms and conditions set within each Agreement; and
b. Authorize the Contracts/Purchasing Officer to sign additional Master Agreements for tree pruning and tree removal services with qualified contractors who meet the minimum requirements of the County of Monterey.

Attachments:  09-25-13 ConPur - La Sirenita Tree Service Agreement
               09-25-13 ConPur - New Image Landscape Co Agreement
               09-25-13 ConPur - South Bay Tree Care Inc Agreement
               09-25-13 Urban Lumberjacks Inc Agreement
               09-25-13 ConPur - Topes Tree Service Agreement
               09-25-13 ConPur - Tree Tek Co Agreement
               09-25-13 West Coast Arborists Inc Agreement

16. a. Receive a report on the Pajaro Neighborhood Park project;
b. Authorize the Auditor-Controller to increase appropriations in the Successor Agency Castroville/Pajaro Fund 406-1070-8421-6613-DEO023 in the amount of $3,204,941;
c. Authorize the Auditor-Controller to increase revenues in the Successor Agency Castroville/Pajaro Fund 406-1070-8421-5050-DEO023 in the amount of $3,204,941; and
d. Authorize the Auditor-Controller’s Office to incorporate the approved appropriation and revenue increases into the FY2013-14 Budget.

RMA - Public Works

17. a. Approve Amendment No. 4 to Professional Services Agreement MYA #3000*282 with Kitchell/CEM, Incorporated to continue to provide services associated with on-call facilities, architecture and engineering services and landscape architecture design services (RFQ #10249), in the amount of $56,200 for a total amount not to exceed $570,633, of which $148,200 is towards the 20 East Alisal Street 2nd Floor Tenant Improvements - Probation Project, Project No. 8787; and
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 4 to Professional Services Agreement MYA #3000*282 and future amendments that do not significantly alter the scope of work or change the approved Agreement.

**Attachments:** Pavement Management Fiscal 2014

19. a. Approve and ratify a Professional Services Agreement with Axiom Engineers, Inc. to provide mechanical engineering services including construction support services for the 20 E. Alisal Street Second Floor Tenant Improvements, Project No. 8787, for a total amount not to exceed $2,900, for a term of August 8, 2013 to June 30, 2014;

b. Approve and ratify a Professional Services Agreement with Aurum Consulting Engineers Monterey Bay, Inc. to provide electrical construction support services for the 20 E. Alisal Street Second Floor Tenant Improvements, Project No. 8787, for a total amount not to exceed $2,500, for a term of August 23, 2013 to June 30, 2014; and

c. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreements and future amendments to these Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

**Attachments:** PSA with Axiom Engineers, Inc.  
PSA with Aurum Consulting Engineers Monterey Bay, Inc.  
Location Map

20. Addendum for Board of Supervisor’s agenda for Tuesday, October 15, 2013

**Add Under Closed Session**

1. Closed Session under Government Code section 54950, relating to the following items:

   f. Pursuant to Government Code sections 54956.9(d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation.

**Add Under Scheduled Matters 10:30 a.m.**

9.1 Public Hearing to consider:

a. County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2014;

b. Consider adoption of Resolution approving County-initiated Notices of Non-Renewal for portions of two (2) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements
and/or with the Property Owner’s consent.
c. Direct the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of two (2) Contracts with the County Recorder on or before November 1, 2013 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program. (REF130093 - County initiated Notices of Non-Renewal 2014 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-087 and No. 68-094)