AGENDA
Tuesday, May 5, 2009

The Clerk of the Board will issue a Supplemental Agenda on the Friday preceding this meeting. To see if there are any changes, please go to the County’s website at, http://monterey.granicus.com/ViewPublisher.php?view_id=5 or call the Clerk of the Board office at 755-5066. Urgency items, submitted after posting of the Supplemental Agenda and/or Regular Agenda, may be read in by the Clerk of the Board at the beginning of the meeting.
**MEETING PROCEDURES**

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.

The agenda is divided into two sections:

**REGULAR CALENDAR:** These items include significant financial and administrative actions, and items of special interest, usually approved by a single majority vote for each program. The regular calendar also includes “Scheduled Matters,” which are noticed hearings, work sessions 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 a single 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.
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY REDEVELOPMENT AGENCY
TUESDAY, MAY 05, 2009
9:00 AM

AGENDA

9:00 A.M.

ROLL CALL:

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 Section 54954.2 of the California Government Code.

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 with legal counsel regarding existing litigation:
      (1) Dan Mitchell, et al. v. County of Monterey (USDC Case No. C08-01166-JW)
      (2) Monterey County Health Department, Animal Services Division v. Stanley Silva, Jr.

   b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
      Designated representatives: Keith Honda and Patricia Covert
      Employee organizations: All Units

   c. Pursuant to Government Code section 54956.9(b), the Board will confer with legal counsel regarding two items of significant exposure to litigation.

10:30 A.M.

ROLL CALL:

3. Pledge of Allegiance

4. 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.
5. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

6. CONSENT CALENDAR - MONTEREY COUNTY REDEVELOPMENT AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

7. Board Comments, Referrals, and Updates

8. CAO Comments

9. Public Comment (Limited to 3 minutes per speaker):
   
   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 statements 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. Authorize Chair of the Board to sign and send letter to the Speaker of the California State Assembly nominating Supervisor Dave Potter to a seat on the California Coastal Commission. (Full Board)

11. Modify Board of Supervisors Meeting Schedule to add Tuesday, June 30, 2009 as a Regularly Schedule Meeting and take additional scheduling actions, as the Board deems appropriate.

12. Adopt Resolution proclaiming the week of May 10 through May 16, 2009, as “National Hospital Week” in Monterey County. (Full Board)

13. Adopt Resolution Honoring Sue Miess upon being recognized for her many contributions to the Equal Opportunity Advisory Commission and the County of Monterey. (Supervisor Potter)

14. Adopt Resolution proclaiming the month of May, 2009, as "Clean Air Month" in Monterey County. (Full Board)

15. Adopt Resolution honoring Commander Alan F. Wheelus, upon his retirement from the Monterey County Sheriff's Office after 25 years of public service. (Full Board)

APPOINTMENTS:


17. Appoint Maria Castillo, Local SEIU 521 representative, to the Equal Opportunity Advisory Commission, term ending December 31, 2010. (Full Board)
18. Appoint Tom Espinoza to the Housing Authority of Monterey County, term ending April 1, 2013. (Supervisor Potter)

19. Appoint Natalie Rodda to fill an unexpired term to the Cachagua Fire Protection District, term ending May 5, 2012. (Supervisor Potter)

**SCHEDULED MATTERS:**

**S-1**

a. Receive report from the Legislative Committee and JEA & Associates and consider position on Statewide ballot measures (Propositions 1A-1F) Special Election scheduled for May 19, 2009;

b. Receive report and consider Legislative Committee recommendation of "support and watch if modified" regarding the Employee Free Choice Act and adopt the draft resolution; and

c. Receive Federal Legislative update memo from Matt Thomas of Troutman Sanders, LLC.

**S-2**

a. Approve and amend Personnel Policies and Practices Resolution No. 98-394 to adjust the salary range, as indicated in the Board Order, for the following classifications at Natividad Medical Center: Cardiopulmonary Technician I, Cardiopulmonary Technician II, Senior Cardiopulmonary Technician, Clinical Laboratory Assistant, Senior Clinical Laboratory Assistant, Clinical Laboratory Technician, Clinical Laboratory Scientist, Senior Clinical Laboratory Scientist, Supervising Clinical Laboratory Scientist, Nuclear Medicine Technologist, Sonographer, and Physical Therapist Assistant;

b. Authorize the Auditor-Controller to make the adjustment retroactive to February 28, 2009 and pay the incumbent employees retroactive to February 28, 2009;

c. Direct and authorize the Auditor-Controller to increase Natividad Medical Center Budget Unit 960 revenues and appropriations for Fiscal Year (FY) 2008-09 Adopted Budget in the Amount of $230,138 (4/5th vote required); and

d. Direct the Auditor-Controller’s Office and the County Administrative Office to amend the FY 2009-10 budget and incorporate approved changes in the FY 2009-10 adopted budget.

**S-3**

a. Approve and amend Personnel Policies and Practices Resolution No. 98-394 to add the following classifications at Natividad Medical Center: Hospital Network & Systems Engineer, Hospital Information Systems Support Technician, Hospital Security & Database Administrator, Hospital Clinical Informaticist, Hospital Software Analyst I, Hospital Software Analyst II, and Hospital Software Analyst III;

b. Approve and amend Natividad Medical Center Budget Unit 960 to add two (2.0) FTE Hospital Network & Systems Engineer, two (2.0) FTE Hospital Information Systems Support Technician, one (1.0) FTE Hospital Security & Database Administrator, one (1.0) FTE Hospital Clinical Informaticist, and four (4.0) FTE Hospital Software Analyst III;
c. Direct the Auditor-Controller to amend the Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to reflect the change in position count; and

d. Direct the Auditor-Controller’s Office and the County Administrative Office to amend the FY 2009-10 Budget and incorporate approved changes in the FY 2009-10 adopted budget.

12:00 P.M.

Recess to Lunch – Closed Session

1:00 P.M. RECONVENE

ROLL CALL:

SCHEDULED MATTERS:

S-4 Receive a PowerPoint presentation from Urban Community Partners on the results of the Downtown Salinas Design Charrette.

S-5 a. Conduct a Public Hearing on the Initial Study and Mitigated Negative Declaration for the San Miguel Canyon Road and Castroville Boulevard Intersection Improvement Project; and
   b. Certify a Mitigated Negative Declaration for the San Miguel Canyon Road and Castroville Boulevard Intersection Improvement Project.

S-6 a. Receive and approve the Five-Year Capital Improvement Plan for Fiscal Years 2010 through 2014, with the updates listed in this report; and
   b. Approve the FY 2009-2010 capital funding, with the updates listed in this report for further consideration in the FY 2009-2010 Annual Budget process.

S-7 a. Amend Article I.E. of the Monterey County Master Fee Resolution to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Division pursuant to the Fee Schedule attached; and
   b. Direct the Auditor-Controller's Office and the County Administrative Office to amend the Fiscal Year (FY) 2008-09 Budget and incorporate approved changes in the FY 2009-10 Adopted Budget.

S-8 Continue the Public Hearing to May 19, 2009 on the project consisting of:
   a. Lot Line Adjustment of 3.47 acres between two parcels reducing APN167-061-032-000 (Riehl) from 52.0 acres to 48.53 acres and increasing APN167-061-033-000 (Mohsin) from 245.51 acres to 249.0 acres;
   b. Amendments to the General Plan and Toro Area Plan to: 1) Amend land use map for 17-acres (APN: 167-061-029-000/Samoske) from Farmland/40 acre minimum (F/40) to Low Density Residential with a Special Treatment Area (STA) Overlay; 2) Amend land use map for 266-acres (APN 167-061-033-000/Mohsin) from Permanent Grazing/40 acre minimum (PG/40) to Low
Density Residential with a STA Overlay; and 3) Adopt Toro Area Plan policy 30.1.1.2(T), establishing language for a STA Overlay that would generally allow a maximum of 14 new single-family residential lots on the lower 72 acres with agricultural buffers and the upper 249 acres would remain Permanent Grazing;
c. Zoning Ordinance to: 1) change the zoning designation of 17 acre parcel (APN 167-061-029-000/Samoske) from F/40-D to LDR/5-VS; and 2) change the zoning designation of the lower 55 acres of a 249-acre parcel (APN 167-061-033-000/Mohsin) from PG/40-D to LDR/5-VS with 194 acres remaining PG/40; and
d. Combined Development Permit consisting of: 1) a 14-lot residential subdivision, and 2) Administrative Permit for a small water system. The proposed subdivision includes Agricultural Buffer Plans for reduced agricultural buffers.
(Certify EIR - PLN980516/Mohsin-Samoske Subdivision, 874, 884, and 870 River Road, Salinas, Toro Area Plan)

ORDER FOR ADJOURNMENT
TO TUESDAY, MAY 12, 2009

Future Board Meetings:
Tuesday, May 19, 2009
Tuesday, May 26, 2009 – No Meeting
Tuesday, June 2, 2009
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

20. Approve and authorize the Director of Health to sign Amendment No. 1 to a Mental Health Services Agreement No. A-11196 with Davis Guest Home, Inc. for the provision of mental health treatment services to adults with severe psychiatric disabilities, increasing the Agreement in the amount of $81,600 for Fiscal Year 2008-09, $244,623 for each Fiscal Year 2009-10 and 2010-11, for a total maximum Agreement amount of $1,344,227.

21. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an Agreement with the California Department of Community Services and Development in an amount not to exceed $900,000 allocated to the Community Action Partnership from the American Recovery and Reinvestment Act to provide employment support services to low-income residents of Monterey County. The funding will be available one-time-only from July 1, 2009 through September 30, 2010; 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 ten percent (10%) of the original contract amount, and do not significantly change the scope of work.

CRIMINAL JUSTICE:

22. Approve and authorize the Sheriff’s Office to apply for a grant for three (3) fully funded civilian positions, Senior Records Specialist, Public Information Officer (Management Analyst II), and Department Information Systems Manager II, with the U. S. Department of Justice, Bureau of Justice Assistance Recovery Act Edward Byrne Memorial Competitive Grant Program for a two (2)–year period in the amount of $801,188.

23. Approve and authorize the Sheriff's Office to apply for a grant through the American Recovery and Reinvestment Act of 2009 State and Local Law Enforcement Assistance Program for eight (8) fully funded Deputy Sheriff positions for the Custody Operations Bureau (COB) for a two (2) year period in the amount of approximately $2,038,000.

24. Approve and authorize the Sheriff's Office on behalf of the Monterey County Joint Gang Task Force to apply for a grant from the U. S. Department of Justice, Bureau of Justice Assistance Recovery Act Edward Byrne Memorial Competitive Grant Program Comprehensive Community-Based Data-Driven Approaches to Preventing and Reducing Violent Crime for a two (2) year period in the amount of $6,000,000.
25. a. Approve and authorize the Sheriff to purchase one new prisoner transport cargo van with caging and other safety equipment in the amount of $40,000; and 
b. Direct the Auditor-Controller to increase the fixed asset appropriation and estimated revenue of $40,000 in the Budget Unit 251 (4/5th vote required).

**GENERAL GOVERNMENT:**

26. a. Approve amendment No. 1 to Professional Services Agreement dated March 6, 2009, with Veronica Tam and Associates to increase the amount of the Agreement by $74,910 for the preparation of the Housing Element Update; total amount of the agreement not to exceed $94,910; 
b. Approve and authorize the Chair to sign a Funding Agreement between the County and the Redevelopment Agency to provide funding for the Amendment No.1; and 
c. Direct the Auditor-Controller to amend Fiscal Year 2008-09 budget to increase estimated revenues and appropriations in Fund 11, Budget Unit 287 by $74,910 (4/5th vote required).

27. Receive report regarding the Office of Emergency Services’ Quarterly Work Plan for the period of April through June 2009.

28. Approve the Partnership Agreement between the Monterey County Office of Education, the Monterey County Administrative Office and the Monterey County Office of Emergency Services relating to the Monterey County Office of Education's "Readiness and Emergency Management for Schools" grant for 2009.

**RMA - PUBLIC WORKS:**

29. a. Approve amendment No. 2 to Professional Services Agreement No. A-11044 with Turner Construction Company in the amount of $279,318 for a total amount not to exceed $1,099,988 to provide additional construction management services for the Monterey County Health Department Building Project and extend the term through November 30, 2009; and 
b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to the Professional Services Agreement No. A-11044 and future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original Agreement amount and do not significantly alter the scope of work.

30. a. Waive any irregularities in the bid received from John F. Otto, Inc. dba Daniels House Otto Construction, the lowest responsible bidder, as immaterial, and disallow any and all bid protests; 
b. Award a contract in the total amount of $1,674,000 to John F. Otto, Inc. dba Daniels House Otto Construction, the lowest responsible bidder, to Construct Improvements consisting of Addition to and Renovation of the Agricultural Commissioner’s Building, 1428 Abbott Street, Salinas, California, Project No. 8810, Bid No. 10165;
c. Approve the Performance and Payment Bonds executed and provided by Travelers Casualty and Surety Company of America;
d. Authorize a contingency (not to exceed fifteen percent [15%] of the contract amount) to provide funding for approved contract change orders; and
e. Authorize the Director of Public Works to execute the contract, and subject to the terms of the Public Contract Code, approve amendments to the contract where each amendment does not exceed $96,200, the total of the amendments do not exceed fifteen percent (15%) of the original contract amount, and any amendments do not significantly change the scope of work.

31. a. Accept the Public Works Report on the status of the County Road System;
b. Direct the Department of Public Works to continue to implement the annual General Fund support for the Chip Seal Program;
c. Direct the Department of Public Works to continue to aggressively explore other funding sources for pavement management, rehabilitation, and overlay of the County’s arterial road system to meet the ten (10) year Recovery Plan objectives, including ongoing consideration in the annual budget process; and
d. Direct the Director of Public Works to prepare an annual report on pavement conditions and present the report to the Board near the end of each calendar year.

RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY

32. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
a. Approve and authorize the Chair to sign a Funding Agreement between the County and the Redevelopment Agency in the amount of $74,910 to provide funding for a portion of the cost of preparing the Housing Element Update; and
b. Authorize the transfer of $56,160 from Fund 405, $7,500 from Fund 407, and $11,250 from Fund 406 into Fund 11 Budget Unit 287.

33. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
a. Approve and authorize the Chair to sign a Covenant with the California Department of Toxic Substances Control to Restrict Use of Property - Environmental Restriction, Parcels E8a.1.2, E8a.1.3, E8a.1.4 (a portion), E8a.1.5, and E8a.1.1.2 (a portion), also known as the "Landfill Border Parcels", at the former Fort Ord; and
b. Direct the Clerk of the Board of Supervisors to record the Covenant.

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ADDENDUM for Tuesday, May 5, 2009
AGENDA ADDENDA

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE AGENDA SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Under Closed Session:

2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (3) Monterey County Deputy Sheriffs’ Association v. County of Monterey, et al. (MCSC Case No. M97873)

Under Scheduled Items:

S-9 Consider continuation to May 12, 2009 of the Moss Landing Community Plan to:
   b. Process specific project applications within Moss Landing concurrently with the update of the Community Plan
   c. Approve preparation of an Environmental Impact Report associated with the Moss Landing Community Plan update and projects which will be processed simultaneously, where the direct cost of the EIR, and half the administrative cost, will be paid for by the project proponents. (PD080541 – Moss Landing Community Plan, North County Coastal Land Use Plan, Coastal Zone)

TITLE CORRECTIONS

THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Under Other Board Matters:

19. Appoint Natalie Rodda to fill an unexpired term to the Cachagua Fire Protection District, term ending May 5, 2012 November 30, 2012. (Supervisor Potter)