AGENDA
Tuesday, March 13, 2012
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 intérprete, 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 intérprete. Los pedidos se deberán hacer lo más 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
MONTEREY COUNTY BOARD OF SUPERVISORS
MONTEREY COUNTY WATER RESOURCES AGENCY
BORONDA COUNTY SANITATION DISTRICT
TUESDAY, MARCH 13, 2012
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 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

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) City of Greenfield v. Linda Tulett, Registrar of Voters for Monterey County (Monterey County Superior Court case no. M116214)
      (2) LandWatch Monterey County v. County of Monterey (Monterey County Superior Court case no. M109434)
      (3) The Open Monterey Project v. Monterey County Board of Supervisors (Monterey County Superior Court case no. M109441)
      (4) Carmel Valley Association, Inc. v. Board of Supervisors of the County of Monterey (Monterey County Superior Court case no. M109442)
      (5) Salinas Valley Water Coalition, et al. v. County of Monterey (Monterey County Superior Court case no. M109451)

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

   c. Pursuant to Government Code section 54957, the Board will confer regarding discipline, dismissal, or release of one public employee.

   d. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
(1) Designated representatives: Izetta Birch and Brette Neal
Employee Organizations: Units E and S

Acting as the Board of Supervisors of the Monterey County Water Resources Agency:

CLOSED SESSION

e. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
   (1) In the Matter of the Application of California-American Water Company (Application 04-09-019)
   (2) Ag Land Trust v. Monterey County Water Resources Agency, et al. (Monterey County Superior Court case no. M110691)
   (3) Monterey Coastkeeper v. Monterey County Water Resources Agency (Monterey County Superior Court case no. M108858)

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

g. Pursuant to Government Code section 54956.9(c), the Board will confer with legal counsel regarding one matter of potential initiation of litigation.

h. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Water Resources Agency General Manager.

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

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)

Recess

Convene as the Board of Directors of the Boronda County Sanitation District
BORONDA COUNTY SANITATION DISTRICT

ROLL CALL

6. CONSENT CALENDAR – BORONDA COUNTY SANITATION DISTRICT
(See Supplemental Sheet)

Adjourn

Reconvene as Monterey County Board of Supervisors

MONTEREY COUNTY BOARD OF SUPERVISORS

CEREMONIAL RESOLUTIONS

7. Adopt Resolution recognizing "Undisclosed Recipient" as the 2012 Al Smith Friend of Agriculture Award recipient. (Supervisor Calcagno)

8. Adopt a Resolution Supporting the Big Sur International Marathon for the year 2012. (Chair Potter)

APPOINTMENTS

9. Appoint Ronald Holland to the Military & Veterans Affairs Commission, term ending January 1, 2015. (Full Board)

10. Appoint Daniel Presser to the Military & Veterans Affairs Commission to fill an unscheduled vacancy, term ending January 1, 2013. (Full Board)

11. Appoint Nancy Russell to the Moss Landing County Sanitation District Citizens’ Advisory Committee, term ending March 24, 2015. (Supervisor Calcagno)

12. Appoint Gwen E. Foote to the Commission on the Status of Women, term ending February 1, 2015. (Supervisor Armenta)

13. Reappoint Alycia Young, Shannan Watkins, Cathy Nyznyk, Theresa Ikstrums, and Kendra Bobsin to the Child Care Planning Council, terms ending December 31, 2012. (Full Board)

14. Reappoint Larry Drury, Maria Guerrero, Noemy Loveless, Eileen McCourt, Jennifer Mancera, Megan Mosquera, and Lauryn Rodriguez to the Child Care Planning Council, terms ending December 31, 2013. (Full Board)

OTHER BOARD MATTERS

15. a. Adopt Resolution proclaiming the month of March 2012 as “Tsunami Awareness and Preparedness Month” in Monterey County; and

b. Accept National Oceanic and Atmospheric Administration (NOAA) recognition for Monterey County for “Tsunami Ready” status.
16. Board Comments

17. CAO Comments and Referrals

18. Public Comment (Limited up to 3 minutes per speaker at the discretion of the Chair)

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.

SCHEDULED MATTERS

S-1 Receive an annual report presentation from the United Way Monterey County about the Health and Human Service information and referral service (2-1-1) offered throughout the County of Monterey.


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

1:30 P.M. RECONVENE

MONTEREY COUNTY BOARD OF SUPERVISORS

SCHEDULED MATTERS

S-3 Public Hearing to:
  a. Deny the appeal of Mark and Gayle Comer from the discretionary decision by the Planning Commission to partially deny a Fee Waiver Request;
  b. Waive and ratify the refund of planning code violation fees of $9,406.95;
  c. Waive building code violation fees of $16,172.58; and
  d. Provide direction to staff to analyze County impacts of the fee waiver policy.
(Appeal, Discretionary Decision – PLN060768/Comer, 19014 Pesante Rd, Prunedale, North County Area Plan)

ADJOURNMENT

In Memory of John Pack
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER

19. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-11723) with McKesson Technologies, Inc. for Horizon Medical Imaging Radiology, Picture Archiving and Communication System (PACS) and related systems services at NMC in an amount not to exceed $2,749,633 in the aggregate (an increase of $149,663) for the period February 28, 2012 to June 30, 2015.

20. a. Authorize the Purchasing Manager for NMC to execute a Master Agreement for Construction Management Services for projects not to exceed $100,000 per Request for Proposals RFP #9600-24 and;
   b. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Agreements with JKL Construction, Origin Solutions, Ausonio Inc. and Integrated Construction Management for Construction Management Services per the RFP #9600-24; and
   c. Authorize the Purchasing Manager for NMC to establish a total obligation for all project contracts combined not to exceed $400,000 per year for the period February 1, 2012 through January 31, 2015.

21. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 6 to the Agreement (A-10748) with Jennifer D'Attilio for Speech Therapy Services at NMC extending the Agreement to June 30, 2013 and adding $360,577 for a revised total Agreement amount not to exceed $1,229,000 in the aggregate.

HEALTH AND SOCIAL SERVICES

22. a. Approve Amendment No. 1 to the Employment Agreement with Dr. Alia Karim a current Contract Physician in the Health Department; and
   b. Authorize the Director of Health to execute Amendment No. 1.

GENERAL GOVERNMENT

23. Approve the Action Minutes of the Monterey County Board of Supervisors of Tuesday, January 10, 2012.

24. a. Approve and authorize the Contracts/Purchasing Officer on behalf of the Information Technology Department to execute a Professional Services Agreement with Columbia Telecommunications Corporation for the period of March 20, 2012 through June 30, 2013 in the amount of $15,240 for the provision of consulting services for the upgrade of the government channel broadcasting system; and
b. Accept non-standard insurance provided by the vendor as recommended by the Director of Information Technology.

25. a. Accept the recommendation of the Monterey County Fish and Game Commission to award six (6) funding grants; and
b. Approve the distribution of Fish and Game grant funds in the amount of $19,000 for specified grant projects for Fiscal Year 2011-2012.

26. Approve an Application for Order Authorizing Destruction of Records for the Parks Department.

27. Approve recommendation from the Monterey County Parks Commission to name the environmental center at Toro Park, "The Penny Welsh Environmental Center."

28. a. Adopt Resolution of support for the Monterey Bay National Heritage Alliance seeking a National Heritage Area (NHA) designation for Monterey, San Benito and Santa Cruz Counties; and
b. Authorize the Chair of the Monterey County Board of Supervisors to sign the letter of transmittal to the Monterey Bay National Heritage Area Alliance.

29. Approve the amended Conflict of Interest Code of the Marina Coast Water District with a clerical correction.

30. Approve the amended Conflict of Interest Code of the Housing Authority of the County of Monterey.

31. Approve the Conflict of Interest Code of the Monterey County Airport Land Use Commission with a clerical correction.

32. Extend the Administrative Proclamation of Local Emergency due to the conditions of high surf and rising river levels at the Carmel Lagoon causing conditions of extreme peril to the safety of persons and property along Scenic Road and adjoining neighborhoods signed by the Administrative Officer on November 16, 2011 for an additional thirty days in accordance with California Government Code Section 8630 (4/5ths vote required).

**RESOURCE MANAGEMENT AGENCY**

33. a. Adopt Resolution accepting a Quitclaim Deed transferring ownership of land on the former Fort Ord designated as Parcels E11b.6.3, E11b.7.1.2, and E11b.7.2 (Habitat Reserve Parcels), and Parcel L20.19.1.2 (a portion of Barloy Canyon Road) from the Fort Ord Reuse Authority to the County of Monterey, authorizing the Chair of the Board to sign the Quitclaim Deed, and accepting Parcel No. L20.19.1.2 into the County-maintained road system; and
b. Direct the Clerk to the Board to record the signed deed with the County Recorder.
34. a. Approve Change Order No. 02 to Agreement No. A-12076 with The Don Chapin Company, Inc., for the 855 E. Laurel Bldg A - Equipment and Stormwater Management, Project No. 8542, Bid Package No. 10290, in the amount of $19,393, for a total contract value of $90,350;  
b. Authorize a contingency (not to exceed 10% of the new contract amount) to provide funding for approved contract change orders; and  
c. Authorize the Director of Public Works to execute Change Order No. 02 to Agreement No. A-12076 with The Don Chapin Company, Inc., and subject to the terms of the Public Contract Code, approve subsequent contract change orders where the total subsequent change orders do not exceed 10% of the new contract amount, and do not significantly alter the project's scope.

35. a. Approve and authorize the Contracts/Purchasing Officer to execute a Grant of Easement, effective March 13, 2012, to New Cingular Wireless PCS, LLC, a Delaware limited liability company for purpose of ingress and egress and construction of utility connections over County-owned property located at 1410 Natividad Road, Salinas, California;  
b. Approve the Performance Bond executed and provided by New Cingular Wireless PCS, LLC, a Delaware limited liability company; and  
c. Authorize the Director of Public Works to record the Grant of Easement and accept the Performance Bond provided by New Cingular Wireless PCS, LLC, a Delaware limited liability company.

36. a. Find that the purchase of the 28,850 square feet office building located at 20 East Alisal Street in Salinas CA (APN 002-232-014 & 015) is categorically exempted from CEQA per Section 15301 of CEQA Guidelines;  
b. Approve a Commercial Property Purchase Agreement and Joint Escrow Instructions with Crocker Corner Partnership to purchase the 28,850 square feet office building located at 20 East Alisal Street in Salinas CA (APNs 002-232-014 & 015), for the amount of $4,650,000 for use by the Probation Department and other collaborative County Departments and supportive programs;  
c. Authorize the Contracts/Purchasing Officer to execute the Commercial Property Purchase Agreement and Joint Escrow Instructions, and any necessary transfer documents to complete the purchase, including Certificate of Acceptance and Consent to Recordation on behalf of the County; and  
d. Authorize the expenditure of up to $5.2 million for the sale as outlined in the final closing documents and $2.1 million to expedite completion of code and tenant improvements.

37. Adopt Resolution:  
a. Accepting the Certificate of Completion for construction of the tenant improvements consisting of Addition and Renovation of the Agricultural Commissioner's Building, 1428 Abbott Street, Salinas, California, Project No. 8810, Bid No 10165; and
b. Authorizing the Director of Public Works to execute and record the Notice of Completion for tenant improvements consisting of Addition and Renovation of the Agricultural Commissioner's Building, 1428 Abbott Street, Salinas, California, Project No. 8810, Bid No. 10165, performed by John F. Otto, Inc. dba Daniels House Otto Construction.

38. Adopt Resolution to:
   a. Confirm the sale of County-owned real property located at 26 Central Avenue in Salinas, California (formerly Monterey County Free Libraries Administration Building), APN 002-164-020 to Taylor Fresh Foods, Inc. for the purchase price of $500,000;
   b. Authorize the Auditor-Controller to amend the Fiscal Year (2011-12) adopted budget by increasing appropriations and estimated revenues to the Resource Management Agency's Appropriation Unit 404-3000-RMA015-8174 Capital Projects in the amount of $500,000;
   c. Authorize the Auditor-Controller to permit payment in the amount of $465,751 net sale proceeds to the City of Marina to fulfill the County's full share contribution for the construction of a new MCFL Administration Office facility per the Board approved November 9, 2004 Construction and Operations Agreement with the City of Marina. Payment will be made from Appropriation Unit RMA015 Capital Projects; and
   d. Authorize the Auditor-Controller to permit transfer of $34,249 from Appropriation Unit RMA015 Capital Projects to Appropriation Unit RMA003 Architectural Services in the amount of $26,914; and RMA006 Real Property in the amounts of $1,179; and Monterey County Free Library LIB001 in the amount of $6,156 to recover costs expended on the sale of the property (4/5ths vote required).

39. Adopt Resolution:
   a. Accepting the Certificate of Completion for Modular Building No. 5 Relocation, from 168 West Alisal Street, Salinas, CA to Natividad Medical Center, Project No. 8841, Bid Package No. 10325; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for Modular Building No. 5 Relocation, Project No. 8841, performed by R. Jensen Company, Inc.

40. a. Approve the recommended Fiscal Year (FY) 2011-12 reallocation of capital funds to be funded from Facility Master Plan Implementation, Fund 404, as shown on Attachment 2;
   b. Approve the recommended capital projects to be funded in FY 2011-12; and
   c. Authorize the modification to the adopted FY 2011-12 Budget from $4.1 million to $8.78 million.

41. a. Approve the Plans and Specifications for Integrated Health Clinic Services Center, 298 12th Street, Marina, CA Project No. 8834, Bid Package No. 10351; and
   b. Authorize the Director of Public Works to advertise the Notice to Contractors in *The Californian*. 
42. a. Approve the Plans and Specifications for Refurbish Youth Center Kitchen - 970 Circle Drive, Salinas, CA, Project No. 8538, Bid Package No. 10310; and
b. Authorize the Director of Public Works to advertise the Notice to Contractors in *The Californian*.

BORONDA COUNTY SANITATION DISTRICT

43. Acting as the Board of Directors of the Boronda County Sanitation District adopt Resolution:
   a. Establishing the Public Works Advisory Committee for Boronda County Sanitation District - San Jerardo Area pursuant to the Resolution No. 80-12;
   b. Appointing members and alternates of the Public Works Advisory Committee for Boronda County Sanitation District - San Jerardo Area; and
   c. Adopting the Boronda County Sanitation District – San Jerardo Area Public Works Advisory Committee By-Laws.

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