AGENDA
Tuesday, February 9, 2010

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 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.
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

CLOSED SESSION

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

a. Pursuant to Government Code section 54956.8, the Board of Directors of the Redevelopment Agency will confer with real property negotiators.
   (1) Property: The East Garrison Project (generally bounded by Reservation Road to the north and west, Watkins Gate Road to the south and Travel Camp Road to the east)
   Negotiators: Jim Cook for the Agency; Union Community Partners for the developer
   Under negotiation: Price and terms

b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) In re: Daniel Masto, M.D. (Division of Labor Standards Enforcement Case No 12-77002 SB)
   (2) McLaughlin v. County of Monterey, et al. (MCSC Case no. M94151)
   (3) County of Monterey v. Nova Partners, et al. (MCSC Case no. M96829)

c. Pursuant to Government Code section 54956.8, the Board will confer with real property negotiators.
   (1) Property: 312 East Alisal Street, Salinas
      County negotiator: Wayne Tanda, RMA Director
      Negotiating Parties: The County of Monterey and the City of Salinas
      Under negotiation: Price and terms
   (2) Property: County owned property at the corner of Laurel Drive and Constitution Boulevard, Salinas (APNs 003-851-021, -024, and -027)
      County negotiator: Wayne Tanda, RMA Director
      Negotiating parties: County of Monterey and the City of Salinas.
Under negotiation: Price and Terms

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

e. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding a liability claim against the County of Monterey.
   (1) Barbara Grant

f. 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

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.

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)

OTHER BOARD MATTERS:

6. Board Comments

7. CAO Comments and Referrals

8. 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.

9. Adopt Resolution honoring Dorothy Giannini as the 2010 Monterey County Cattlewoman of the Year. (Supervisor Calcagno)
9.1 Adopt Resolution honoring Norman Braga as Soledad Mission Chamber of Commerce’s Citizen of the Year. (Supervisor Salinas)

9.2 Adopt Resolution honoring Fire Chief Richard Foster as Soledad Mission Chamber of Commerce’s Friend of the Community. (Supervisor Salinas)

9.3 Adopt Resolution honoring Soledad Health Care District as the Soledad Mission Chamber of Commerce’s Business of the Year. (Supervisor Salinas)

9.4 Adopt Resolution honoring A&G Pumping as the King City Chamber of Commerce and Agriculture’s Business of the Year. (Supervisor Salinas)

9.5 Adopt Resolution honoring Sarah Christina Nash as the King City Chamber of Commerce and Agriculture’s Friend of the Community. (Supervisor Salinas)

9.6 Adopt Resolution honoring Ron Bernard as the Monterey County Cattlemen’s Association Cattleman of the Year. (Supervisor Salinas)

9.7 Adopt Resolution honoring Frank Lopez in recognition of his selection as the King City Chamber of Commerce and Agriculture’s 2009 Citizen of the Year. (Supervisor Salinas)

9.8 Adopt Resolution honoring Susan McCall upon her retirement from the Monterey County District Attorney’s Office after 35 years of service. (Full Board)

**APPOINTMENTS:**

10. Reappoint Laura Caballero to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Supervisor Salinas)

11. Reappoint Eldon Pura to the Greenfield Public Recreation District, term ending December 31, 2013. (Supervisor Salinas)

12. Reappoint Juan Sanchez to the Military and Veterans Affairs Advisory Commission, term ending January 1, 2013. (Supervisor Salinas)

13. Appoint Gloria De La Rosa to the Commission on the Status of Women to fill an unexpired term, ending February 1, 2012. (Supervisor Salinas)

14. Reappoint Richard Godoy to the Soledad Cemetery District, term ending February 1, 2014. (Supervisor Salinas)

15. Reappoint Allan Panzier to the Greenfield Fire Protection District, term ending November 30, 2013. (Supervisor Salinas)
16. Appoint Chief J. Michael Klein to the Community Restorative Justice Commission to fill an unexpired term, ending September 16, 2011. (Full Board)

16.1 Reappoint Juan Sanchez to the Monterey County Planning Commission, term ending January 23, 2014. (Supervisor Armenta)

16.2 Reappoint Joel Hill to the Greenfield Public Recreation District, term ending December 31, 2013. (Supervisor Salinas)

16.3 Reappoint Richard Medley to the Fish and Game Commission, term ending February 1, 2013. (Supervisor Calcagno)

16.4 Reappoint Frank Gomes to the Fish and Game Commission, term ending February 1, 2013. (Supervisor Calcagno)

SCHEDULED MATTERS:

S-1 Consider adoption of an Ordinance of the County of Monterey amending Paragraph D of Section 2.32.030 of the Monterey County Code relating to the specific duties of the Purchasing Agent to lease, license and acquire any interest in real property, subject to the conditions set forth in Paragraph D.

S-2 a. Review the information for each of the issues presented in the attached Capital Issue Report and the recommendations of the Capital Improvement Committee; and
b. Provide direction to staff on its preferred option for inclusion in the Draft Five Year Capital Improvement Plan and/or consideration in the Fiscal Year 2010-11 Recommended Annual Budget Process.

12:00 P.M.

Recess to Lunch

1:30 P.M. RECONVENE

ROLL CALL:

S-3 Continued Public Hearing to:
   a. Consider denial of the appeal from the Planning Commission's determination that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D;
   b. Find that the Red Barn operations are in violation of Use Permits ZA-3117, ZA-3567-D, and ZA-3629-D for 1) outdoor retail sales outside the approved area (ZA-3117), 2) landscaping not in conformance with the approved landscaping plan (ZA-3629-D), and 3) parking and storage of vehicles outside the approved area (ZA-3567-D);
c. Determine that the uses allowed on the "Red Barn" property are those uses stated in the resolutions adopted for ZA-3117, ZA-3567-D, and ZA-3629-D; and

d. Modify the conditions of approval for Use Permits ZA-3117, ZA-3567-D and ZA-3629-D to include new conditions of approval.

(Appeal - PD080726/Stagecoach Territory ('Red Barn'), 1000 Highway 101, Aromas, North County Area Plan)

S-4 Continued from Tuesday, February 2, 2010 to:
Consider approving the application from Frances M. Ellingwood to add the Ellingwood Hay Barn ("Red Barn") to the County's Local Official Register of Historic Resources, as recommended by the County's Historic Resources Review Board.

ORDER FOR ADJOURNMENT
TO TUESDAY, FEBRUARY 23, 2010

Future Board Meetings:
Tuesday, February 16, 2010 – Special Meeting at CSUMB
Tuesday, March 2, 2010
Tuesday, March 9, 2010 – No Meeting
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

17. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Ciber, Inc. for Project Advisor and IT Strategist Services at NMC in an amount not to exceed $310,000 for the period January 30, 2010 through December 31, 2010.

18. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No.1 to the Agreement with Healthcare Services Management Inc. (HSM) for MediTech Project Manager Services per RFP #9600-1 at NMC in an amount not to exceed $399,490 (an increase of $89,490) for the period February 1, 2010 through September 30, 2010.

19. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with Cloud Solutions, Inc. for Information Technology Network Engineer services at NMC in an amount not to exceed $150,000 for the period December 1, 2009 through June 30, 2010.

20. Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute the Agreement with NetXperts, Inc. for project management and network engineering information technology services at NMC in an amount not to exceed $330,000 for the period January 1, 2010 through December 31, 2010.

HEALTH AND SOCIAL SERVICES:

21. Approve and authorize the Director of Health to sign Amendment No. 2 to Mental Health Services Agreement No. A-11273 with CF Merced Behavioral, LLC dba Country Villa Merced Behavioral Health Center for services to adults with severe psychiatric disabilities, increasing the Agreement in the amount of $483,161 for Fiscal Year (FY) 2009-10 and FY 2010-11 for a total increase in the amount of $966,322 and a revised total Agreement amount of $1,877,428.

22. a. Approve and amend Health Department Budget 4000, Public Health Bureau, HEA003 Revenue and Appropriation budget in the amount of $1,261,766 to incorporate increased funding in the Women, Infants and Children (WIC) and Public Health Emergency Response and reductions in funding in the HIV/AIDS programs;
   b. Amend Health Department Budget 4000, Public Health Bureau, HEA003 to add three (3.0) FTE Chronic Disease Prevention Specialist I in the WIC program;
   c. Approve and amend Health Department Budget 4000, Clinic Services Bureau, HEA007 Appropriation and Intra Fund Reimbursement in the amount of $203,700; and
d. Direct the Auditor-Controller to amend adopted Fiscal Year (FY) 2010 Health Department Budget 4000, Public Health Bureau, HEA003 to reflect the change in position count and increase in Revenue and Appropriation, and Health Department 4000, Clinic Services Bureau, HEA007 to reflect the increase in Appropriation and Intra Fund Reimbursement as outlined in the attached Board Order. (4/5th vote required)

23. a. Approve and amend the Health Department's Behavioral Health Bureau Budget HEA002 to reallocate one (1.0) FTE Clinical Psychologist, 3.10 FTE Psychiatric Social Worker II, one (1.0) FTE Behavioral Group Counselor II, one (1.0) FTE Senior Psychiatric Social Worker, and 0.7 FTE Behavioral Health Aide vacant positions to five (5.0) FTE Behavioral Health Unit Supervisor positions; and
b. Direct the Auditor-Controller to amend the Fiscal Year (FY) 2009-10 Health Department Behavioral Health Bureau Budget to reflect the change in position count.

24. Approve a customer rate increase and service fee adjustments effective January 1, 2010, as shown on amended Exhibit 13.02 - Rate Schedule and amended Exhibit 13.01a - Service Fee Schedule, pursuant to Amendment No. 5 of the Northeastern Franchise Agreement, originally approved by the Board of Supervisors on February 24, 2009.

25. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Amendment No.1 to the Agreement with Housing Resource Center of Monterey County to provide low-income residents with financial counseling and temporary housing and rental assistance, adding $60,828 and increasing the total contract amount to $120,828 for the period July 1, 2009 June 30, 2010; and
b. Authorize the Director of the Department of Social and 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.

GENERAL GOVERNMENT:

26. a. Approve a Master Consultant Agreement with Cottage and Castles Real Estate, Inc. not to exceed $815,675 to assist in administering the Monterey County Neighborhood Stabilization Program 1; and
b. Authorize the Director of the Redevelopment and Housing Office to make minor modifications to and execute the Agreement.

27. Approve the use of County Park facilities by the Salinas Korean Christian Church on June 20, 2010 for one function by the Salinas Korean Christian Church in compliance with Monterey County Code 14.12.130.
28. Accept the Annual Report for Fiscal Year (FY) 2008-2009 from the Monterey County Fish and Game Advisory Commission.


30. Approve the recommendation of the Overall Economic Development Commission (OEDC) to fund the Fall Fiscal Year (FY) 2009-10 Development Set-Aside re-granting proposal submitted by the Arts Council for Monterey County (ACMC) in the amount of $145,000.

31. Adopt Resolution to approve and authorize a Pay and Leave Policy to support the Advantage Human Resources Management and Payroll system.

RMA - PLANNING DEPARTMENT:

32. a. Authorize Planning Director to execute "Release of Liability" from "Land Conservation Agreement No. 68-93" established per Resolution No. 68-56-93, between the County of Monterey, a political subdivision of the State of California, and Sumner D. Gould and Anna M. Gould to current property Owner, Neil P. Mussallem;
   b. Direct Clerk of the Board to record "Release of Liability" with the County Recorder; and
   c. Rescind and supersede the previous Board Order adopted on October 20, 2009.

33. Item deleted.

RMA - PUBLIC WORKS:

34. a. Approve and authorize the Contracts/Purchasing Officer to execute a two (2) year Standard Lease Agreement, effective January 1, 2010, with LIFE Foundation Monterey, LLC, a California limited liability company, at 1000 South Main Street, Suites 205, 302, and 313 in Salinas, California, for 7,955 rentable square feet for use by the Department of Social and Employment Services;
   b. Direct the Auditor-Controller to make lease payments in the amount of $13,841.70 per month and in accordance with the terms of the Standard Lease Agreement; and
   c. Authorize the optional extension of the Standard Lease Agreement for an additional second and third term at two years each under the same terms and conditions if deemed by the Contracts/Purchasing Officer to be in the best interest of the County.

35. a. Approve Plans and Special Provisions for the Procurement (Delivery and Application) of Asphalt Emulsion to chip seal and fog seal approximately 42 miles of selected roads throughout Monterey County for the Seal Coat 2009 Project (Contract No. 10-551019); and
b. Authorize the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on February 15 and February 22, 2010.

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MONTEREY COUNTY

BOARD OF SUPERVISORS

Addendum for Tuesday, February 9, 2010

Item Removed Under Closed Session:

2. b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (3) County of Monterey v. Nova Partners, et al. (MCSC Case no. M96829)

Item Removed Under Consent - General Government:

31. Adopt Resolution to approve and authorize a Pay and Leave Policy to support the Advantage Human Resources Management and Payroll system.

Item Added Under Consent RMA – Planning Department:

33.1 a. Pursuant to Government Code Section 66456.1 and MCC Section 19.03.04, concur with the applicant’s request and staff’s recommendation to file multiple final maps;
   b. Accept a Final Map for Phase I of the Kennedy Standard Subdivision consisting of one 5.1 acre parcel (Lot 6) and a 125.25- acre remainder parcel. Subsequently, Phase II, consisting of dividing a 125.25-acre parcel into nine 5.1 acre parcels, one 39.35-acre parcel and a 40-acre remainder parcel, will be submitted to the Board of Supervisors.
   c. Accept the Parcel Map Guarantee and Tax Report from the Tax Collector;
   d. Direct the Clerk of the Board to submit the Parcel Map, Deed Restriction and Water Conservation Notice (Notice of Water Conservation Requirement) to the County Recorder for recording; and
   e. Authorize the Chair of the Water Resources Agency to execute the Agreement Regarding Drainage and Flood Control System and direct the Clerk of the Board to submit it to the County Recorder for filing.
   (PLN060014/Kennedy)

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