AGENDA
Tuesday, March 24, 2009

**** Please Note Meeting Start Time 9:00 AM****

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 anticipio 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.
AGENDA

ROLL CALL:

1. Pledge of Allegiance

2. 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.

3. CONSENT CALENDAR - REGULAR (See Supplemental Sheet)

OTHER BOARD MATTERS:

4. Board Comments, Referrals, and Updates

5. CAO Comments

6. 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.

7. Authorize the Chair to execute a letter on behalf of the Board of Supervisors to the Speaker of the California State Assembly nominating Supervisor Dave Potter for a reappointment to serve on the California Coastal Commission.

8. Adopt Resolution honoring Bruna Cerri Odello, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

9. Adopt Resolution honoring Terrin Eisemann, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

10. Adopt Resolution honoring Carole Erickson, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

11. Adopt Resolution honoring Tina Starkey Lopez, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)
12. Adopt Resolution honoring Margaret Noroian, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

13. Adopt Resolution honoring Dianne Carrillo-Estrada, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

14. Adopt Resolution honoring Wendy Brickman, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

15. Adopt Resolution honoring Angie Morfin, upon her selection as one of eight Outstanding Women of Monterey County for 2009. (Full Board)

16. Adopt Resolution honoring the Vice-Governor, the residents of Hebei Province, and the People's Republic of China for their sincere appreciation in welcoming and hosting Monterey County Supervisor Louis R. Calcagno and the North Monterey County High School Condor Band, representing the community of Castroville (The Artichoke Center of the World), the Salinas Valley (The Salad Bowl of the World), and the County of Monterey, California, on their Peace Through Music Tour of the People's Republic of China. (Supervisor Calcagno)

17. Adopt Resolution honoring the Hebei Tourist People's Government Administration, and the People's Republic of China for their sincere appreciation in welcoming and hosting Monterey County Supervisor Louis R. Calcagno and the North Monterey County High School Condor Band, representing the community of Castroville (The Artichoke Center of the World), the Salinas Valley (The Salad Bowl of the World), and the County of Monterey, California, on their Peace Through Music Tour of the People's Republic of China. (Supervisor Calcagno)

18. Adopt Resolution honoring the Principal Shijiazhuang No. 1 High School, and the People's Republic of China for their sincere appreciation in welcoming and hosting Monterey County Supervisor Louis R. Calcagno and the North Monterey County High School Condor Band, representing the community of Castroville (The Artichoke Center of the World), the Salinas Valley (The Salad Bowl of the World), and the County of Monterey, California, on their Peace Through Music Tour of the People's Republic of China. (Supervisor Calcagno)

19. Adopt Resolution honoring the People's Liberation Army Women's Band, and the People's Republic of China for their sincere appreciation in welcoming and hosting Monterey County Supervisor Louis R. Calcagno and the North Monterey County High School Condor Band, representing the community of Castroville (The Artichoke Center of the World), the Salinas Valley (The Salad Bowl of the World), and the County of Monterey, California, on their Peace Through Music Tour of the People's Republic of China. (Supervisor Calcagno)

20. Adopt Resolution honoring an “undisclosed recipient” for their exemplary service to the Salinas Valley River Channel Coalition. (Supervisor Calcagno)
21. Adopt Resolution honoring the Central Coast Center for Independent Living for their advocacy, education and support to people with disabilities, their families, and the community. (Supervisor Calcagno)

22. Adopt Resolution honoring the Silver Star Resource Center for receiving the California School Boards Association 2008 “Golden Bell Award.” (Supervisor Calcagno).

23. Adopt Resolution honoring Rancho Cielo Youth Campus for receiving the California School Boards Association 2008 “Golden Bell Award” and the California Cities and Counties Association 2008 “Cities Counties, and Schools Award.” (Supervisor Calcagno)

24. Adopt Resolution proclaiming March 31, 2009, as “Cesar E. Chavez Day.” (Full Board)

APPOINTMENTS:

25. Appoint Mario Salazar to fill an unexpired term on the Commission on Disabilities, term ending December 31, 2009. (Full Board)

26. Appoint Richard Rangel to the In Home Supportive Services Advisory Committee (IHSS), term ending June 30, 2010. (Supervisor Parker)

27. Appoint Mayor Maria Orozco, City of Gonzales, to fill an unexpired term on the Community Restorative Justice Commission, term ending October 28, 2011. (Full Board)

28. Reappoint Cindy Smith-Jones to the North Monterey County Recreation & Park District, term ending November 30, 2012. (Supervisor Calcagno)

SCHEDULED MATTERS:

S-1 a. Consider approval of the response to the Monterey County Civil Grand Jury 2008 Final Report; and
b. Direct the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by April 13, 2009.

S-2 Per the Board’s direction, the Jehovah Witnesses South Spanish Congregation (PLN080185/ZA06672) project was continued from the March 17, 2009 hearing to March 24, 2009 for further consideration of a letter from the applicants’ representative requesting a one (1) year continuance. This report presents two options for the Board’s consideration:
1. Adopt Resolution to:
   a. Grant the appeal by Marjorie Kay from the Minor Subdivision Committee’s adoption of a Mitigated Negative Declaration and approval
of a Coastal Development Permit PLN080185/Jehovah Witnesses South Spanish Congregation/ZA06672); and
b. Deny Coastal Development Permit (PLN080185/Jehovah Witnesses South Spanish Congregation) consisting of a Tentative Parcel Map creating four parcels of 3 acres, 3 acres, 3 acres, and 11 acres.

2. Grant a one year Continuance to March 23, 2010 to:
   a. Place any final action on hold in order for the applicants to pursue solutions to water issues affecting the project, including a program with the California Coastal Commission (CCC) that would mitigate water impacts of this and other similar “pipeline” projects that have been appealed by/to the CCC, specifically Rancho Roberto, Rancho Los Robles, and Sunridge Views; and
   b. The matter will be set for denial on March 23, 2010, unless an acceptable solution to the water issues affecting the project is identified and proposed by the applicants, or unless additional time is requested by the applicants.

S-3  a. Conduct a public hearing and adopt Resolution to approve the transfer of $20,000 in Community Development Block Grant Program Income from the Small Business Revolving Loan Fund into the CDBG Planning and Technical Assistance Grant for the San Lucas water system improvement study; and
   b. Direct the Auditor Controller to amend the Fiscal Year 2008-09 budget to increase estimated revenues and appropriations in Fund 16, Budget Unit 575 by $20,000 (4/5th vote required).

S-4  a. Conduct a Public Hearing on the Initial Study and Mitigated Negative Declaration for the Las Lomas Drive Bicycle and Pedestrian Path Project; and
   b. Adopt the Initial Study and Mitigated Negative Declaration for the Las Lomas Drive Bicycle and Pedestrian Path Project.

CLOSED SESSION

Closed Personnel and Litigation Session to be held at the conclusion of the Board’s Consent or Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

29. Additions and Corrections for Closed Session:

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.

30. 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. Kenneth Rozin vs. County of Monterey
   
b. Pursuant to Government Code section 54956.95, the Board will confer with legal counsel regarding liability claims:
   1. Jason Scott Chioino
   2. Justin R. Gallaway

c. 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

d. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   1. Lunding vs. County of Monterey, et al. (MCSC case no. M96219)

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

f. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

**12:00 P.M.**

Recess to Lunch

**1:30 P.M. RECONVENE**

**ROLL CALL:**

**CONTINUE CLOSED SESSION**

Closed Personnel and Litigation Session to be held at the conclusion of the Board's Consent or Regular Agenda, or at any other time during the course of the meeting announced by the Chairperson of the Board.

**ORDER FOR ADJOURNMENT TO TUESDAY, MARCH 31, 2009**

Future Board Meetings:
Tuesday, April 7, 2009 – No Meeting
Tuesday, April 14, 2009
Tuesday, April 21, 2009
CONSENT CALENDAR

NATIVIDAD MEDICAL CENTER:

31. Approve and authorize the Purchasing Manager of Natividad Medical Center (NMC) to execute an Agreement with First Alarm Security and Patrol, Inc., for Security and Patrol Services at NMC in an amount not to exceed $150,000 for the term April 1, 2009 through June 30, 2009 per Master Agreement RFP No. 9808.

32. Approve and amend Personnel Policies and Practices Resolution No. 98-394 to add the following new classifications at Natividad Medical Center: Electroencephalographic (EEG) Technologist and Hospital Director of Environmental Services.

33. a. Approve Amendment No. 5 to the Agreement with Aureus Radiology, LLC in an amount not to exceed $1,148,800, (an increase of $200,000) for Diagnostic Imaging & Cardio-Pulmonary Services at Natividad Medical Center for the period January 1, 2009 to June 30, 2009; and

   b. Direct the Auditor-Controller to amend Fiscal Year (FY) 2008-09 Natividad Medical Center Budget Unit 960 to reflect the changes in revenues and appropriations as outlined in the Board Order. (4/5th vote required)

HEALTH AND SOCIAL SERVICES:

34. Approve and authorize the Director of Health to sign Amendment No. 4 to Agreement No. A-10586 with Sun Street Centers to increase the existing Agreement amount of $5,517,275 by $47,505 to the new Agreement amount of $5,564,780.

35. Approve amendments to Conflict of Interest code of the Department of Social and Employment Services of Monterey County.

36. a. Approve and authorize the Director of Health to sign an Agreement with Sun Street Centers, for the provision of drug treatment residential and outpatient services effective January 1, 2009 through September 30, 2010, for a total amount not to exceed $183,704; and

   b. Authorize the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which does not significantly alter the scope of work or result in an increase to net county costs.

37. Approve and authorize the Director of Health to sign Amendment No. 1 to Agreement No. A-10552 with the Family Service Agency of the Central Coast for the provision of suicide prevention services for Monterey County residents, extending the term to June 30, 2010 and increasing the Agreement in the amounts of $46,500 for January 1, 2009 through June 30, 2009 and $87,000 for July 1,
38. a. Authorize the Director of Health to approve and sign a Professional Services Agreement with James Stubblefield, M. D., for the period of March 1, 2009 through February 28, 2010 for Medical Director services for the Emergency Medical Services Agency, in the total amount of $73,652 upon receipt of all required and updated documents and certificates of professional liability insurance;
   b. Authorize the modification of the County standard insurance requirements pertaining to General Liability Insurance and Business Automobile Liability Insurance; and
   c. Authorize the Director of Health to approve future amendments up to five percent (5%) of the annual amount, which does not significantly alter the scope of work or result in an increase to net county costs.

39. a. Approve and authorize the Health Department's Public Guardian Budget Unit 416 to increase Fiscal Year (FY) 2008-09 estimated revenues and appropriations in the amount of $235,470 (4/5th vote required); and
   b. Direct the Auditor-Controller to amend the FY 2008-09 Health Department Budget Unit 416, as outlined in the Board Order.

GENERAL GOVERNMENT:

40. Adopt a Vending Machine Policy for vending machines and vending consolidation within the County of Monterey in order to provide nutritional beverages and snacks.

41. Receive an informational copy of the response by the Sheriff to the Monterey County Civil Grand Jury 2008 Final Report.

42. Approve and adopt revisions to the Bylaws of the Monterey County Commission on Disabilities.

43. Approve the application from Roger and Anne Blattberg to add the Joan Baez House and Studio to the County's Local Official Register of Historic Resources, as recommended by the County's Historic Resources Review Board.

44. a. Approve an addendum to the certified Castroville Community Plan EIR as CEQA compliance for the Castroville Merritt Street Safety Improvement Project;
   b. Approve Resolution that authorizes the submittal of an application to the California Department of Housing and Community Development for an Infill Infrastructure Grant in the amount of $1,653,399 for the Castroville Merritt Street Safety Improvement Project; and
   c. Authorize the Director of the Redevelopment and Housing Office to make minor modifications to and sign the grant application submittal documents as
well as any contracts, amendments and other documents related to the application and grant funds.

45. Approve the Action Minutes of Tuesday, February 24, 2009; Tuesday, March 3, 2009; having been previously distributed to the Board.

RMA - PLANNING DEPARTMENT:

46. a. Approve a Funding Agreement with Lon and Morley Moellentine where the Base Budget is $4,820, the County Surcharge is $241, with a Contingency of $723, for a total amount not to exceed $5,784, to allow funding to Monterey County for costs incurred by Denise Duffy & Associates, Inc., and the County Planning Department to provide peer review of geotechnical field explorations to assist in determining the "average natural grade" at 26195 Scenic Road in Carmel (PLN040581), for a term through June 30, 2009; and

b. Authorize the Director of Planning to execute the Funding Agreement 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.

(Contract - PD060228/Denise Duffy and Associates, County-wide)

47. a. Accept the Conservation and Scenic Easement Deed for Alexandre and Sybilla Balkanski/PLN060441 for property located at 9525 Pias Ranch Road, Big Sur (APN: 419-251-012-000) PC96001, Big Sur area, Coastal Zone;

b. Authorize the Chair of the Board of Supervisors to sign the Conservation and Scenic Easement Deed; and

c. Direct the Clerk of the Board to submit the Conservation and Scenic Easement Deed to the County Recorder for filing/recordation.

(Conservation and Scenic Easement Deed -PLN060441/Balkanski, 9525 Pias Ranch Road, Big Sur Coastal LUP area)

48. a. Approve a lot line adjustment between four separate parcels under Land Conservation Contract No. 70-1, with no net decrease in acreage under Williamson Act contract; as shown on the proposed lot line adjustment map on file in Planning File No. PLN080090, subject to the Findings and Evidence in Exhibit B, and Conditions of Approval in Exhibit C;

b. Adopt a Resolution authorizing the Chair to execute new or amended Land Conservation Contracts in order to rescind a portion of the existing Land Conservation Contract No. 70-1 as applicable to the reconfigured, contracted parcels only, and simultaneously execute new or amended Land Conservation Contract No. 70-1B for the reconfigured, contracted parcels between the County and Henry Alexander Ranch LP, reflecting the new legal descriptions, any new ownership interests and to incorporate any legislative changes to State Williamson Act provisions and current County Agricultural Preserve Policies or Procedures; and

c. Direct the Clerk of the Board to record the new or amended contracts.
(Lot Line Adjustment - PLN080090/Henry Alexander Ranch LP, between Sargents and Powell Canyon Roads, San Ardo, South County Area Plan)

RMA - BUILDING SERVICES:

49. a. Award a contract in the amount of $180,000 to the Office of Administrative Hearings, the sole provider, to preside over Building Services and Health Departments’ administrative hearings for code enforcement cases during the 6-month evaluation and reporting period commencing in May 2009 and ending in October 2009; and

b. Authorize the Building Services Director to execute the contract.

(Contract - PLN040372/Administrative Procedures, County-wide)

RMA - PUBLIC WORKS:

50. a. Adopt Resolution amending the Mileage of Maintained County Roads; and

b. Authorize the Director of Public Works to forward the resolution, maps, and tabulations to the California Department of Transportation.

51. a. Approve Change Order No. 2 to Agreement No. A-09964 with Restec Contractors, Inc., to provide additional abatement services for completion of the North Wing Building of the Monterey County Courthouse in Salinas, California, Project No. 8772, in the amount of $292,400, for a total amount not to exceed $1,062,400; and

b. Authorize the Director of Public Works and County Administrative Office to execute future change orders, provided that the total amount of the change order does not exceed the total amount of the project construction contingency, upon confirmation of the contract contingency amount and subject to monthly reporting on contract status.

52. a. Approve Amendment No. 1 to Professional Services Agreement No. A-11262 with RGA Environmental, Inc. to provide continued environmental consulting services for completion of the North Wing Building of the Monterey County Courthouse in Salinas, California, Project No. 8772, in the amount of $104,100 for a total amount not to exceed $284,100, for a term through December 31, 2009;

b. Authorize the Contracts/Purchasing Officer to execute Amendment No. 1 to the Professional Services Agreement No. A-11262 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; and

c. Authorize the Director of Public Works and County Administrative Office to execute future change orders, provided that the total amount of the change order does not exceed the total amount of the project construction contingency, upon confirmation of the contract contingency amount and subject to monthly reporting on contract status.

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

Under Closed Session:

30.  g. Pursuant to Government Code section 54957, the Board of Supervisors and the Board of Trustees will confer regarding appointment to the position of Natividad Medical Center CEO.

Under Other Board Matters:

SA-1 Consider recommendation that: (1) the Board of Supervisors appoint one Board member representative and one Board member alternate representative to the Community Alliance for Safety and Peace (CASP) committee for a term to begin March 24, 2009 and ending January 1, 2010; (2) the Board of Supervisors hereafter shall make appointments or reappointments to the CASP committee in January of each subsequent year as long as the CASP committee remains in existence; and (3) the Board of Supervisors approve the Chair's nominations of Supervisor Fernando Armenta, District 1, as the Board member representative, and Supervisor Jane Parker, District 4, as the Board member alternate for appointment to the CASP committee.

Under Adjournment:

Adjourn in the memory of Marcy Schumacher.

Under Consent:

HEALTH AND SOCIAL SERVICES:

SA-2 Approve and authorize the Emergency Medical Services Agency Director to submit the revised Monterey County EMS Plan to the California State Emergency Medical Services Authority.
MONTEREY COUNTY
BOARD OF SUPERVISORS

Under Scheduled Items:

S-5 1:30 p.m. or thereafter:
Receive and accept a status report on the transfer of the Salinas Courthouse - North Wing, Monterey Courthouse, King City Courthouse, and Juvenile Courthouse pursuant to the Trail Court Facilities Act of 2002, from the County of Monterey to the Judicial Council of California, Administrative Office of the Courts.

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