AGENDA
Tuesday, September 22, 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 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 antelación 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

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. Elaine Charlton v. County of Monterey (CSMCS# ARB-08-0249)
      2. Steven Davies (WC)

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

   c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators.
      Designated representative: Keith Honda; Employee organizations: All Units

   d. 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 (APNs 003-851-021, -024, and -027)
         County Negotiator: Wayne Tanda, RMA Director
         Negotiating Parties: County of Monterey and the Salinas Regional Sports Authority
         Under negotiation: Price and terms
e. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Natividad Medical Center CEO.

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 Section 54954.2 of the California Government Code.

5. CONSENT CALENDAR – REGULAR (See Supplemental Sheet)

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

7. CONSENT CALENDAR – MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet)

OTHER BOARD MATTERS:

8. Board Comments

9. CAO Comments and Referrals

10. 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.

11. a. Establish a Board of Supervisors Economic Development Committee, as an Ad Hoc Committee; and
   b. Appoint Supervisor Calcagno and Supervisor Potter to the Ad Hoc Economic Development Committee.

12. Adopt Resolution honoring the Soledad Historical Society for its outstanding work towards preserving the history of the City of Soledad. (Supervisor Salinas)
APPOINTMENTS:

13. Appoint Diane Berry-Wahrer to the Monterey County Workforce Investment Board to fill an unexpired term, term ending May 30, 2010. (Full Board)

14. Appoint Thomas Am Rhein to the Agricultural Advisory Committee to fill an unexpired term, term ending June 30, 2010. (Full Board)

15. Appoint Vicky Mora-Escobar to the Soledad Cemetery District to fill an unexpired term, term ending February 1, 2012. (Supervisor Salinas)

16. Appoint Rene L. Mendez to the Overall Economic Development Commission to fill an unexpired term, term ending June 30, 2010. (Supervisor Salinas)

17. Appoint Paul C. Getzelman to the Planning Commission to fill an unexpired term, term ending January 23, 2012. (Supervisor Salinas)

18. Reappoint Jeanne Hoire-Garcia and appoint Rudy Garcia to the Children & Families Commission, terms ending September 25, 2012. (Full Board)

19. Appoint Jenny Donegan to the Commission on the Status of Women, term ending February 1, 2010. (Supervisor Armenta)

20. Appoint Malvina Torres to the Commission on the Status of Women, term ending February 1, 2012. (Supervisor Armenta)

SCHEDULED MATTERS:

S-1 Welcome Home Troops Ceremony.

S-2 Adopt Ordinance to amend the Monterey County Code 15.40, relating to the Emergency Medical Services System.

S-3 Accept an oral presentation from the Health Department's Clinic Services Director highlighting the County's Federally Qualified Health Center Look-Alike clinics.

12:00 P.M.

Recess to Lunch

1:30 P.M. RECONVENE

ROLL CALL:
SCHEDULED MATTERS:

S-4 Receive a report on Monterey County’s Comprehensive Violence Prevention, Intervention, Suppression and Reentry Framework (Framework) – and take one of the following actions:
1. Adopt the Framework and authorize the Chair to sign a joint letter of submittal to Congressman Sam Farr with the City of Salinas. – or –
2. Provide direction and refer substantive changes to the Gang Task Force Policy Committee and Community Alliance for Safety and Peace (CASP) Executive Committee for review and recommendation back to the Board of Supervisors and Salinas City Council no later than October 6, 2009.

S-5 a. Receive status report on existing regulations relating to vendors (food and non-food); and
b. Provide direction to staff on whether to proceed to draft regulations. 
(Ordinance PLN080233/Catering Truck Ordinance, County-wide)

S-6 a. Adopt Resolution adopting the Monterey County Voluntary Oak Woodland Stewardship Guidelines which shall serve as the County's oak woodlands management plan for purposes of the State's Oak Woodlands Conservation Program;
   b. Direct staff to forward the Board Resolution adopting the Monterey County Voluntary Oak Woodland Stewardship Guidelines to the State Wildlife Conservation Board;
   c. Authorize RMA - Planning Director to certify that Oak Woodlands Conservation Program proposals are consistent with the Monterey County Voluntary Oak Woodland Stewardship Guidelines; and
   d. Direct staff to return to the Board with an amendment to the Master Fee Resolution to establish a fee to cover staff costs for certification of proposals. 
(PD061171/Monterey County Voluntary Oak Woodland Stewardship Guidelines, County-wide)

ORDER FOR ADJOURNMENT
TO TUESDAY, SEPTEMBER 29, 2009

Future Board Meetings:
Tuesday, October 6, 2009
Tuesday, October 13, 2009
Tuesday, October 20, 2009
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

21. a. Authorize the purchase of two fuel efficient vehicles in the amount of $65,000 to be used by staff located at the Health Department's Women, Infants, and Children Program; and
   b. Direct the Auditor-Controller to increase Fiscal Year 2009-10 appropriations and revenue as outlined in the Board Order. (4/5th vote required)

22. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign Agreement No. 08-6077 with the California Department of Social Services for purposes of assuring the availability of reimbursement by the Commissioner of the Social Security Administration to the County of Monterey as the Interim Assistance agency for interim cash assistance paid.

23. a. Approve and ratify the Agreement with Alisal Union School District for $102,568 to provide support for the Family-to-Family Initiative in the Salinas 93905 area for the period July 1, 2009 through June 30, 2010; and
   b. Authorize the Director of the Department of Social and Employment Services, or 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.

24. Adopt Resolution to issue a report pursuant to Government Code Section 65858(d) describing the measures taken to alleviate the condition which led to the enactment of Interim Ordinance No. 5086, which was extended by Ordinance No. 5093 and 5116, temporarily limiting new development that has the potential to generate wastewater and limiting the construction of new wells in specified areas of the Carmel Highlands, with limited exceptions, pending the County's completion of an Onsite Wastewater Management Plan.
   (Interim Ordinance - PD070521/Interim Ordinance regarding individual sewage disposal systems and new wells, Carmel Highlands Area)

CRIMINAL JUSTICE:

25. Approve and authorize the District Attorney to continue an agreement with the California Department of Justice (DOJ) for the DOJ to provide alcohol analysis services to Monterey County. The term of the agreement shall be from July 1, 2008 and will continue until written notice is received stating this agreement is cancelled and the District Attorney discontinues requesting the services.
26.  a. Approve and authorize the Chief Probation Officer to sign a Memorandum of Understanding with the Soledad Unified School District for campus-based services funded by the Safe Schools/ Healthy Students grant effective July 2, 2009 through July 1, 2010, in the amount of $335,102; and  
b. Authorize the Chief Probation Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

27.  a. Approve and authorize the Chair to sign a Professional Services Agreement in the amount of $645,300 per year with California Forensic Medical Group, Inc. for medical and mental health services for wards in the Juvenile Hall and Youth Center facilities for fiscal years 2009-10 and 2010-11; and  
b. Direct the Auditor-Controller to adjust the contract based on the annual price adjustment formula included in the contract; and  
c. Authorize the Contracts/Purchasing Officer to sign up to three (3) future amendments to this Agreement where the amendments do not exceed ten percent (10%) of the original contract amount and do not significantly change the scope of work.

GENERAL GOVERNMENT:

28.  a. Support efforts to restore funding for the Williamson Act subventions;  
b. Oppose amendments to S. 1023, the Travel Promotion Act of 2009, that prohibit local taxation of online travel companies (OTCs);  
c. Receive memos dated 7/15/09 and 8/20/09 providing federal legislative updates from the County's federal legislative advocate, Matt Thomas of Troutman Sanders LLP; and  
d. Receive the action minutes from the 9/23/08, 10/31/08, 11/18/08, 1/14/09, 1/22/09, 2/23/09, 3/23/09, 4/16/09, 5/18/09, 6/4/09, 6/22/09, and 7/20/09 meetings of the Legislative Committee.

29. Receive and accept the Monterey County Law Library Fiscal Year 2008-09 Annual Report.

30.  a. Approve and authorize the Contracts/Purchasing Officer to sign the Master Agreement for the Maintenance and Operation of a Mobile Data Communications System (MDCSMOU);  
b. Approve and authorize the Director of Information Technology to sign the Associated Agreement to the MDCSMOU to add additional users to the Mobile Data Communications System (MDCS) as approved by the Emergency Communications User Advisory Council (ECUAC); and  
c. Approve and authorize an increase in Fiscal Year 2009-10 estimated revenue by $13,431 in Emergency Communications (1520-8065), by $3,982 in Sheriff's Office (2300-SHE001-8228), and by $30,552 in Information Technology (1930-8140) as detailed in the Board Order (4/5th vote required).
31. a. Approve and authorize the Contracts/Purchasing Officer to sign master Agreements with Turner Construction Company, URS Corporation, Cumming Corporation, and Alex Hale Consulting, to provide Construction Estimating Services on an as-needed basis where the fee for the construction estimating is $100,000 or less per project, to the County of Monterey for the initial term of the date of signing the Agreements through September 30, 2010, including the option to extend the Agreements for two (2) additional one (1) year periods, with a yearly aggregate value estimated not to exceed $500,000 for the Agreements, in accordance with the terms and conditions set forth within each Agreement; and
   b. Authorize the Contracts/Purchasing Officer to sign similar additional Agreements for Construction Estimating Services with qualified contractors who meet the minimum requirements of the County of Monterey.

32. Adopt policy on the business use of cellular phone and wireless personal digital assistant devices.

**RMA - PLANNING DEPARTMENT:**

33. Adopt Resolution of support for the Land Trust of Santa Cruz County's application to obtain grant funds from the California Department of Conservation's Farmland Conservancy Program, funds will be used to purchase agricultural conservation easements on nine parcels of land, owned by Cooley Family Trust Properties, located near the northern County border along the Pajaro River, easterly of the City of Watsonville. After purchase of these easements, the parcels will continue to be used for commercial agricultural production. (Assessor's Parcel Numbers 117-411-019, 117-411-023, 117-411-032, 267-011-005, 267-011-013, 267-011-014, 267-021-002, 267-021-003, 267-021-014) (PD080351/Cooley, Northern County Border along the Pajaro River, Easterly of the City of Watsonville, North County Area Plan)

34. a. Approve the Parcel Map for the Srser Minor Subdivision to divide a 200.74 acre parcel into (2) two parcels to continue in agricultural use of 132.819 acres (Parcel A) and 67.921 acres (Parcel B);
   b. Accept the Tax Clearance Certification, the Parcel Map Guarantee, Indemnification Agreement and Deed Notices; and
   c. Direct the Clerk to the Board to submit the Parcel Map, Indemnification Agreement, and Deed Notices to the County Recorder for recording. (PLN 060351 Srser; West of Intersection San Jon Road and Highway 183, Salinas.)

35. a. Approve the Parcel Map for the Avila Minor Subdivision of an existing 27,311 square foot parcel into two (2) parcels: Parcel 1 (12,230 square feet) and Parcel 2 (15,081 square feet);
   b. Accept the Agreement for the Construction of Road Improvements; the Offer of Dedication; the Tax Clearance Letter; and the Parcel Map Guarantee;
c. Authorize the Chair of the Board of Supervisors to sign the Agreement for the Construction of Road Improvements and the Acceptance of the Offer of Dedication; and
d. Direct the Clerk of the Board to submit the Parcel Map, the Agreement for the Construction of Road Improvements, and the Acceptance of the Offer of Dedication to the County Clerk for recording.

(Parcel Map - PLN050650/Avila, 61 Thomas Road, Watsonville, North County LUP area)

36.  
a. Approve the Minor Subdivision Parcel Map to divide a ten (10) acre parcel into two (2) parcels of 2.5 acres and 7.5 acres;
b. Accept the Property Tax Clearance Certification from the Tax Collector and the Parcel Map Guarantee;
c. Accept the Water Conservation Notice and the Subdivision Improvement Agreement concurrent with the Parcel Map;
d. Authorize the Chair of the Board of Supervisors to sign the Water Conservation Notice; and
e. Direct the Clerk of the Board to submit the Parcel Map, Water Conservation Notice and the Subdivision Improvement Agreement to the County Recorder for filing.

(Parcel Map - PLN990215/Van Brocklin Minor Subdivision, 848 River Road, Salinas, Toro Area Plan)

RMA - BUILDING DEPARTMENT:

37. Approve the placement of Mr. Albert Salvador at Step 4 of the Assistant Director of Building Services salary range in accordance with Personnel Policies and Practices Resolution No. 98-394, Section A.1.11.1, Non-Elected Unit Y Salary Steps, General Provisions.

RMA - PUBLIC WORKS:

38. a. Approve an increase in the amount of $1,948.50 in contingency funding for construction of the Russell Road and Van Buren Avenue Traffic Signal, Project No. 08-134965, State Project No. SR2S-5944 (080);
b. Accept the Certificate of Completion for construction of the Russell Road and Van Buren Avenue Traffic Signal, Project No. 08-134965, State Project No. SR2S-5944 (080); and
c. Authorize the Director of Public Works to execute and record the Notice of Completion.

39. a. Adopt Resolution finding that the repairs and renovations in various shower stalls of the Monterey County Adult Detention Facilities, located at 1410 Natividad Road, Salinas continues to pose an emergency requiring immediate action without adopting plans and specifications and giving notice for bids to let contracts; and
b. Adopt Resolution ratifying the execution of emergency contracts and emergency actions taken by the Contracts/Purchasing Officer, or his designee, to respond to the emergency (4/5th vote required).

40. a. Approve Plans and Special Provisions for the Countywide Guardrail Project, State Project No. EA 05-930139L, Federal Aid Project No. HSIPL-5944 (090), Project No. 10-113965; and
   b. Authorize the Clerk of the Board to advertise the "Notice to Bidders" in The Californian on September 25 and October 2, 2009.

41. a. Approve Amendment No. 2 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 $75,000 for a total amount not to exceed $359,100, for a term through December 31, 2009; and
   b.Authorize the Contracts/Purchasing Officer to execute Amendment No. 2 to the Professional Services Agreement No. A-11262 and future amendments to this Agreement where the amendments do not significantly alter the scope of work.

42. a. Approve Amendment No. 2 to Construction Project Management Services Agreement No. A-10976 with Turner Construction to provide additional construction project management services for the Monterey County Government Center North Wing Renovation Project, in the amount of $98,919 for a total amount not to exceed $2,932,330 for a term through October 31, 2009; and
   b. Authorize the Chair of the Board to execute Amendment No. 2 to Construction Project Management Services Agreement No. A-10976 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**RMA - MONTEREY COUNTY REDEVELOPMENT AGENCY:**

43. Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Approve a Memorandum of Understanding between the Redevelopment Agency of the County of Monterey and Monterey Salinas Transit for the MST Operations and Maintenance Facility within the proposed Fort Ord Whispering Oaks Business Park; and
   b. Direct the Auditor-Controller to amend the Fiscal Year 2009-10 Budget to increase revenues and appropriations by $575,000 in Fund 173, Unit 8213 - Fort Ord Capital. (4/5th vote required)
MONTEREY COUNTY WATER RESOURCES AGENCY:

44. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
Introduce, waive reading, and set October 6, 2009 at 10:30 am as the date and time to consider an ordinance that would amend Chapter 16.16 of the Monterey County Code to update floodplain management regulations.

45. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
Set a public hearing on October 6, 2009 at 1:30 PM to consider accepting a Gift Deed of 16 acres of vacant land, APN 424-061-022, granted to the Monterey County Water Resources Agency (MCWRA), and direct the Clerk of the Board to publish a hearing notice in the SALINAS CALIFORNIAN, THE SOLEDAD BEE, THE REGISTER-PAJARONIAN, and the KING CITY RUSTLER at least ten days prior to the date set for the hearing.

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MONTEREY COUNTY

BOARD OF SUPERVISORS

Addendum for Tuesday, September 22, 2009

Items Added Under Other Board Matters:

12.1 Adopt a Resolution honoring the 50th Anniversary of Aromas Water District. (Supervisor Calcagno)

20.1 Appoint James Nakashima to the Community Restorative Justice Commission to fill an unexpired term ending December 31, 2011. (Supervisor Calcagno)
20.2 Appoint Stephen Snodgrass to the Pajaro-Sunny Mesa Community Service District to fill an unexpired term ending November 30, 2009. (Supervisor Calcagno)

**Item Added Under Consent General Government:**

32.1 Introduce, waive reading, and set October 6, 2009 at 10:30 am as the date and time to consider an ordinance that would amend Chapter 16.16 of the Monterey County Code to update floodplain management regulations.

**Item Removed Under Closed Session:**

2. a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   2. Steven Davies (WC)

**Item Removed Under Other Board Matters:**

16. Appoint Rene L. Mendez to the Overall Economic development Commission to fill an unexpired term, term ending June 30, 2010. (Supervisor Salinas)

**Item Removed Under Monterey County Water Resources Agency:**

44. Acting as the Board of Supervisors of the Monterey County Water Resources Agency:
   Introduce, waive reading, and set October 6, 2009 at 10:30 am as the date and time to consider an ordinance that would amend Chapter 16.16 of the Monterey County Code to update floodplain management regulations.

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