AGENDA
Tuesday, March 29, 2011
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 mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

**All documents submitted by the public must have no less than ten (10) copies.**

The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting.

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
TUESDAY, MARCH 29, 2011
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.

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) Omni Resources, LLC v. Monterey County (USDC case no. 06-05420)
   b. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators:
      (1) Designated representatives: Keith Honda and Dianne Dinsmore;
          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. 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)

6. Item deleted
CEREMONIAL RESOLUTIONS

7. Adopt Resolution proclaiming April "National Autism Awareness Month" to raise awareness in the general public and recognize people with autism throughout the County of Monterey. (Chair Parker)

APPOINTMENTS

8. Reappoint Mary Paredes to the Castroville Cemetery District, term ending March 20, 2014. (Supervisor Calcagno)

9. Appoint Sheriff Scott Miller and Chief of Police Darius Engles to the Juvenile Justice coordinating Council (JJCC), term at the pleasure of the Board. (Full Board)

10. Appoint Steve DeLorimier to the Agricultural Advisory Committee, filling an unscheduled vacancy term ending June 30, 2012. (Supervisor Calcagno)

OTHER BOARD MATTERS

11. Board Comments

12. CAO Comments and Referrals

13. 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.

SCHEDULED MATTERS

S-1 Receive an oral presentation from the Arts Council for Monterey County regarding the Creative Monterey County Action Plan Update.

S-2 Adopt Resolution declaring:
   a. The stay of the Board’s March 23, 2010 decision has expired, thereby making final the March 23, 2010 decision to grant the appeal by Marjorie Kay and deny the application for a Coastal Development Permit (PLN080185/Jehovah Witnesses South Spanish Congregation); and
   b. The findings and evidence are adopted, memorializing the Board’s decision of March 23, 2010.
   (Appeal – PLN080185/Jehovah Witnesses South Spanish Congregation, 125 Sill Road, Las Lomas)
S-3 Consider and:
   a. Approve the recommended County Financial Guidelines containing
      Countywide financial principles and strategies for building the Fiscal Year
      (FY) 2011-12 Recommended Budget and ongoing fiscal management;
   b. Approve financial strategies to fulfill Board direction established in ordinance
      and the Financial Guidelines to fund the Strategic Reserve and Workers'
      Compensation Liability Reserve; and
   c. Authorize the Auditor-Controller to make necessary accounting transactions
      to implement Board approved financial strategies related to Strategic Reserve
      and Workers' Compensation funding.

12:00 P.M. RECESS TO LUNCH

1:30 P.M. RECONVENE

ROLL CALL

SCHEDULED MATTERS

S-4 Public hearing to consider:
   a. An appeal from the Planning Commission’s denial of an application for a
      Combined Development Permit (PLN070366/Wayland) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 38-acre
      parcel into four parcels of 9.7 acres, 5.3 acres, 9.3 acres, 5.2 acres and a
      remainder parcel of 8.8 acres; 2) Use Permit for development on slopes in excess of 25 percent for roadway improvements; 3) Use Permit for
      development in a visually sensitive area (“VS” District); and 4) Use Permit to
      allow the removal of an estimated 39 oak trees; and grading of approximately
      3,800 cubic yards of cut and 3,800 cubic yards of fill, installation of individual
      septic systems, a 50 foot by 50 foot water tank easement with a 100,000
      gallon water tank and 15 foot wide utility easement, a 60-foot wide road and
      utility easement and a 30-foot wide road and utility easement; and
   b. An appeal from the Planning Commission’s denial of an application for a
      Combined Development Permit (PLN070376/Merrill) consisting of: 1) Minor Subdivision Vesting Tentative Map to allow the division of a 37.8 acre
      parcel into three parcels of 10.5 acres, 13.8 acres, 7.5 acres and a remainder parcel of
      6.0 acres; and 2) Use Permit for development in a visually sensitive area
      ("VS" District); and grading of approximately 3,100 cubic yards of grading,
      individual septic systems and 60 foot wide road and utility easements.
      (Appeal, PLN070366/Wayland Minor Subdivision) (Appeal, PLN070376/Merrill
      Minor Subdivision)
      [Request for continuance received from applicants]

S-5 Consider continuance of the Public Hearing, to consider Omni Enterprises’ appeal
from the January 26, 2011 Planning Commission action on the application of
Omni Enterprises for a Combined Development Permit consisting of a Use
 Permit, General Development Plan and Design Approval for a 126,523 sq. ft.
shopping center, known as the Corral de Tierra Neighborhood Retail Village and to consider Omni Enterprises request to rezone the property to remove the “B-8” Overlay Zoning District from the subject site’s overall “LC-B-8-D” zoning. (Appeal, Discretionary Decision – PLN110077 an appeal of PLN020344/Omni Enterprises LLC, 5 Corral de Tierra Road, Salinas, Toro Area Plan) [Staff has requested a continuance of this item to a date certain.]

ADJOURNMENT
CONSENT CALENDAR

GENERAL GOVERNMENT

14. a. Amend Fiscal Year (FY) 2010-2011 Information Technology 1930 Appropriation Unit INF001 to delete one (1) Principal Office Assistant and add one (1) Accountant II; and
   b. Direct the CAO to incorporate this change in position count in the FY 2010-11 Information Technology 1930 Appropriation Unit INF001.

15. Expand the Board of Supervisor's Proclamation of Local Emergency regarding washout of section of Highway 1 along the Big Sur coast and authorize emergency contracts for services, work, replacements, and/or repairs without giving notice for bids. (4/5ths vote required)

16. a. Find that the Bid Protest submitted by Don Chapin Co., the second-low bidder, is without merit;
   b. Waive the irregularity in the bid and award a contract in the amount of $1,397,744 to Monterey Peninsula Engineering, Inc. 192 Healy Avenue, Marina, CA 93933, the lowest responsible bidder for the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda, and by Monterey Peninsula Engineering;
   c. Approve the Payment and Performance bonds;
   d. Authorize a contingency in an amount not to exceed ten percent (10%) of the contract amount to provide funding for approved change orders;
   e. Authorize the Director of Redevelopment and Housing to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed $25,000 plus five percent (5%) of the original contract amount in excess of $250,000, do not exceed $150,000, and do not significantly change the scope of work; and
   f. Direct the County Administrative Office to amend the Fiscal Year (FY) 2010-11 budget for Redevelopment & Housing Unit 8221 to increase revenues and appropriations by $742,403.

RMA - PUBLIC WORKS

17. Adopt Resolution:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-19 Rebid for Ceramic Tile Supply & Install, performed by U.S. Perma, Inc. dba California Tile Installers; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-19 Rebid for Ceramic Tile Supply & Install, performed by U.S. Perma, Inc. dba California Tile Installers.
18. Adopt Resolution:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 10090 for Electrical System, performed by Collins Electrical Company, Inc.; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 10090 for Electrical System, performed by Collins Electrical Company, Inc.

19. Adopt Resolution:
   a. Accepting the Certificate of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-18 for Custom & Finish Carpentry/Casework, performed by Amberwood Installation, Inc.; and
   b. Authorizing the Director of Public Works to execute and record the Notice of Completion for the Renovation of North Wing of Salinas Courthouse, Project No. 8772-Project Bid 9781-18 for Custom & Finish Carpentry/Casework, performed by Amberwood Installation, Inc.

20. Adopt Resolution:
   a. Amending the Mileage of Maintained County Roads; and
   b. Authorizing the Director of Public Works to forward the Resolution and tabulations to the California Department of Transportation.

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Supplemental / Addendum for Tuesday, March 29, 2011
View Addendum reports at:

[http://www.in.co.monterey.ca.us/cob/Supplemental_Addendum%202011/](http://www.in.co.monterey.ca.us/cob/Supplemental_Addendum%202011/)

ADDENDUM

Added to Closed Session
2.   a. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation:
       (2) California-American Water Company v. County of Monterey (PUC case no. 97-03-052)
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(3) Ag Land Trust v. Monterey County Water Resources Agency, et al. (MCSC case no. M110691)
(4) Ag Land Trust v. Marina Coast Water District (MCSC case no. M105019)

Added to Agenda
6. CONSENT CALENDAR - MONTEREY COUNTY WATER RESOURCES AGENCY (See Supplemental Sheet No. 21)

Added Under Regular Consent – General Government
16.1 a. Approve amended response to the 2010 Monterey County Grand Jury 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 9, 2011.

Added Under Consent Calendar – Monterey County Water Resources Agency
21. Ratify the selection of Citigroup Global Markets, Inc. as the professional underwriter for the Regional Desalination Project financing plan; direct the underwriter to proceed with their work and report to the Office of the Auditor-Controller, on behalf of the Monterey County Water Resources Agency.

SUPPLEMENTAL

Remove from Scheduled Items
S-3 Consider and:
   a. Approve the recommended County Financial Guidelines containing Countywide financial principles and strategies for building the Fiscal Year (FY) 2011-12 Recommended Budget and ongoing fiscal management;
   b. Approve financial strategies to fulfill Board direction established in ordinance and the Financial Guidelines to fund the Strategic Reserve and Workers' Compensation Liability Reserve; and
   c. Authorize the Auditor-Controller to make necessary accounting transactions to implement Board approved financial strategies related to Strategic Reserve and Workers' Compensation funding.

Remove From Regular Consent – General Government
16. Remove bullet point f.
   a. Find that the Bid Protest submitted by Don Chapin Co., the second-low bidder, is without merit;
   b. Waive the irregularity in the bid and award a contract in the amount of $1,397,744 to Monterey Peninsula Engineering, Inc. 192 Healy Avenue, Marina, CA 93933, the lowest responsible bidder for the Hyland Drive/El Rancho Way Street Improvement Project in the community of Boronda, and by Monterey Peninsula Engineering;
c. Approve the Payment and Performance bonds;
d. Authorize a contingency in an amount not to exceed ten percent (10%) of the contract amount to provide funding for approved change orders;
e. Authorize the Director of Redevelopment and Housing to execute the contract and, subject to the terms of the Public Contract Code, approve change orders to the contract that do not exceed $25,000 plus five percent (5%) of the original contract amount in excess of $250,000, do not exceed $150,000, and do not significantly change the scope of work; and
f. Direct the County Administrative Office to amend the Fiscal Year (FY) 2010-11 budget for Redevelopment & Housing Unit 8221 to increase revenues and appropriations by $742,403.

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