AGENDA
Tuesday, January 26, 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 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.
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 54956.8, the Board will confer with real property negotiators.
      (1) Property: County exclusive franchise for solid waste and recycling services
          County Negotiator: John Ramirez
          Negotiating Parties: To be determined
          Under negotiation: Price and terms
      (2) 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
      (3) 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 Salinas Regional Sports Authority
          Under negotiation: Price and Terms

   b. Pursuant to Government Code section 54956.9(a), the Board of Supervisors of the Monterey County Water Resources Agency will confer with legal counsel regarding existing litigation.
      (1) In the Matter of the Application of California-American Water Company (U 210 W) for a Certificate of Public Convenience and Necessity to Construct and Operate its Coastal Water Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover All
Present and Future Costs in Connection Therewith in Rates (PUC A.04-09-019)


c. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
   (1) Mark Tavares (WC)
   (2) Ernest Rowe (WC)
   (3) William Cassara (WC)

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

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 Jesus "Jesse" Armenta for his years of public service and tenure on the Natividad Medical Center Board of Trustees (Full Board)

**APPOINTMENTS:**

10. Reappoint Rosalie Gray to the Historical Advisory Commission, term ending February 1, 2014. (Supervisor Parker)

11. Reappoint Pat Hunton-Dalton to the Mental Health Commission, term ending May 31, 2012. (Supervisor Parker)

12. Reappoint Charles Collins to the Fish and Game Advisory Commission, term ending February 1, 2013. (Supervisor Parker)

13. Reappoint Bob Bogardus and Larry Levine to the Community Service Area 50, terms ending January 1, 2013. (Supervisor Potter)

14. Appoint Marilyn Bloom to the Area Agency on Aging Advisory Council, term ending January 1, 2013. (Supervisor Potter)

15. Appoint Kathy Adamson to the Area Agency on Aging Advisory Counsel to fill an unexpired term ending January 1, 2012. (Supervisor Potter)

16. Appoint Noah Schumpert to the Domestic Violence Coordinating Council, term ending January 13, 2013. (Supervisor Parker)

17. Reappoint Kevin Kreyenhagen and Jud Vandevere to the Fish and Game Advisory Commission, terms ending February 1, 2013. (Supervisor Potter)

18. Reappoint Rosemary Soto to the Commission on the Status of Women, term ending February 1, 2013. (Supervisor Potter)

19. Appoint Brent Conatser to the King City Cemetery District, term ending July 1, 2014. (Supervisor Salinas)

20. Reappoint John Pack to the Monterey County Fish and Game Commission, term ending February 1, 2013. (Supervisor Salinas)

21. Appoint Jodilyn Barker to the San Lucas County Water District to fill an unexpired term ending December 1, 2011. (Supervisor Salinas)

23. Reappoint Jay Brown to the Monterey County Planning Commission, term ending January 23, 2014. (Supervisor Salinas)

**SCHEDULED MATTERS:**

S-1  Conduct a public hearing to:
   a. Consider adopting an Ordinance amending Title 21 to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved and have not expired prior to January 1, 2009 provided no prior extension has been granted and no extension request has been denied (Permit Extension Ordinance/Non-Coastal);
   b. Consider adopting a Resolution of Intent to:
      1. Adopt an Ordinance amending Title 20 to grant an automatic, one-time, extension of two (2) years for certain types of existing planning permits that have been approved and have not expired prior to January 1, 2009 provided no prior extension has been granted and no extension request has been denied (Permit Extension Ordinance/Coastal); and
      2. Direct staff to submit the resolution together with materials sufficient for a thorough and complete review to the California Coastal Commission. (PD090361/Permit Extensions, Countywide)

S-2  Review and consider accepting the Monterey County Workforce Investment Board's (WIB) Annual Report for Program Year 2008-09.

12:00 P.M.

Recess to Lunch

1:30 P.M. RECONVENE

**ROLL CALL:**

S-3  Conduct a public hearing to:
   a. Consider denial of an 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. Consider finding 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, 2) landscaping not in conformance with the approved landscaping plan for ZA-3629-D, and 3) parking and storage of vehicles outside the approved area (ZA-3567-D); and
   c. Consider determining 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. Consider modifying 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)

ORDER FOR ADJOURNMENT
TO TUESDAY, FEBRUARY 2, 2010

Future Board Meetings:
Friday, February 5, 2010 – Special Closed Session Meeting
Tuesday, February 9, 2010
Tuesday, February 16, 2010 – Special Meeting at CSUMB
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

24. Approve the recommendation from the Department of Social and Employment Services (DSES) to continue providing administrative support to the Commission on the Status of Women.

25. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with ACTION Council of Monterey County Inc., for $488,386 for the period January 1, 2010 through June 30, 2011 to provide the Wraparound Administrative Services Agent (WASA) function for Wraparound Monterey County; 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.

26. a. Approve and authorize the Director of the Department of Social and Employment Services, or his designee, to sign an Agreement with Rebekah Children's Services (RCS) for $1,004,848 for the period January 1, 2010 through June 30, 2011 to provide intensive SB 163 and AAP Wraparound Care Coordination to adoption assisted families and foster youth and their families; 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.

27. a. Approve and authorize the Director of the Department of Social and Employment Services or his designee, to sign an Agreement with the California Department of Community Services and Development for $45,000 awarded to the Community Action Partnership for the Earned Income Tax Credit Program;
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 services; and
c. Direct the Auditor-Controller to amend the Department of Social and Employment Services Fiscal Year 2009-10 Adopted Budget 001-5010-SOC007-8257 to increase appropriations and estimated revenues of $45,000 as indicated in the Board Order. (4/5th vote required).

28. Accept the Fiscal Year 2008-09 First 5 Monterey County Annual Report to the Community.
CRIMINAL JUSTICE:

29.  
   a. Approve and authorize the District Attorney to accept Federal Grant Funds in the amount of $12,231 from the California Emergency Management Agency (CalEMA) for immediate assistance to victims and their children of felony crimes; and  
   b. Direct the Auditor-Controller to increase Fiscal Year (FY) 2009-10 revenue and appropriations totaling $12,231 in the District Attorney Fund 001, Budget 2240, Unit 8063, Appropriations DIS001. (4/5th vote required)

30.  
   a. Approve and authorize the District Attorney to accept Federal Grant Funds in the amount of $18,159 from the California Emergency Management Agency (CalEMA) for equipment and training needs for the Victim Assistance Unit; and  
   b. Direct the Auditor-Controller to increase Fiscal Year 2009-10 revenue and appropriations totaling $18,159 in the District Attorney Fund 001, Budget 2240, Unit 8063, Appropriations DIS001. (4/5th vote required)

31.  Approve yearly update to the application, criteria and disqualifiers recommended by the Probation Department for the Supervised Home Confinement Program, as mandated by Penal Code 1203.016(d)(1).

GENERAL GOVERNMENT:

32.  
   a. Approve and authorize the Contracts/Purchasing Officer to execute a Professional Services Agreement with Executive Information Systems, LLC, in the amount of $16,937.90, to provide software maintenance of the SAS Analytics Pro Program for the period of June 30, 2009 through June 29, 2010;  
   b. Authorize the Contracts/Purchasing Officer to sign up to three (3) optional one-year extensions to the maintenance Agreement subject to a ten percent (10%) price increase per year; and  
   c. Accept Non-Standard County Liability, Indemnification, Confidentiality, and Termination Provisions as recommended by the Director of Information Technology.

33.  
   a. Authorize the Director of Parks to approve and execute all documentation with the California State Department of Boating and Waterways for Park Rangers to attend enforcement training for Fiscal Year 2009-10; and  
   b. Authorize the Parks Director to execute and submit all necessary documentation to obtain reimbursement from the California State Department of Boating and Waterways to the extent that such funding is available.

34.  
   a. Authorize the Registrar of Voters to execute Agreement No. 09G30321 between Monterey County and the Secretary of State to receive Help America Vote Act (HAVA) Section 303 grant funds in the amount of $468 to facilitate implementation of VoteCal, the statewide voter registration database; and
b. Authorize the Registrar of Voters to execute future cost neutral amendments to Agreement No. 09G30321 for VoteCal related activities.

35.  
   a. Declare 30 Edge II voting units, 6 Edge II carts, and 60 VeriVote printers to be surplus personal property not required for public use by Monterey County;  
   b. Authorize the Registrar of Voters to execute an Agreement to sell 30 Edge II voting units, 6 Edge II carts, and 60 VeriVote printers to Santa Cruz County for $81,755; and  
   c. Approve increased revenue in the amount of $81,755 to Restricted Revenue account 020-2889-H301 so that it may be used solely for Help America Vote Act (HAVA) 301 reimbursable purposes.

36.  
   a. Receive and Accept the Treasurer's Report of Investments for the quarter ending December 31, 2009;  
   b. Adopt the Treasurer's amended Investment Policy for Fiscal Year 2009-10.

37.  
   Adopt Resolution to amend Personnel Policies and Practices Resolution No. 98-394 to approve an Employee Unit change from Y Unit to X Unit for the Emergency Services Manager.

38.  
   a. Approve and authorize the Contracts / Purchasing Officer to sign the Agreement for Shared Dispatch Space, Equipment, Associated Costs and Services between the County of Monterey and American Medical Response West (AMR) for a five year term beginning on January 30, 2010 subject to final, non-substantive changes agreeable to County and to be approved by County Counsel; and  
   b. Approve and authorize the Contracts / Purchasing Officer to sign the Mutual Non-Disclosure and Confidentiality Agreement between the County and AMR subject to final, non-substantive changes agreeable to County and to be approved by County Counsel.

39.  
   a. Approve an amendment to Agreement No. A-10965 between the County of Monterey and Pacific Meadows Senior Housing, L.P., successor to Carmel Valley Overview Limited Partnership which (i) reduces the amount of the County loan and increases the term; (ii) increases the level and duration of affordability restrictions; and (iii) reduces the amount of acreage securing the County loan; and  
   b. Authorize the Director of the Redevelopment and Housing Office or designee to execute the amendment and related documents upon submission of a revised land lease between Pacific Meadows Senior Housing, L.P., and the Housing Authority of the County of Monterey, provided it is determined that the overall feasibility of the objectives of the Project is not in jeopardy, no additional funds are required from the County, and no material term of the amendment and related documents is altered.

40.  
   Approve and authorize the Chair to sign a Memorandum of Understanding and License Agreement among the Marina Coast Water District, UCP-East Garrison
LLC, and the County of Monterey for the Temporary Use of the North Drainage Basin and Associated Storm Water Pipeline for Construction of Well No. 34.

41. Introduce, waive reading, and set a public hearing on February 2, 2010 at 10:30 a.m. to 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 the Paragraph.

**RMA - PLANNING DEPARTMENT:**

42. a. Authorize expenditure of an additional amount not to exceed a total of $210,000 for the services of The Sohagi Law Group, PLC; Kimley-Horn and Associates; and IFC Jones & Stokes for tasks related to the completion of the General Plan Update and its associated Environmental Impact Report;
   b. Authorize the County Administrative Officer to determine the appropriate allocation of funds between the above-named consultants to enable completion of tasks and, if necessary, execute appropriate amendments to Professional Services Agreement No. A-11088 with ICF Jones & Stokes, and Professional Services Agreement No. A-11187 with Kimley-Horn and Associates to augment the amount payable within this funding limit and extend the term of the Agreements;
   c. Authorize County Counsel to 1) execute an appropriate amendment to Agreement No. A-111028 for Specialized Attorney Services with The Sohagi Law Group, PLC to augment the amount payable within this funding limit, and 2) process payments for all consultants pursuant to this action; and
   d. Authorize and direct the Auditor-Controller to transfer $210,000 from General Fund Contingencies 001-CAO020-1050-8034-7811 to County Counsel 001-COU001-1210-8057-6606 (4/5th vote required).

43. Accept report and support Staff’s proposal to circulate form letters to all Williamson Act AgP/FSZ Contract holders to encourage property owners to contact the State Governor directly in support of restoration of Williamson Act State Subvention Payments.
   (PD090954/Williamson Act Subventions)

   (PD091058/General Development Template, County-wide)

**RMA - PUBLIC WORKS:**

45. Reject all bids and authorize the Director of Public Works to advertise for the construction of San Miguel Canyon Road Signal Coordination, Project No. 10-135065.
46. Authorize the Director of Public Works to execute an Agreement with the Superior Court of California, County of Monterey regarding construction improvements to the Renovation of North Wing of Salinas Courthouse and to take actions consistent with that Agreement.