AGENDA
Tuesday, May 18, 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 más pronto posible, y a lo mínimo 24 horas de anticipó 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
MONTEREY COUNTY REDEVELOPMENT AGENCY
TUESDAY, MAY 18, 2010
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 54956.8, the Board of Directors of the Redevelopment Agency will confer with real property negotiators.
      (1) Property: the East Garrison Project (generally bounded by Reservation Road to the North and West, Watkins Gate Road to the South and Travel Camp Road to the East)
         Agency Negotiator: Jim Cook
         Negotiating parties: the Redevelopment Agency of the County of Monterey and East Garrison Partners
         Under negotiation: Price and terms

   b. Pursuant to Government Code section 54956.9(a), the Board will confer with legal counsel regarding existing litigation.
      (1) Stagecoach Territory, Inc. v. County of Monterey, et al. (MCSC Case No. M104908)
      (2) Maria Buell, et al. v. Monterey County, et al. (USDC Case No. CV10-1952 JF)

   c. Pursuant to Government Code section 54957.6, the Board will confer with labor negotiators
      (1) Designated representatives: Keith Honda and Patricia Covert; Employee organizations: All Units

   d. Pursuant to Government Code section 54956.9(c), the Board will confer regarding potential initiation of one litigation case.
e. Pursuant to Government Code section 54956.9(b), the Board will confer 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. United States Census update in Monterey County.

APPOINTMENTS:

10. Appoint Fabian Barrera to the Equal Opportunity Advisory Commission to fill an unexpired term ending December 31, 2010. (Full Board)

SCHEDULED MATTERS:

S-1 Acting as the Board of Directors of the Redevelopment Agency of the County of Monterey:
   a. Conduct a Public Hearing on the Five Year Implementation Plan for the Boronda and Castroville/Pajaro Redevelopment Project Areas; and
b. Consider approval of the Five Year Implementation Plan for the Boronda and Castroville/Pajaro Redevelopment Project Areas.

S-2 Consider adopting a resolution to:
   a. Certify that the Board has reviewed and considered the information in the Mitigated Negative Declaration previously adopted by Caltrans on June 23, 2009 for the State Route 68 at San Benancio Road Intersection Improvements, Project No. 10-111065;
   b. Ratify prior action of the Board on item 32 from the April 27, 2010 meeting approving a Contract to Purchase Permanent Easements and Temporary Construction Easement (18,927 square feet, 31,555 square feet, respectively) with the Domain corporation, a California corporation, and Islandia 29 LP, a Delaware limited partnership (APN 161-011-084), in the amount of $6,800, for Right-of-Way for this project, and authorizing the Director of Public Works to execute the Contract; and
   c. Ratify prior action of the Board on item 33 from the April 27, 2010 meeting approving a Contract to Purchase Permanent Easement, Public Utility Overhead Easement, and Temporary Construction Easement (2897 square feet, 4195 square feet, and 4195 square feet, respectively) with Brian McEldowney (727 Monterey-Salinas Highway, APN 161-061-003), in the amount of $32,300 for Right-of-Way for this project, and authorizing the Director of Public Works to execute the Contract.

12:00 P.M.

Recess to Lunch – Joint Board Leadership Meeting

1:30 P.M. RECONVENE

ROLL CALL:

SCHEDULED MATTERS:

S-3 Public Hearing to consider the following actions:
   a. Uphold Appeal by Bruce Meyer from the Planning Commission adoption of a Mitigated Negative Declaration and approval of a Combined Development Permit; and
   b. Deny Combined Development Permit consisting of: A Coastal Administrative Permit and Design Approval to demolish an existing 2,704 square foot single family residence and 426 square foot garage (3,130 square feet total), construct a new 4,884 square foot, 3-level single family residence with a 1,406 square foot subterranean garage, grading (400 cubic yards cuts) [3,229 square foot above grade; 1,655 square foot lower habitable level; 1,406 square foot is garage; 6,290 square foot total all]; Variance to reduce the east side setback from five feet to three feet, six inches along a private easement; and Coastal Development Permit to allow development with a positive archaeological report.
(Appeal - PLN040581/Moellentine, 26195 Scenic Road, Carmel, Carmel Area Land Use Plan)

S-4 a. Consider adoption of an Ordinance adding Chapter 18.27 to the Monterey County Code to create a pilot program implementing a state law commonly known as the Mills Act. The ordinance establishes uniform procedures under which the County may enter into a maximum of five contracts with owners of qualified historic properties to preserve, restore, and maintain the historic properties in exchange for preferential property tax assessment; and

b. Consider directing staff to return to the Board two (2) years from adoption of the Ordinance for review of the pilot program.

(Ordinance - PLN080298/Pilot Mills Act Ordinance, County-Wide, Board Referral No. 2008-27)

ORDER FOR ADJOURNMENT
CONSENT CALENDAR

HEALTH AND SOCIAL SERVICES:

11. a. Approve and authorize the Director of the Department of Social & Employment Services, or his designee, to sign an agreement with First Alarm Security Services for $720,511 to install and maintain a DMP Access/Security System in eight (8) DSES locations for the period April 1, 2010 through June 30, 2015;

   b. Authorize the Director of the Department of Social & 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;

   c. Direct the Auditor-Controller's Office to amend the Department of Social & Employment Services Fiscal Year (FY) 2009-10 Adopted Budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $416,511 as indicated in the Board Order (4/5th vote required); and

   d. Direct the Auditor-Controller's Office and the County Administrative Office to incorporate approved changes in the Department of Social & Employment Services FY 2010-11 Final Budget SOC005-001-5010-8262 to increase appropriations and estimated revenues of $304,000 as indicated in the Board Order (4/5th vote required).

CRIMINAL JUSTICE:

12. a. Approve and authorize the Sheriff to accept the Anti-Drug Abuse Recovery Act Program (ADA RAP) grant in the amount of $313,492 and the California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Recovery Act Program in the amount of $40,580 through the California Emergency Management Agency (Cal EMA) to enhance the ongoing programs for the Narcotics Enforcement Unit County of Monterey (NEUCOM) and Cal-MMET for the period of March 1, 2010 to February 28, 2012; and

   b. Direct the Auditor-Controller's Office to increase appropriations and estimated revenues for the Fiscal Year 2009-10 in the Sheriff's Budget Unit 8246 in the amount of $43,810 as detailed in the Board Order (4/5th vote required).

GENERAL GOVERNMENT:

13. a. Approve and authorize the Chair to sign a Contract to Purchase a Permanent Storm Drain Easement and a Temporary Construction Easement from Cal Investments, Inc. (APN 261-131-023, 17060 Hyland Drive) for the Hyland Drive/El Rancho Way Storm Drain and Street Improvement Project;

   b. Approve and authorize the Chair to sign the Permanent Storm Drain Easement and the Temporary Construction Easement; and
c. Direct the Clerk of the Board to record the executed easements with the County Recorder's Office.

14. a. Approve and authorize the Chair to sign a Contract to Purchase a Temporary Construction Easement from Angelo and Cynthia Cagnacci (APN 261-131-010, 17070 Hyland Drive) for the Hyland Drive/El Rancho Way Storm Drain and Street Improvement Project;
b. Approve and authorize the Chair to sign the Temporary Construction Easement; and
c. Direct the Clerk of the Board to record the executed easement with the County Recorder's Office.

15. a. Authorize expenditure of an additional amount not to exceed a total of $250,000 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, and for participation in hearings before the Planning Commission and Board of Supervisors;
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 Nos. A-11088 (ICF Jones & Stokes) and A-11187 (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 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 process payments for all consultants pursuant to this action; and
d. Authorize and direct the Auditor-Controller to transfer $250,000 from General Fund Contingencies 001-CAO020-1050-8034-7811 to County Counsel 001-COU001-1210-8057-6606 (4/5th vote required).

(Monterey County General Plan Update)

16. a. Approve and authorize the Contracts/Purchasing Officer to sign Amendment No. 1 to the Professional Services Agreement with ADHR Consulting (Term 7/1/09 through 6/30/10), increasing the total amount of the contract from $100,000 to $135,000 for human resources consulting services and approving the revised scope of services (Attachment A); and
b. Direct the Auditor/Controller to make payments based on the approved amendment.

17. a. Accept the recommendation of the Monterey County Fish and Game Commission to award eight funding grants; and
b. Approve the distribution of Fish and Game grant funds in the amount of $22,450 for specified grant projects for Fiscal Year 2009-10.
RMA - PUBLIC WORKS:

18. a. Award a contract to Telfer Oil Company, the lowest responsible base bidder, for the Procurement (Delivery and Application) of Asphalt Emulsion for the Seal Coat 2009 Project, Contract No. 10-551019, in the amount of $519,492;
   b. Approve the Performance and Payment Bonds executed and provided by Telfer Oil Company;
   c. Increase the contract amount by seven percent (7%) ($36,364) to fund the allowance for additional charges;
   d. Authorize a contingency not to exceed ten percent (10%) of the contract amount to provide funding for approved contract change orders; and
   e. Authorize the Director of Public Works to execute the contract.

19. a. Approve and authorize the Director of Public Works to execute Fuel Service Agreements with requesting local government agencies to sell and dispense fuel at the County’s current cost per gallon, plus a ten percent (10%) surcharge to pay for administrative and maintenance costs associated with this service; and
   b. Authorize the Director of Public Works to execute the optional extension of the Fuel Service Agreement for additional annual renewals under the same terms and conditions.

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MONTEREY COUNTY
BOARD OF SUPERVISORS

Addendum for Tuesday, May 18, 2010

View Addendum reports at:

http://000sweb.co.monterey.ca.us/cob/BOS%20Supplemental_Addendum/default.aspx

Item Added Under Other Board Matters:

9.1 Adopt Resolution Honoring Lorri Koster for her service as Chair of the Board to the Grower-Shipper Association by the Grower-Shipper Association in their 80 Year History, representing over 300 members throughout Monterey, San Benito, Santa Cruz and Santa Clara counties. (Full Board)

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